

Privacy Policy

Last Updated: March 10, 2022

We at AEYE Health Inc. (“**AEYE**”, “**we**”, “**us**”, “**our**”) operate an autonomous diagnostic screening service (the “**Service**”) for caregivers (“**Caregiver**”, “**you**”).

We at AEYE respect patients' privacy. It also describes the rights and options available to patients concerning their personal information.

Our role in this policy

The Caregiver is the data controller of the personal information on the Service.

We are the data processor on behalf of the Caregiver.

For the purposes of this policy, Caregivers are entities that execute agreements with us to use our Service to screen their patients.

The Caregiver uses our Service to process patients' personal information, such as exam identifier and retinal images. We have no direct relationship with patients and therefore do not obtain directly from them the personal information which we process on behalf of the Caregiver as a result of our agreement with the Caregiver.

The Caregiver determines the purposes and means of processing the personal and health information obtained from patients and is responsible for complying with any regulations or laws that require providing notice and obtaining explicit consent concerning the collection, sharing, and use of all of their processing purposes. This privacy policy does not apply to any information or data collected by AEYE as a controller for other purposes, such as information related to the contact details of the Caregiver or its users.

Please note that this policy covers the Service's privacy practices in general matters. The Caregiver has an additional privacy notice explaining its specific privacy practices related to patients' data (“**Caregiver's Notice**”). If the Caregiver's Notice conflicts with this policy, then the Caregiver's notice shall prevail.

Personal information we process	
We process retinal images you share with us relating to the diagnostic service you provide to your patients.	<p>We process on your behalf patient information you shared with our Service such as retinal images you obtained from patients using a retinal camera and an exam identifier. In certain deployments of our solution, we may process additional identifiers (such as a Medical Record Number (MRN)) required as a result of an integration with the Caregiver's information systems. After processing, we also store diagnostic results that we generated for the exam.</p>
How and why we use personal information	
We process information to deliver a patient's diagnostic result to the Caregiver.	<p>The Caregiver determines the purposes of the processing. We process the patient information to deliver our Service to the Caregiver.</p> <p>Caregivers may use the diagnosis we provide to them for their own purpose, such as to provide patients with information about their health status and possible treatments, all as further described and in accordance with their privacy notice.</p> <p>However, we will only use patient information shared with us subject to the specific informed purpose that the patient agreed and signed for with the Caregiver.</p> <p>We process patient information provided to the Caregiver as they direct us and only in accordance with our agreement with the Caregiver and the consent release form signed by the patient.</p> <p>Our agreements with the Caregiver prohibit us from using that information, except as necessary to provide and improve the Service, as permitted by this privacy policy, or as required by law. However, the Caregiver needs the information we process and infer to contact patients to provide them with the exam results and diagnosis.</p>
We may use retinal images to improve and enhance the Service.	<p>We train models with de-identified pseudonymized (meaning that the data is processed such that name or another identifier is not part of it so that it cannot be reasonably used to identify an individual) retinal images provided by Caregivers to improve and enhance our Service.</p>

How and when we share personal information	
We will not sell or share the Caregiver's patients' information with third-party recipients, except in the limited circumstances described below, and subject to informed explicit consent the Caregiver shall obtain from its patients.	
We share with the Caregiver patient diagnosis information inferred from the information provided by the Caregiver.	We share with the Caregiver patient diagnosis information inferred from the information provided by the Caregiver to enable the Caregiver to provide patients with the exam results and diagnosis for which they contracted with the Service.
Patient information provided by the Caregiver may be accessible to service providers that we contract with to host and operate our Service.	Service providers, such as AWS, who we use to host and run our service may have access to patient information. Our service providers are authorized to use the Caregiver provided information only as necessary to provide their specific relevant services to us and not for their purposes. They are required to maintain the confidentiality of the data. In all cases where we share Caregiver information with such providers, we explicitly request the provider to acknowledge and adhere to our privacy and Caregiver handling policies.
We will share patient information provided by Caregiver if we are legally required.	We will share personal information provided by Caregiver if we are required to disclose it by a judicial, governmental, or regulatory authority.
We may share patient information provided by Caregiver with a third-party, upon notice to Caregiver, in the event of a change in our structure.	We may assign the agreement with the Caregiver in the event of a corporate merger or sale of assets related to the performance of the Service to the acquiring or merging third party. In such an event, we may share personal information provided by the Caregiver upon notice to the Caregiver, provided that the assignee assumes AEYE's stead for all rights, obligations, performance, and liability under the Service agreement and this privacy policy.
We will share patient information in case of an emergency concerning the patient.	We will share patient information if we need to act immediately to protect the personal safety of the patient or the public.

