

Life Whisperer Diagnostics Pty Ltd - Privacy Policy

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Introduction

This Privacy Policy sets out how Life Whisperer Diagnostics Pty Ltd (ABN 63 616 270 798) (“**we**”, “**our**” and “**us**”) collects, shares and handles personal information in connection with our Life Whisperer web-based decision support tool (the “**Platform**”).

We are committed to responsible privacy practices and to complying with applicable privacy laws.

We may change or update our Privacy Policy from time to time. We will notify you of any changes to this Privacy Policy if the change will materially change the way in which we collect or use your personal information. At any time, the latest version of our Privacy Policy is available on the Platform.

This Privacy Policy is provided in a layered format so you can click through to the specific areas set out below:

- 1. What is personal information?**
- 2. Who should read this Privacy Policy?**
- 3. Who is the data controller of personal information on the Platform?**
- 4. What categories of personal information do we collect?**
- 5. How do we collect your personal information?**
- 6. Why do we collect and use your personal information?**
- 7. Use of de-identified and aggregated information**
- 8. Lawful bases for processing your personal information**
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- 16. Queries, comments and complaints about our handling of personal information**
- 17. How can you contact us?**

1 What is personal information?

In this Privacy Policy, “personal information” means information or an opinion, in any form, relating to an identified or identifiable individual, whether the information or opinion is true or not. Personal information includes sensitive information such as information about an individual’s health.

2 Who should read this Privacy Policy?

The Platform is a web-based decision support tool for IVF clinics. We enter into an agreement with clinics wishing to use the Platform that sets out the terms and conditions on which we

provide the Platform and related services. You should read this Privacy Policy if you are a clinician or other individual who has been granted access to the Platform by your clinic.

3 **Who is the data controller of personal information on the Platform?**

Your clinic is the data controller of most of the personal information you submit to the Platform. We are a data controller in respect of personal information you submit to the Platform only in the limited circumstances described in **section 6** below called "*Why do we collect and use your personal information?*".

4 **What categories of personal information do we collect?**

When you use the Platform, we may process different categories of personal information about you as follows:

- **Identity Data**, including your name, log-in details, information about the clinic or company you work for (including your company's name and your role in the company);
- **Contact Data**, including your business address, business email address and business phone numbers;
- **Usage Data**, including information about how you use and interact with the Platform;
- **Device Data**, including the type of device you use to access the Platform, unique device identifiers, mobile network information, time zone setting; and
- **Patient Data**, namely health information that you submit to the Platform relating to patients in receipt of fertility treatment services from you or your clinic (e.g. images of embryos).

We may also collect personal information about you when you correspond with us via the Platform or otherwise (e.g. to report a problem with the Platform). Other than certain health data relating to your patients described in this section, the Platform is not intended to collect, and you should not disclose, any other types of "sensitive" or "special categories" of information (including but not limited to details of religious, political or philosophical beliefs, or sex life or sexual orientation).

In addition to the categories of personal information identified above, we may collect personal information as otherwise permitted or required by law.

5 **How do we collect your personal information?**

We collect personal information in a number of ways. The most common ways we collect your personal information are:

- **Directly from you.** We collect certain information directly from you, including when you upload data to the Platform or when you contact us;
- **Information we collect about you:** When you use the Platform, we will automatically collect certain personal information including Device Data and Usage Data. We collect this data using cookies and other similar technologies. Please see **section 13** below called "*Links and Cookies*" below for more details; and
- **Information we receive from other sources.** We may receive personal information about you from certain third parties, including our data analytics partners.

6 **Why do we collect and use your personal information?**

We provide the Platform as a service to our customers. For the purposes of providing the Life Whisperer service to our customers, we are a data processor and our customer is the data controller. We will process the personal information collected by the Platform in the manner and for the purposes specified in our contracts with our customers.

If you have any questions or concerns about how personal information on the Platform is handled in connection with the Life Whisperer service or you would like to exercise your rights in respect thereof, please contact your clinic.

In some cases, we process personal information collected by the Platform for our own business operations, in which case we act as a data controller, including:

- We may use your Contact Data to respond to you if you have requested information from us (including via the Platform or via an email or other correspondence you send to us);
- We may use your Usage Information to improve, upgrade, enhance, or develop our products and services, including undertaking research for technological development and demonstration, and to verify or maintain the quality or safety of a product or service;
- We may use your Device Data to troubleshoot problems with and improve our service, debugging to identify and repair errors that impair functionality, detect security incidents, protect against malicious, deceptive, fraudulent or illegal activity, and prosecute those responsible for that activity;
- Legal uses. We may use your personal information if required to respond to legal requests, to prevent fraud, to enforce our terms & conditions and policies or otherwise to comply with our legal obligations;

Wherever possible, we use your personal information for the purposes described above in an anonymised or aggregated form that is not capable of identifying you.

