

## INTRODUCTION

Last updated: 22nd July 2022

### 1. WHAT THIS PRIVACY POLICY COVERS

Welcome to Harper Medical's Privacy Policy !

This Privacy Policy (together with our Terms of Service) apply to you when you visit our website (regardless of where you visit it from), use our applications or interact with us by any other means, including by email, phone or any other communications channel made available from time to time.

Your access to our Portal and Services is directly connected to you being a customer of a third party service provider that assist us with the marketing of our products and services. The Portal and the Services are not intended for children and we do not knowingly collect data relating to children unless expressly authorised by their relevant parent or legal guardian.

We know that your privacy is important to you – it's important to us as well. We publish this Privacy Policy to make it easier for you to understand the types of personal information we might handle and how we collect, process, transfer and store that data.

In addition to carefully reviewing our Terms of Service (where you will find the definitions for all capitalised terms used herein), It is important that you read this Privacy Policy together with any other privacy notice or fair processing policy provided to you on specific occasions when we are collecting or processing your personal data. For the avoidance of doubt, this Privacy Policy supplements any of those and it is not intended to override them.

If you do not agree with any of the terms of this Privacy Policy, you should not use or access our Portal and Services.

### 2. WHO WE ARE AND HOW TO CONTACT US

Harper Medical Technology Limited (**Company, We, Our, Us**) is the data controller for purpose of data protection legislation and we are responsible for your personal data.

We have appointed a data protection officer (**DPO**) to help us protect your privacy. If you have any questions about this Privacy Policy or our privacy practices, please contact our DPO using the details set out below:

#### Contact details

- **Full name of legal entity:** Harper Medical Technology Limited
- **Name of DPO:** Dr Vaibhav Sharma
- **Email address:** vs@harperinstitute.com
- **Postal address:** 10 Bloomsbury Way, London WC1A 2SL, United Kingdom
- **Telephone number:** +44 07542837949

You have the right to make a complaint at any time to the Information Commissioner's Office (**ICO**), the UK regulator for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to

deal with your concerns before you approach the ICO so please contact us in the first instance.

### **Changes to this Privacy Policy**

We recognize that privacy is an ongoing responsibility, and so we keep our Privacy Policy under regular review. We will endeavour our best efforts to publish a notice on the Portal every time we undertake new personal data practices or adopt new privacy policies. This Privacy Policy will be updated accordingly.

### **Your duty to inform us of changes on your personal data**

Likewise, it is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

### **If you fail to provide personal data**

If you fail to provide personal data when requested by law, or by us under the terms of a contract we have entered into, or are willing to enter into with you, we may not be able to provide you access to the Portal and Services.

### **Third-party links**

Our Portal may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our Portal, we encourage you to read the privacy policy of every website you visit.

## **3. CATEGORIES OF PERSONAL DATA**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

For all our Services, we may collect, use and store different kinds of personal data which have been grouped together as follows:

- **Usual personal information** including:
  - o Contact information, such as your name, address, email address, user name, and phone numbers;
  - o Your age, date of birth and gender;
  - o Details of any contact we have had with you, for example questions or complaints;
  - o Information about how you use our Portal and Services, including IP addresses, log-in data, browser type and version or other device information; and
  - o Marketing and communication data, including your preferences in receiving marketing from us and our third parties service providers.
- **Special category information** including:

- o Information about your physical or mental health; and
- o Certain health information relating to any services you may be receiving from a third party service provider that we may be working with (for example, pregnancy outcomes relating to a treatment you undergo with a third-party service provider to whom we provide ancillary services); and
- o Biometric data (used for identification purposes through your device).

#### Aggregate Data

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, we may aggregate Usage Data to identify general trends or values within an organisation (e.g. calculate the percentage of users accessing a specific functionality of the Portal or who may be experiencing certain issues (e.g. generic stress or anxiety). Whenever there is a re-identification risk relating to the usage of Aggregated Data (this is, when records from different sources can be easily combined allowing for a particular individual to be, direct or indirectly, identified or identifiable), that Aggregate Data will be treated as personal data and be processed in accordance with the terms of this Privacy Policy and the UK privacy legislation.

#### **4. HOW IS YOUR PERSONAL DATA COLLECTED?**

We use different methods to collect data from and about you including through:

- **Information you give us directly.**
  - o Information you provide us when you register to our Portal;
  - o Information you provide us when you use our Services (e.g. by filling in forms, taking part in surveys, going through our digital assessments including questionnaires and games);
  - o Information you provide us when you contact us about the Services (e.g. submit queries or complaints to us).
- **Automated technologies or interactions.**
  - o Tracking Technologies.
    - Web-behaviour: as you interact with our Portal, we may automatically collect technical data about your devices and web-behaviour (e.g. your browsing actions and patterns). We collect this personal data by using cookies, server logs and other similar technologies (such as web beacons, tags, scripts and device identifiers). If you reject any of these technologies, you may still use our Portal, but your ability to use some features of the Services may be limited. For more information, including the types of cookies found on the Portal and how to control them, please see our cookie policy in place from time to time.
- **Information we receive from third parties.**

- o Third party service providers (e.g. in the healthcare industry) ; and
- o Doctors, healthcare professionals, accredited hospitals, laboratories and clinics (for example, when you submit your saliva sample or undergo a treatment (including a fertility procedure) to a clinic or laboratory to which we provide ancillary services)
- o Any other service providers who facilitate the provision of the Services to you, such as IT, analytics providers, search information providers.