International information transfer	
We operate our Service from servers located in the United States.	We operate our Service from servers located in the United States, and we will transfer patient data to the Caregiver according to their established safeguards.
Information Security	
We implement technical and organizational measures to secure patient information.	We implement appropriate safeguards to reduce the risks of damage, loss of information, and unauthorized access or use of the patient information we receive from the Caregiver. However, these measures do not guarantee absolute information security. Therefore, although we take reasonable precautions and make an appropriate effort to secure your information, you cannot expect that the Service will be immune to information security risks.
Data Retention	
Details of the data retention periods are explained in the Caregiver's policy.	<p>The storage periods for patient data and the criteria used to determine them are specified by the Caregiver. Data collected during Caregiver's use of the Service is retained in accordance with the provisions of the agreement with the Caregiver. Patient Data is deleted upon Caregiver's written request or soon as reasonably possible following the termination of our Service to the Caregiver.</p> <p>We may keep de-identified unlabeled retinal images on our systems hosted by our service provider to improve and develop our Service for better and more accurate diagnosis and screening of eye diseases subject to patient informed and differentiated consent/release obtained by the Caregiver.</p>
We may retain anonymized data used to improve and enhance the Service indefinitely.	AEYE will retain anonymized data that may be used to improve and enhance the Service indefinitely in anonymized form, unless required otherwise by the Caregiver. Upon Caregiver request, some or all of the data originating with the Caregiver will be deleted.

Patient Rights	
<p>Patients have certain rights subject to possible restrictions under the applicable law.</p>	<p>Patients may have certain rights on data shared with us by the Caregiver, to access, restrict, obtain a copy, update their data, opt-out or delete it, notify about a breach, all subject to possible restrictions under the applicable law. If we receive a patient request to exercise one or more of their rights in accordance with the Service for which we are a data processor, we will redirect the patient to make their request directly to their Caregiver. The Caregiver is responsible for responding to any such request. We will reasonably assist the Caregiver to respond to such patient requests as long as we can identify the patient to whom the data belongs.</p> <p>Per Caregiver's privacy notice and terms, patients can withdraw their consent at any time by contacting the Caregiver for each of the purposes for which the patient provided informed consent to the Caregiver to share information with us. When patients withdraw their consent for a specific purpose, we will erase any purpose-related patient data.</p>
How we make changes to this policy	
<p>We may change our privacy policy from time to time, and if we do, we'll provide you notice or get your consent, as required by law.</p>	<p>We may change this privacy policy from time to time, and if we do, we will provide the Caregiver a notice and/or get the Caregiver's consent, as required by law.</p>
<p>Filing complaints</p>	<p>If patients feel that their privacy protections have been violated by us, the patients have the right to file a complaint with a competent authority.</p>
Contact us	
<p>You can contact us at info@aeyehealth.com</p>	<p>The best way to get in touch with us if you have any questions, complaints, or suggestions, or to exercise the options described above is to write to us at info@aeyehealth.com. We will do our best to resolve your issue or answer your request promptly.</p>

Additional information for patients in California

The table below summarizes which personal information (referenced in the table below as PI) we receive by reference to the statutory categories specified in the California Consumer Privacy Act (referenced herein as CCPA). It then describes the practices we implemented during the 12 months preceding the effective date of this Privacy Policy. It refers to what we described above in the general section of this Privacy Policy:

	Specific pieces of PI collected	Sources of PI collected
(A) Identifiers	Unique exam identifier and optionally additional identifiers (such as a Medical Record Number (MRN)) required as a result of an integration with the Caregiver's information systems	From the Caregiver.
(B) Personal information categories	A medical diagnosis of eye disease	Inferred by the Service.
(C) Protected classification characteristics under California or federal law.	Age, medical condition, physical or mental disability.	From the Caregiver.
(E) Biometric information.	Retinal images.	From the Caregiver.
(K) Inferences drawn from other personal information.	Inferred health diagnosis from processing retinal images using AI.	Inferred by the Service

Personal information does not include:

De-identified or aggregated consumer information and Information excluded from the CCPA's scope, like health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data.