7 **Use of de-identified and aggregated information**

We may use personal information and other data you submit to the Platform to create anonymized and/or aggregated information, such as anonymized demographic information, information about the computer or device from which you access the Platform, or other analyses we create. Information which has been anonymized is no longer “personal information”.

8 **Lawful bases for processing your personal information**

We make sure we have appropriate lawful bases on which to collect, use and share your personal information.

Where we process your personal information as a data processor, please contact your clinic directly to ask for details of the lawful bases for processing your personal information as this is governed by the terms of our contract with your clinic.

In circumstances where we process your personal information as a controller, our lawful bases may include:

- consent (where you have given consent);
- compliance with our legal obligations;
- our legitimate interests or those of our suppliers, provided that such processing does not outweigh your own interests. As an example of our “legitimate interests”, we may process your personal information to develop and improve our products and services

(including the Platform), to keep our records up to date and to communicate and manage our relationship with you. When we rely on our legitimate interests, you have the right to object at any time (please see **section 15** below for details); or

- where our use of your personal information is necessary for a contract we have with you or because you have asked us to take specific steps before entering into a contract.

Where we need to collect personal information by law, or under the terms of a contract we have with you, and you fail to provide that information when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services related to the Platform).

9 **To whom do we disclose personal information?**

We may disclose your personal information to third parties in connection with the purposes described in **section 6** of this Privacy Policy.

This may include disclosing your personal information to the following types of third parties:

- the clinic through which you have gained access to the Platform;
- our related bodies corporate;
- our contractors and other third parties that provide goods and services to us (including website and data hosting providers, and other suppliers);
- our accountants, insurers, lawyers, auditors and other professional advisers and agents;
- payment system operators;
- if we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, purchase or sale of assets, or transition of service to another provider (a "Transaction"), then your information may be sold or transferred as part of such a transaction, as permitted by law and/or contract; and
- otherwise as permitted or required by law.

Where we disclose your personal information to third parties, we will use reasonable commercial efforts to ensure that such third parties only use your personal information as reasonably required for the purpose for which we disclosed it to them, and protect your personal information in a manner consistent with applicable privacy laws.

10 **Does personal information leave your country of origin?**

Our practice is to retain your personal information on servers located in your country and/or region. However, there may be circumstances where we need to transfer personal information outside of your country or region (for example, to comply with our contract with your clinic). In those cases, we will take appropriate safeguards to ensure that your personal information will remain protected in accordance with applicable law and we require our third-party service providers and partners to have appropriate safeguards in place to protect your personal information.

If you are located in the European Economic Area (EEA) or the United Kingdom (UK), we typically use specific contracts approved by the regulatory authorities which gives personal information the same protection it has in the EEA or the UK respectively (standard contractual clauses).

Further details about the specific mechanisms used by us to transfer your personal information internationally can be provided upon request.

11 **How do we store and secure personal information?**

We store personal information on computer databases and/or in hard copy and will take reasonable physical and electronic security measures to protect any records that we hold which contain your personal information.

However, except to the extent liability cannot be excluded by law, we exclude all liability (including in negligence) for the consequences of any unauthorized access to, disclosure of, misuse of or loss or corruption of your personal information. Nothing in this Privacy Policy restricts, excludes or modifies or purports to restrict, exclude or modify any statutory consumer rights under any applicable law.

Please notify us immediately if you become aware of any breach of security on the Platform using the contact details in **section 17**.

Where we process your personal information as a data processor, you will need to contact your clinic directly to ask how long your personal information will be retained as this is governed by the terms of our contract with your clinic.

Where we process your personal information as a data controller, we will only retain your personal information for as long as reasonably necessary to fulfil the purposes we collected it for, where legally permitted and subject to any legal or regulatory requirements.

You can find a description of the expiry periods for the cookies in our Cookies Policy.

12 **Accuracy of the personal information we hold**

We try to maintain your personal information as accurately as reasonably possible. We rely on you to ensure the accuracy of personal information provided to us.

We encourage you to contact us if the personal information we hold about you is incorrect or to notify us of a change in your personal information. Our contact details are set out in **section 17** of this Privacy Policy.

13 **Links, cookies and use of our Platform**

The Platform may contain links to sites operated by third parties. This Privacy Policy applies to the Platform only and not any linked sites which are not operated or controlled by us. We encourage you to read the privacy policies of each website that collects your personal information and we do not accept any responsibility or liability for those policies or for any personal data that may be collected through websites or services operated by third parties.

