

## Osprey Medical DyeVert App Privacy Policy

**Effective Date:** July 25, 2019

Osprey Medical (“we,” “us,” “our,” or “Osprey”) owns the DyeVert and DyeTect Systems medical devices (the “Devices”) and owns and licenses the associated application that Device users (“Users”) may use to operate and monitor the Devices.

This Privacy Policy explains our practices, defines our Users and their patients’ (“Patients”) privacy options, and describes how Users’ and Patients’ information is collected and used by Osprey through the App.

**By using the App, you agree to the terms of this Privacy Policy.**

Osprey’s website has its own [Privacy Policy](#) and [Terms of Use](#) that govern the data collected through <https://ospreymed.com>.

### What Information is Collected?

#### Information Collected Directly from You

We may collect Patient information in connection with the App. Some of this information may be collected automatically about your use of the App. Our lawful basis for collecting this data is to fulfil a contract with Users, to provide Users with the App, Osprey’s legitimate interest in completing your requests and maintaining a functional App, and/or consent. The information we may collect includes, but may not be limited to:

- Data from Devices, including timestamps of use
- Data from the SMART Monitor running the App and information about your internet connection, including the iPad’s unique device identifier, IP address, location, operating system, Wi-Fi mac address, Bluetooth mac address, and Model number.
- Users have the option to enter a clinical case identifier, which may or may not be the Patient ID, and the patient’s eGFR. This information is collected by the App but not viewable by the user or any other entity except by designated Osprey personnel.

#### Information Collected by Users

Users may collect information regarding their Patients using the App and may input information about Patients through the App. Users’ use of Patients’ data collected through the App is governed by Users’ and associated hospitals’ separate privacy policies. See Osprey **BP0005 HIPAA Compliance Policy**

If we find that a User is acting in violation of our Privacy Policy or the law, we may, at our sole discretion, terminate User's access to the App.

### **How Is the Information We Collect Used?**

We collect information in order to provide the App, and also to collect information that is necessary for the App to work properly. We use personal information for a variety of purposes, including:

- **Provide the App and Its Content**  
Performing the essential functions of the App including responding to inquiries, providing manuals and instructions, providing support and troubleshooting, and communicating with Users about their use of the App or regarding a User initiated inquiry on the App.
- **Communicating with users about products or services**  
Following up in response to inquiries and notifying you when App updates are available or of any changes to products or services offered through the App.
- **App Improvement**  
Receiving error reports to allow us to debug and aggregating anonymized data to assess areas for improvement and to provide better service.
- **Compliance with Legal Obligations**  
Sharing information to comply with the law or a legal proceeding, such as in response to a subpoena or court order or regulatory authority audits.
- **Other purposes necessary to carry out our obligations under this Privacy Policy.**

### **Disclosure of Information**

We may share information, in the aggregate, regarding App performance, to evaluate our products or to better serve our Users. We will not share personally identifiable information in these instances, other than as described in this Privacy Policy.

We will not share your information with third parties to directly market their products to you. We may provide user information to third-party service providers for the maintenance and development of our App.

### **Sharing with Affiliates**

We may also share this information with any subsidiaries, licensees, suppliers, affiliates, assigns, successors, or other related entities and their respective owners.

### **Legal Requirements and Requests**

We may also share your personal information in connection with law enforcement requests or in response to investigations, subpoenas, court orders, or other legal processes to establish or exercise our legal rights or defend against legal claims, or as otherwise required by law.

### **Business Transfers**

We may also disclose your information to a third party as part of reorganization or a sale of the assets of Osprey or its subsidiaries or divisions. Any third party to which Osprey transfers or sells the App or related assets will have the right to continue to use the personal and other information that you provide to us.

### **Data Retention**

We retain data collected from you only for as long as necessary to complete the purpose for which it was collected or to fulfil our legal requirements.

### **International Data Processing**

Osprey is located in the United States and all data related to the App is collected and processed by Osprey in the respective geographical location per applicable local regulations. If you are not located in the U.S., your personal data will therefore be transferred to, processed, and stored in the United States outside of the country where you live. By submitting your personal information to us or to our Users, you are consenting to the processing of your personal information in the U.S. To the extent some of our Users need to collect and share or permit us to facilitate collection and sharing of personal data to enable our services, it is the responsibility of those Users to comply with all relevant notice and consent requirements of any data privacy laws or regulations.

For European Union data subjects, all personal data will be processed for lawful purposes in accordance with the General Data Protection Regulation (GDPR) and as described in this Privacy Policy. If your information is only collected based upon your consent and not for other lawful purposes you may be entitled to withdraw consent by contacting us at [customerservice@ospreymed.com](mailto:customerservice@ospreymed.com). Such withdrawal does not affect the lawfulness of processing prior to the withdrawal of consent. Further, withdrawal of consent does not affect processing of information based on other lawful bases of processing other than consent.

We encourage you to contact us regarding any issue or concern at [customerservice@ospreymed.com](mailto:customerservice@ospreymed.com). European Union data subjects may file a complaint with a data protection authority regarding our processing of your personal data. For more information, please contact your local data protection authority. Contact information of European supervisory authorities is available here: [http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index\\_en.htm](http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm).

### **Data Subject Rights**

European Union data subjects may have certain rights under the GDPR, including the following:

**Right of Access**

You may the right to access data collected about you. If you would like to know exactly what information we have collected about you and how it has been used, please contact us.

**Right of Rectification**

You may have a right to correct any incorrect or incomplete information we have about you. To request a correction, please contact us.

**Right to Erasure**

In certain circumstances, you may have the right to request that we delete your personal information. To make a request for erasure, please contact us.

**Right to Restrict Processing**

In certain circumstances, you may have the right to restrict the processing of your personal information. To make a request to restrict processing, please contact us.

**Right to Data Portability**

You may have the right to receive personal data we have collected from you in an accessible format. You also have the right to have the personal information we have collected from you transferred to another controller. To submit a request to have your information transferred, please contact us.

**Right to Object**

You may have the right to object to the processing of your personal data for direct marketing purposes. To object to the processing of your personal data, please contact us.

**Rights Related to Automated Decision Making Including Profiling**

You may have the right not to be subject to a decision based solely on an automated process (no human involvement) which produces legal effects or significantly affects you in a similar way. We will not make these types of decisions by solely automated processed. If you believe that an automated decision making process was applied to you, please contact us.

**How is User Information Protected?**

We maintain administrative, physical, and technical safeguards for all user information collected in our App.

**Your California Privacy Rights Access and Correction Rights**

California Civil Code § 1798.83 permits users that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. We do not disclose personal information to third parties for direct marketing purposes.

**Contacting Us**

For additional information pertaining to our Privacy Policy, please contact:

**Osprey Medical, Inc****Vic Fabano****VP of Operations and IT****[vfabano@ospreymed.com](mailto:vfabano@ospreymed.com)**