The table below summarizes how we use the personal information (referenced in the table below as PI) we receive by reference to the statutory categories specified in the CCPA. It refers to what we described above in the general section of this Privacy Policy:

Category of (PI)	Business or commercial purpose for collecting and selling personal information.
(A) Identifiers	To provide our Service to the Caregiver.
(B) Personal information categories	To provide our Service to the Caregiver.
(E) Biometric information.	To provide our Service to the Caregiver. To improve and enhance our Service.
(K) Inferences drawn from other personal information	To provide our Service to the Caregiver.

Our hosting provider/s AWS and/or Azure may have access to all categories of patient information for our business purposes (referenced in the table above as PI). We do not share or sell patient information with third parties. In the preceding twelve (12) months we have not sold any personal information.

If the patient is a resident of California, they have certain rights subject to possible restrictions under the law to know, request deletion, opt out of the sale of personal information, and protect against discrimination.

If patients are a resident of California, they have the following rights:

Right to Know. Patients have the right to know subject to a verifiable request the categories of personal information the Caregiver shares with us and we process about them; The categories of sources from which the personal information is collected; Our business or commercial purpose for collecting personal information; The categories of third parties with whom we share personal information if any, and the specific pieces of personal information the Caregiver shares with us and we process about patients.

Right to Request Deletion. Patients have the right to request the deletion of their personal information from Caregiver and direct the Caregiver to ask any of its service providers to delete their personal information from their records on receipt of a verifiable request from the patient and subject to certain exceptions set out below.

Please note that we may not delete your personal information if it is reasonably anticipated within the context of our ongoing business relationship with the Caregiver, or otherwise perform a contract between Caregiver and patient; Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when our deletion of the information is likely to render impossible or seriously impair the achievement of such research, provided we have obtained your informed consent; Enable solely internal uses that are reasonably aligned with your expectations based on your relationship with us; Comply with an existing legal obligation; or Otherwise use your personal information, internally, in a lawful manner that is compatible with the context in which you provided the information.

Right to Opt-Out. We do not share or sell patients' information with third parties for monetary consideration.

Right to Non-Discrimination. Patients have the right to not be discriminated against by us because they exercised any of their rights under the CCPA.

If you would like to exercise any of your CCPA rights as described above, you should email us at: info@aeyehelth.com

Patients have the right to designate an authorized agent

Patients may designate an authorized agent to make a request under the CCPA on their behalf. To do so, patients need to provide the authorized agent with written permission to do so and the agent will need to submit to

<p>to submit a request on their behalf.</p>	<p>the Caregiver proof that they have been authorized by the patient. The Caregiver will also require that patient verify their own identity, as explained below.</p>
<p>Verification of Requests</p>	<p>The Caregiver may ask the patient for additional information to confirm their identity and for security purposes before disclosing patient personal information or deleting patient information.</p> <p>For Password Protected Accounts. The Caregivers shall verify patient identity through their service records. The Caregiver shall also require a patient to re-authenticate before disclosing or deleting patient information.</p> <p>For Non-Accountholders. The Caregiver will verify the patient's identity by using two or three points of the information verification process, or together with a signed declaration under penalty of perjury that the patient is the consumer whose personal information is the subject of the request depending on the type of information patient require.</p>
<p>Timing Format and Fees</p>	<p>We endeavor to support the Caregiver in responding to a verifiable consumer request within 45 days of its receipt. If we require more time (up to 90 days), we will inform the Caregiver of the reason and extension period in writing. We will deliver our written response by email. Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. For information portability requests, we will select a format to provide patient personal information that is readily useable and should allow the Caregiver to transmit the information from one entity to another entity without hindrance.</p> <p>We do not charge a fee to process or respond to patient verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell the Caregiver why we made that decision and provide the Caregiver with a cost estimate before completing a patient request.</p>