

# PRIVACY POLICY

***Effective Date: April 30, 2014***

Therapath LLC (“Therapath,” “we,” “us,” “our”) is dedicated to protecting the privacy of your personal information. This Privacy Policy describes our practices related to the use, storage and disclosure of information we collect from or about you on our website (www.therapath.com) (the “Site”) and from any other sources, including from you directly. This Privacy Policy does not apply to the practices of companies that Therapath does not own or control, or to people who Therapath does not employ or manage.

## **1. Your Consent**

By providing your personal information to us, including by using Therapath’s Site, you consent to the collection and use of your information in the manner we describe in this Privacy Policy. If you do not agree to the terms and conditions of this Privacy Policy, please do not use our services or use the Site. By providing your personal information to us, you consent to the use of such personal information as described in this Privacy Policy.

## **2. Changes to the Privacy Policy**

Therapath reserves the right to modify this Privacy Policy at any time and without prior notice. All changes to this Privacy Policy will be effective immediately upon their posting to the Site. We will notify you of any material changes to this Privacy Policy by conspicuously posting the changes on this Site. Each version of our Privacy Policy will be prominently marked with an effective date.

## **3. Health Insurance Portability and Accountability Act of 1996 (HIPAA)**

Therapath’s use and disclosure of certain of your information may be subject to the requirements of the Health Insurance Portability and Accountability Act of 1996, commonly referred to as HIPAA, as amended by the Health Information Technology for Economic and Clinical Health Act (“HITECH Act”). Any information in our possession from US-based individuals, including any information collected on this Site, that constitutes “Protected Health Information” (“PHI”) as that term is defined by HIPAA, is subject to HIPAA and HITECH and governed by our Notice of Privacy Practices (“NPP”). Our use and disclosure of HIPAA-regulated PHI will be governed by HIPAA and our Notice of Privacy Practices, instead of this Privacy Policy, to the extent HIPAA and our NPP are more restrictive.

## **4. Information we may process about you**

### ***Cookies and Non-Personal Information***

When you visit our Site, we may passively collect non-personal information about you via certain Internet technology tools. “Non-personal” information means information that does not permit us to specifically identify you by your full name or similar unique identifying information such as a social security number, address, or telephone number. Aggregate and de-identified data regarding Site users is also considered non-personal information.

Non-personal information may consist of your IP address or cookies, as well as information regarding the type of browser and operating system that you use, what website you linked from to our Site and other similar analytic data.

You may disable the Internet technology tools, including cookies, by adjusting your browser preferences on your computer; however, this may limit your ability to take advantage of all the features of this Site. Keep in mind that cookies are not used to collect any personal information and do not tell us who you are. Some examples of the way we use cookies include: tracking resources and data accessed on the Site; recording general Site statistics and activity; assisting users experiencing problems with the Site; enabling certain functions and tools on the Site; and tracking paths of visitors on the Site and within the Site. By continuing to use the Site, you consent to the use of cookies in this manner.

We may use third party service providers to assist us in collecting and analyzing this non-personal information.

### ***Personal Information***

During your use of this Site and otherwise through Therapath's business, we may collect personal information that you voluntarily share with us or is otherwise provide to us. This information may be collected when you send us emails or voluntarily submit information to us via the Site. Personal information includes your (1) contact information (such as name, address, email address, the last four digits of your SSN, and phone number), (2) age, (3) gender, (4) date of birth, (5) insurance information, (6) health and medical information or other PHI, (7) account numbers, (8) financial and payment information, and (9) any other information you choose to provide us.

We may use third party service providers to assist us in collecting and analyzing this personal information. You consent to the disclosure of your personal information to such third party service providers.

We may process other personal information, including health-related information and genetic information, about you in the course of our business and the services we offer to you and other third parties.

## **5. How We Use The Information We Collect**

### ***Non-Personal Information***

We use non-personal information in the aggregate for statistical purposes or otherwise in connection with our business. Non-personal information collected through the Site may be used to determine how much traffic the Site receives, to statistically analyze Site usage, to improve Site content, and to customize the Site's content, layout and services. In addition, we may use your IP address to help diagnose problems with our server, to manage the Site, and to enhance the Site based on the usage pattern data we receive.

### ***Personal Information***

We will use personal information for: (i) the purpose for which you provide it; and (ii) as otherwise may be disclosed at the point of collection. For example, we may use your contact

information as provided to us, such as email address, telephone number, or mailing address, to contact you regarding administrative notice and communications related to your use of the Site or otherwise as you may request. As another example, we may use your financial and insurance information to process payments.

We may use your personal information in accordance with our legal and contractual obligations to you, any governmental or regulatory authority or any third party and/or in accordance with our legitimate business interests. We may use your personal information for marketing purposes and provide you with certain medical content and information that we believe may be of interest to you and provide you with a customized experience on the Site. We will not use your personal information in a way which is incompatible with the purposes for which it was provided or is otherwise inconsistent with this Privacy Policy.

## **6. Information Sharing And Disclosure To Third Parties**

### ***Non-Personal Information***

As non-personal information does not identify who you are, we do not limit the ways we may use or share non-personal information. For example, we may share non-personal information with our affiliates, suppliers, employees and agents, other businesses, and the government.