We may use “cookies” and similar technology on the Platform to monitor how visitors use our Platform. We may use such technologies to generate statistics, measure your activity, improve the usefulness of the Platform and to enhance the user experience. For additional information, please refer to the Cookies Policy.

If you prefer not to receive cookies you can adjust your Internet browser to refuse cookies or to warn you when cookies are being used. However, our Platform may not function properly or optimally if cookies have been turned off.

14 **Notice regarding software development kits and application programming interfaces**

We may use third party software development kits (“**SDKs**”) or Application Programming Interfaces (“**APIs**”), as part of the functionality of the Platform. APIs and SDKs may allow third parties including analytics partners to collect personal information to provide us with analytics services.

15 **How can you exercise your rights?**

You have certain legal rights in respect of your personal information. Where we process personal information about you as a data processor, you will need to contact your clinic directly to discuss exercising your legal rights in respect of your personal information.

Where we process your personal information as a data controller, you can exercise those rights by contacting us as described in **section 17** of this Privacy Policy. We will provide access to that information in accordance with applicable laws. We may require that you provide suitable identification and, where permitted by law, we may charge an administration fee.

You are entitled to access personal information we hold about you and to request that we transfer your personal information to a third party (“data portability”). You have the right to request that we rectify any personal information we hold about you which is incorrect or incomplete or to request that we delete your information (subject to certain exceptions prescribed by law). You may also request restriction of, or object to the processing of, your personal information in certain circumstances. Where we process your personal information based on your consent, you have the right to withdraw your consent at any time.

Please be aware that some of your rights are subject to exemptions and may not always apply.

To protect your privacy, we may take steps to verify your identity before fulfilling your request.

16 **Queries, comments and complaints about our handling of personal information**

If you have any questions, comments or complaints about our collection, use or disclosure of personal information, or if you believe that we have not complied with this Privacy Policy, please contact us (see **section 17** of this Privacy Policy).

When contacting us please provide as much detail as possible in relation to your question, comment or complaint.

You may have the right to make a complaint to the relevant authorities in your jurisdiction regarding data protection issues. We would however appreciate the chance to address your concerns, so please feel free to contact us regarding any complaint you may have. We will take any privacy complaint seriously and any complaint will be assessed with the aim of resolving any issue in a timely and efficient manner. We request that you cooperate with us during this process and provide us with any relevant information that we may need.

17 **How can you contact us?**

For all regions except the EEA and UK, please email privacy inquiries (including any complaints) to support@lifewhisperer.com and place “Privacy Policy Query” in the subject heading.

For Data Subjects in the EEA and UK, we have appointed Prighter as our representative according to Art 27 EU GDPR and UK GDPR, respectively. Please visit <https://prigher.com/q/16941676> for all privacy inquiries and to make use of your data subject rights. For all correspondence, please place “Prighter ID: 16941676” in the subject heading.

Prighter EEA are located at:

Maetzler Rechtsanwalts GmbH & Co KG
Attorneys at Law
Schellinggasse 3/10
1010 Vienna, Austria

Prighter UK are located at:
Maetzler Rechtsanwalts GmbH & Co KG
Attorneys at Law
Kemp House 160 City Road
London EC1V 2NX, United Kingdom

Patient Informed Consent Sheet

Life Whisperer Diagnostics Pty Ltd (“we”, “our”, and “us”), an Australian Proprietary Limited Company, provides your clinic with a web-based support tool (the “Platform”), which assists with embryo evaluation. This Patient Informed Consent Sheet (“Sheet”) seeks the Patient’s (“you” or “your”) written consent for us to obtain, store, and handle your information in the manner and for the purposes described below. An executed copy of this Sheet will be obtained from you and stored by your clinic.

Section 1. What is being obtained?

We will obtain Personal Information, which is identifiable data or opinions which relate to your fertility clinic’s treatment services. This includes, but may not be limited to:

Embryo images, patient data including name, age, date of birth, and IVF cycle number; and embryo information including grade, AI score or confidence, embryo age, collection date, transfer date, ultrasound pregnancy results, live birth results, and clinical notes.

Section 2. What is not being obtained?

We do not intend to obtain, and you don’t need to disclose to us, particular sensitive or special categories of information including religious, political or philosophical beliefs, or sex life or sexual orientation.

Section 3. Who is obtaining this information?

Your clinic is collecting and controlling most of the Personal Information we obtain through the Platform. We are controlling Personal Information for the limited purposes described below in Section 5.

Section 4. How is this information being obtained?

