

WEBSITE PRIVACY POLICY

LAST REVISED ON: April 5, 2022

We at Upper Health Inc. (“**Company**”, “**Upper**” or “**We**”) respect your privacy and are committed to protecting it through our compliance with this policy. This policy describes the types of information we may collect from you or that you may provide when you visit the website www.upper.health or with respect to our software offerings and/or platforms that are accessible through our website and mobile applications (collectively, our “**Website**”) and our practices for collecting, using, maintaining, protecting, and disclosing that information. If you're a resident of California or Nevada or visiting us from the European Economic Area ("EEA"), you should read this policy and the applicable sections below for residents of California and Nevada and visitors from the UK and EEA.

Please read this Privacy Policy carefully to understand our policies and practices regarding your information and how we will treat it. We use your personal data to provide and improve our platform. By using the platform, you agree to the collection and use of information in accordance with this privacy policy. If you do not agree with our policies and practices, your choice is not to use our Website. By accessing or using this Website, you agree to this Privacy Policy. This Privacy Policy may change from time to time (see “Changes to Our privacy Policy” below). Any changes to this Privacy Policy will be effective immediately on posting the updated Privacy Policy unless otherwise stated or as required by applicable law (for example, notice and opt-in or opt-out consent may be required). Your continued use of this Website after we make changes is deemed to be acceptance of those changes to the fullest extent permitted by applicable law, so please check the policy periodically for updates.

1. SCOPE OF UPPER PRIVACY POLICY

This Privacy Policy applies to all aspects of our Website as well as to information we may collect offline. This Website may link to or incorporate websites or content hosted and served by others over which we have no control, such as third-party websites, online properties, platforms, social media, or systems, which are each governed by the privacy policy and business practices of the third party. You understand and agree that Upper is not responsible for the security, privacy, or business practices of any third party.

This policy applies to information we collect

- On this Website and all associated Upper software and web apps.
- Third party applications integrated with this Website and all associated Upper software and web apps.
- In email, text, and other electronic messages between you and this Website.
- When you interact with our advertising and applications on third-party websites and services, if those applications or advertising include links to this policy.

It does not apply to information collected by:

- Us offline or through any other means, including on any other website operated by the Company or any third party; or
- Any third party, including through any application or content (including advertising) that may link to or be accessible from or on the Website.

2. YOUR INFORMATION

2.1 Information We Collect About You and How We Collect It. We may collect several types of information from and about users of our Website, including information:

- By which you may be personally identified, such as name, postal address, e-mail address, telephone number, payment information, and any other identifier by which you may be contacted online or offline, including IP addresses and cookie identifiers (collectively, “personal information”);
- That is about you but individually does not identify you, such as -- geo location, operating system, browser preferences, input devices; and/or
- About your internet connection, the equipment you use to access our Website, and usage details.

2.2 Information you provide. The information we collect on or through our Website may include:

- Information that you provide by filling in forms on our Website. This includes information provided at the time of registering to use or creating an account on our Website, purchasing our products, subscribing to our services, posting material, or requesting further services. We may also ask you for information when you report a problem with our Website.
- Details of transactions you carry out through our Website and of the fulfillment of your orders, in which event you may be required to provide financial information before placing an order through our Website.
- Records and copies of your correspondence (including email addresses), if you contact us.
- Your responses to surveys that we might ask you to complete for research purposes.
- The types of care that you search for, the frequency in which you search for them, and the products and services that you add to shopping carts, whether purchased or not.

You also may provide information to be published or displayed (hereinafter, “**posted**”) on public areas of the Website, or transmitted to other users of the

Website or third parties (collectively, “**User Contributions**”). Your User Contributions are posted on and transmitted to others at your own risk. Although we take measures to ensure the security of our Website, and any information we collect, please be aware that no security measures are perfect or impenetrable. Additionally, we cannot control the actions of other users of the Website with whom you may choose to share your User Contributions. Therefore, we cannot and do not guarantee that your User Contributions will not be viewed by unauthorized persons.

If necessary, we may collect protected health information (“PHI”), as defined by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). Any use of PHI will be in accordance with applicable laws, including HIPAA.

2.3 Information We Collect Through Automatic Data Collection Technologies. As you navigate through and interact with our Website, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, including:

- Details of your visits to our Website, including traffic data, location data, logs, and other communication data and the resources that you access and use on the Website.
- Information about your computer and internet connection, including your IP address, operating system, and browser type.

The information we collect automatically may include personal information, but we may maintain it or associate it with personal information we collect in other ways or receive from third parties. It helps us to improve our Website and to deliver a better and more personalized service, including by enabling us to:

- Estimate our Website usage statistics and usage patterns.
- Store information about your preferences, allowing us to customize our Website according to your individual interests.
- Improve the services we provide to our users.
- Recognize you when you return to our Website.

The technologies we use for this automatic data collection may include:

- Cookies (or browser cookies). A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you may be unable to access certain parts of our Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website.

- Flash Cookies. Certain features of our Website may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from, and on our Website. Flash cookies are not managed by the same browser settings as are used for browser cookies. For information about managing your privacy and security settings for Flash cookies, see “Choices About How We Use and Disclose Your Information” below.
- Web Beacons. Pages of the Website and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

We do not collect personal information automatically, but we may tie this information to personal information about you that we collect from other sources or you provide to us.

2.4 Third-Party Use of Cookies and Other Tracking Technologies. Some content or applications, including advertisements, on the Website are served by third-parties, including advertisers, ad networks and servers, content providers, and application providers. These third parties may use cookies alone or in conjunction with web beacons or other tracking technologies to collect information about you when you use our website. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content. We do not control these third parties’ tracking technologies or how they may be used. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly.