In addition, we may use your personal information in the aggregate in a non-personal manner in order to better understand the services being provided, how to improve these services, and how to improve the Site. We may provide non-personal aggregated information to third parties.

### ***Personal Information***

Therapath may provide your personal information to affiliated companies or other trusted businesses or persons who work on behalf or with Therapath. These companies may use your personal information to help Therapath administer its business or communicate with you about offers or other information relevant to Therapath. Therapath may use a third party service provider to host the Site. All such third parties are subject to confidentiality obligations and contractually obligated to maintain adequate security measures to protect your information.

Therapath may provide personal information about you in response to subpoenas, law enforcement requests, court orders or legal process, or to establish or exercise our legal rights or defend against legal claims. Therapath also may provide such information about you if Therapath believes it is necessary to share such information in order to investigate, prevent or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, or as otherwise required by law.

If Therapath becomes involved in a merger, acquisition, or any form of sale of some or all of its assets, it may share your personal information with the potential acquirer or buyer pursuant to a confidentiality agreement.

Therapath will not use or share the personal information provided to us through this Site or otherwise in ways unrelated to those described in this Privacy Policy without providing you with notice. You may choose to opt-out of the sharing of your personal information to our affiliated companies or third parties on written notice to our Privacy Officer (details below) subject to any legal obligation or requirement we owe to you or any third party or regulatory authority and/or subject to Therapath's lawful business requirements and legal or contractual obligations.

All third parties who receive personal information transferred from the European Union or Switzerland are required by Therapath to apply the notice and choice principles of the Safe Harbor Framework.

### ***California Privacy Rights***

California law entitles residents to ask us for a notice describing what categories of personal information we share with third parties or with corporate affiliates for those entities direct marketing purposes. Therapath does not provide any personal information to third parties for their own direct marketing purposes. If you want to request a notice or have any questions about Therapath privacy practices, please contact the Privacy Officer.

## **7. Transfer Of Personal Information To The United States**

Therapath is based in the United States. By providing your personal information through the Site or otherwise providing your personal information to Therapath, if you are located in a country other than the United States, you expressly consent to the transfer of your personal information to the United States where US data protection laws may not be as stringent as those in the country in which you are located. Therapath is registered with the Department of Commerce's Safe Harbor scheme and, therefore, undertakes to comply to a high standard of personal data protection. Therapath may use third party service providers, as mentioned above, that may be located in the United States or elsewhere in the world. By providing your personal information to Therapath and/or by using the Site, you expressly consent to the transfer of your personal information to such third party service providers, wherever they may be located.

## **8. Access To Your Personal Information**

Upon written request and verification of your identity, we will provide you summary details of your personal information in our possession. Requests for such information may be sent to the Privacy Officer. Please note that laboratory results will, from October 6, 2014, be provided to you directly upon written verification of your identity. Prior to this date, legal requirements mean that laboratory results can only be given to a physician, his or her agent, or other person authorized by law to use the results in the conduct of his or her practice or the fulfillment of official duties or directly to you with the written consent of your physician or other authorized person. (10 NYCRR Subpart 58-1.8).

You may also update, correct, or delete your personal information in our possession by contacting the Privacy Officer or updating your information on the Site under the tab Patients/Update Your Account Information.

## **9. Links**

You may have the opportunity to follow a link to other websites that may be of interest to you from this Site. Therapath endeavors to only link to reputable organizations related to your areas of potential interest, but these websites may not be hosted or controlled by Therapath and Therapath is not responsible for the privacy practices of those websites or the content provided thereon. Please review the privacy policies and practices of those websites before use.

## **10. Security**

Therapath takes appropriate security measures to protect against unauthorized access, alteration, disclosure, or destruction of your personal information. These measures include annual internal reviews of Therapath's practices and security measures, including a review of Therapath's encryption and physical security measures to guard against unauthorized access to systems where Therapath stores personal information. Due to the nature of the Internet and on-line communications, however, we cannot guarantee that any information transmitted online will remain absolutely confidential, and we are not liable for the illegal acts of third parties such as criminal hackers.

## **11. Therapath's Compliance With Children's Online Privacy Protection Act (COPPA)**

Therapath is committed to protecting the privacy of children. Therapath does not knowingly collect personal information from children under the age of 13. If a child under 13 provides us with personal information without parental or guardian consent, the parent or guardian may contact the Privacy Officer, and we will remove the information. No information should be submitted to or via this Site by users under the age of 13.

## **12. Therapath's Compliance With Safe Harbor Privacy Principles**

Therapath is committed to safeguard personal information and has certified that it complies with the seven Safe Harbor Privacy Principles listed in the Safe Harbor website (<http://export.gov/safeharbor/>).

We adhere to the principles of both the US-EU and the US-Swiss Safe Harbor Frameworks regarding the collection, use and retention of personal information from individuals in the European Union and Switzerland.

Therapath has appointed the American Arbitration Association as its independent recourse mechanism for enforcement of its compliance with the Safe Harbor Principles <http://go.adr.org/safeharbor>. Therapath has verified its compliance with the Safe Harbor Principles with an external law firm.

## **CONTACT US**

If you have any questions regarding the Privacy Policy or have questions about our privacy practices, including verification of compliance with our practices or regarding Therapath's compliance with the Safe Harbor Principles, please contact the Privacy Officer.

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Mail: Privacy Officer  
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