## 5. WHAT WE USE YOUR PERSONAL DATA FOR AND OUR LEGAL REASON FOR DOING SO

We will only use and share your personal data with third parties in the ways that are described in this Privacy Policy. This includes:

- To provide you with the Services (e.g. to generate reports containing the assessment of your general mental health, how this may affect your everyday life and what you can do to boost your wellbeing and state of mind);
- To enhance your user experience on the Portal (e.g. by providing personalised content and information and tracking your usage of our Services, to perform research and development activities, for example conducting data analysis in order to develop new or improve existing products and services, and performing quality control activities);
- To provide you with customer support (e.g. to answer your questions, investigate problems and complaints);
- To conduct surveys and request your feedback;
- To provide you with marketing communications.

We have also set out below the legal bases which we rely on to process your personal data, including special category data.

Most commonly, we will use your **usual personal information** on the following legal bases:

- Where we need to perform a contract we are about to enter or have entered into with you (this is, when you register with us and accept to take part in our 'Wellbeing Program');
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests;
  - o This means the interest of our business in conducting and managing our business to enable us to give you the best and most secure experience on our Portal. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us; or
- Where we need to comply with a legal or regulatory obligation to which we are subject to; or

- Where you have consented before the processing (for example, when we share the reports we generate for you with a third party service providers where our services are ancillary to their services) so that they can enhance the quality of their services and products);

In relation to **special category information**, we will process this on the following legal bases:

- It is necessary to the performance of a contract we are about to enter into or have entered with you;
- Where you have expressly consented before the processing, provided that without your consent or upon a consent withdrawal we may no longer be able to provide you with the Services; and
- It is in the public interest, in line with any laws that apply.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data.

## **Marketing**

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

### **Promotional offers from us**

We may use your usual personal data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased services from us and you have not opted out of receiving that marketing.

### **Third party marketing**

We will get your express opt-in consent before sharing your personal data with any third-party for commercial purposes.

### **Opting out**

You can ask us or third parties to stop sending you marketing messages, or to stop using your personal data for commercial purposes by logging into the platform and checking or unchecking relevant boxes to adjust your marketing preferences or by contacting us at any time.

Where you opt out of receiving these marketing messages or having your data used for commercial purposes, this will not apply to personal data provided to us as a result of Services.

## **Cookies**

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see our cookie policy in place from time to time.

## **Change of purpose**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **6. DISCLOSURES OF YOUR PERSONAL DATA**

We may share your personal data with the parties set out below for the purposes set out in section 5 above.

- Internal third parties, including Harper Medical Limited (company number 11331932) our holding company.
- External Third Parties, including:
  - o Partner labs and clinics that will process your saliva samples;
  - o the Clinic Healthcare service providers with whom we may share the reports or other information about you (e.g. saliva samples) on the basis that we provide ancillary services to their services;
  - o IT and system administration service providers;
  - o Mailchimp, who assist us with communication, advertising and marketing services; and
  - o Professional advisers acting as processors including lawyers, bankers, auditors and insurers;
  - o Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this Privacy Policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your Personal Data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **7. INTERNATIONAL TRANSFERS**

Some of our external third parties (e.g. Mailchimp) are based outside the UK so their processing of your personal data may involve a transfer of data outside the UK.

Whenever we transfer your personal data out of the UK, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data.
- Where we use certain service providers, we may use specific contracts approved for use in the UK which give personal data the same protection it has in the UK.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the UK.

## **8. DATA SECURITY**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions, and they are subject to a duty of confidentiality.

We also use industry standard security measures to encrypt personal data both when it is stored and when it is being transmitted to third party service providers.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **9. DATA RETENTION**

### **How long will you use my personal data for?**

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

By law we have to keep basic information about our customers for six years after they cease being customers for tax purposes.

In some circumstances you can ask us to delete your data: see '*Your Legal Rights*' section below for further information.

In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## 10. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data:

- **Request access to your personal data** (commonly known as "**data subject access request**"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction of your personal data.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing of your personal data.** This enables you to object us using your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios:
  - o If you want us to establish the data's accuracy.
  - o Where our use of the data is unlawful but you do not want us to erase it.
  - o Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
  - o You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request transfer of your personal data to you or to a third party.** We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Right to withdraw consent at any time where we are relying on consent to process your personal data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to



provide certain features of our Services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact the DPO at the contact details set out above.

### **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.