3. HOW WE USE YOUR INFORMATION

We use information that we collect about you or that you provide to us, including any personal information:

- To present our Website and its contents to you.
- To provide you with information, products, or services that you request from us.
- To fulfill any other purpose for which you provide it.
- To provide you with notices about your account, including expiration and renewal notices.

- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- To notify you about changes to our Website or any products or services we offer or provide through it.
- To use data analysis, identifying usage trends, determining the effectiveness of our promotional campaigns and to evaluate and improve our Service, products, services, marketing and your experience.
- To contact you with newsletters, marketing or promotional materials and other information that may be of interest to you. You may opt-out of receiving any, or all, of these communications from us by following the unsubscribe link or instructions provided in any email we send or by contacting us.
- To contact you with respect to items, products or services that are germane to the products and services that the Company might provide you.
- To allow you to participate in interactive features on our Website.
- In any other way we may describe when you provide the information.
- For any other purpose with your consent.

We may also use your information to contact you about our own and third-parties' goods and services that may be of interest to you. If you do not want us to use your information in this way, please contact us at tech@ontheupper.com For more information, see "Choices About How We Use and Disclose Your Information" below.

We may use the information we have collected from you to enable us to display advertisements to our advertisers' target audiences. Even though we do not disclose your personal information for these purposes without your consent, if you click on or otherwise interact with an advertisement, the advertiser may assume that you meet its target criteria. We are not selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, your personal information and data to any persons or entities.

4. RETENTION AND TRANSFER OF INFORMATION

4.1 RETENTION OF YOUR PERSONAL INFORMATION AND DATA

The Company will retain your personal information and data only for as long as is necessary for the purposes set out in this privacy policy. We will retain and use your personal information and data to the extent necessary to comply with our legal

obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.

The Company will also retain your usage data for internal analysis purposes. Usage data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of our platform, or we are legally obligated to retain this data for longer time periods.

4.2 TRANSFER OF YOUR PERSONAL DATA

Your personal information and data is processed at the Company's operating offices and in any other places where the parties involved in the processing are located. It means that this information may be transferred to — and maintained on — computers located outside of your state, province, country, or other governmental jurisdiction where the data protection laws may differ than those from your jurisdiction. Your consent to this privacy policy followed by your submission of such information represents your agreement to that transfer.

The Company will take all steps reasonably necessary to ensure that your personal information and data is treated securely and in accordance with this privacy policy and no transfer of your personal information and data will take place to an organization or a country unless there are adequate controls in place including the security of your data and other personal information.

5. SECURITY OF YOUR PERSONAL DATA

The security of your personal information and data is important to us, but remember that no method of transmission over the Internet, or method of electronic storage is 100% secure. While we strive to use commercially acceptable means to protect your personal information and data, we cannot guarantee its absolute security. Any natural or legal person who processes the data on behalf of the Company may have access to your personal information or data. These third-party vendors collect, store, use, process and transfer information about your activity on our platform in accordance with their privacy policies.

6. DISCLOSURE OF YOUR INFORMATION

6.1 Information We May Disclose. Some content or applications, including advertisements, on the Website may disclose aggregated information about our users, and information that does not identify any individual, without restriction. We may disclose personal information that we collect or you provide as described in this Privacy Policy:

- To our subsidiaries and affiliates.
- To contractors, service providers, and other third parties we use to support our business and who are bound by contractual obligations to

keep personal information confidential and use it only for the purposes for which we disclose it to them, such as to provide you with care.

- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of the Company's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by the Company about our Website users is among the assets transferred.
- To fulfill the purpose for which you provide it.
- For any other purpose disclosed by us when you provide the information.
- With your consent.

We may also disclose your personal information:

- To comply with any court order, law, or legal process, including to respond to any government or regulatory request.
- To enforce or apply our Terms of Use which can be found at [Upper Health Customer Terms and Conditions](#) and other agreements, including for billing and collection purposes.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of the Company, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

6.2 Choices About How We Use and Disclose Your Information. We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- *Tracking Technologies and Advertising.* You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe's website. If you disable or refuse cookies, please note that some parts of this site may then be inaccessible or not function properly.
- *Promotional Offers from the Company.* If you do not wish to have your email address/contact information used by the Company to promote our own or third parties' products or services, you can opt-out by sending us an email stating your request to tech@ontheupper.com. If we have sent you a promotional email, you may send us a return email asking to be omitted from future email distributions.

We do not control third parties' collection or use of your information to serve interest-based advertising. However these third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative ("NAI") on the NAI's website.

California residents may have additional personal information rights and choices. Please see "Your California Privacy Rights" below for more information.

Nevada residents who wish to exercise their sale opt-out rights under Nevada Revised Statutes Chapter 603A may submit a request to this designated address: tech@ontheupper.com. However, please know we do not currently sell data triggering that statute's opt-out requirements.

7. YOUR CALIFORNIA PRIVACY RIGHTS

If you are a California resident, California law may provide you with additional rights regarding our use of your personal information.

8. DATA SECURITY

We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure. All information you provide to us is stored on our secure servers behind firewalls. Any payment transactions and payment information will be encrypted using Microsoft Azure.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. We urge you to be careful about giving out information in public areas of the Website like message boards or chats. The information you share in public areas may be viewed by any user of the Website.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Website. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.

9. CHANGES TO OUR PRIVACY POLICY

It is our policy to post any changes we make to our Privacy Policy on this page with a notice that the Privacy Policy has been updated on the Website home page. If we make material changes to how we treat our users' personal information, we will notify you by email to the primary email address specified in your account and/or through a notice on the Website home page. The date the Privacy Policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and for periodically visiting our Website and this privacy policy to check for any changes.

10. CONTACT INFORMATION

To ask questions or comment about this privacy policy and our privacy practices, contact us at: tech@ontheupper.com