We most commonly obtain Personal Information through our Platform collected by your clinic. On rare occasions, we may obtain Personal Information about you directly from your clinic via electronic correspondence (e.g. phone or secure e-mail).

Section 5. Why is this information being obtained?

We provide the Platform as a service to the clinic. We will process Personal Information primarily for the purposes of embryo evaluation. If you have any questions or concerns about how Personal Information on the Platform is handled in connection with our services, please contact us as described in Section 12.

In some cases, we process Personal Information obtained for our own business operations, in which case we act as an information controller, including:

- to improve, upgrade, enhance, or develop our products and services, including undertaking research for technological development and demonstration; and/or
- to obtain analytics services from third party software
- to comply with our legal obligations.

Wherever possible, we use your Personal Information for the purposes described above in an anonymized or aggregated form that is not capable of identifying you. In addition to the purposes described above, we may use Personal Information to create de-identified and aggregated information. Once information has been anonymized it is no longer considered Personal Information.

Section 6. What are the lawful bases for obtaining Personal Information?

We make sure we have appropriate lawful bases on which to obtain, store, and handle your Personal Information. These include your consent (this Sheet) and compliance with our legal obligations.

Section 7. To Whom is Personal Information disclosed?

We may disclose your Personal Information to third parties for the purposes described in Section 5 of this Sheet. This may include disclosing your Personal Information to the following types of third parties:

- the clinic using the Platform;
- our contractors and other third parties that provide goods and services to us (including website and data hosting providers, and other suppliers); and
- otherwise as permitted or required by law.

Where we disclose your Personal Information to third parties, we will use reasonable commercial efforts to be sure that these third parties only use your Personal Information as reasonably required, and to protect your Personal Information in ways consistent with applicable privacy laws.

Section 8. Does Personal Information leave your country of origin?

We typically retain your Personal Information on servers located in your country. However, there may be circumstances where we need to transfer Personal Information outside of your country. In those cases, we will take safeguards to ensure that your Personal Information will remain protected per applicable law and we require our third-party service providers and partners to have safeguards in place to protect your Personal Information.

Section 9. How do we store and secure Personal Information?

We store Personal Information on computer databases and/or in hard copy and will take physical and electronic security measures to protect any records which contain your Personal Information. However, except to the extent liability cannot be excluded by law, we exclude all liability (including in negligence) for the consequences of any unauthorized access to, disclosure of, or misuse of your Personal Information. Nothing in this Sheet restricts, excludes or modifies or purports to restrict, exclude or modify any statutory consumer rights under any applicable law. We will only retain your Personal Information for as long as necessary to fulfil the purposes we obtained it for, where legally permitted and subject to any legal or regulatory requirements.

Section 10. How can you exercise your rights?

You have certain legal rights in respect of your Personal Information. You can exercise those rights by contacting us as described in Section 12. We will provide access to that information per applicable laws. You have the right to request that we delete your information (subject to certain exceptions prescribed by law), or request restriction of, or object to the processing of your Personal Information in certain circumstances. You have the right to withdraw your consent at any time. Please be aware that some of your rights are subject to exemptions and may not always apply.

Section 11. Do you have queries, comments, and complaints about our handling of Personal Information?

If you have any questions, comments or complaints about our collection, storing, or handling of Personal Information, or if you believe that we have not complied with this Sheet, please contact us. We take complaints seriously and any complaint will be addressed with the aim of resolving any issue in a timely and efficient manner.

Section 12. How can you contact us?

For all regions except the European Economic Area (EEA) or the United Kingdom (UK), please email privacy inquiries (including any complaints) to patient-support@lifewhisperer.com and place "Informed Consent" in the subject heading.

For Data Subjects in the EEA or the UK, we have appointed Prighter as our representative according to Art 27 EU GDPR and UK GDPR, respectively. Please visit <https://prighter.com/q/16941676> for all privacy inquiries and to make use of your data subject rights. For all correspondence, please place "Prighter ID: 16941676" in the subject heading.

Prighter EEA are located at:

Maetzler Rechtsanwalts GmbH & Co KG
Attorneys at Law
Schellinggasse 3/10
1010 Vienna, Austria

Prighter UK are located at:

Maetzler Rechtsanwalts GmbH & Co KG
Attorneys at Law
Kemp House 160 City Road
London EC1V 2NX, United Kingdom

By signing below, I acknowledge that I have read this Patient Informed Consent Sheet, and I consent voluntarily to the collection, storage, and handling of my Personal Information in the manner and for the purposes stated above.

PATIENT NAME (PRINTED): _____

DATE: _____

PATIENT SIGNATURE: _____