

# F&P SLEEPSTYLE™ PRIVACY POLICY

## GENERAL

Fisher & Paykel Healthcare Limited ("F&P", "us", "we" or "our") respects your concerns about privacy. This Privacy Policy is intended to provide you with information regarding how we collect, store, use and disclose the personal information you submit to us when accessing or using our mobile and/or web-based software application called F&P SleepStyle ("Application").

This Privacy Policy also informs you about your data protection and privacy rights, including how you may exercise such rights. Personal information is any information about an identified or identifiable individual (it does not include aggregate or anonymised information). For the purposes of this Privacy Policy, personal information also includes personal health information. Personal health information is personal information that relates to your physical/mental health and medical details, such as treatment information. Personal health information also includes information about the provision of healthcare services, which reveals information about your health status.

## COLLECTION OF INFORMATION

The Application collects your Information (defined below) actively and passively. When you choose to download or use the Application, we will request that you provide us with certain information (including personal information), such as your name, date of birth, email address, serial number of your F&P CPAP device or other F&P device ("Device") and details of your mask. You will also be asked to create a username and password to access your account in the Application. You are not obliged to provide us with the information requested. However, failure to do so may mean that we are unable to provide you with the Application or certain information or services we may offer via the Application.

After your Device is registered for use with the Application, if you consent, data relating to the usage of your Device and your therapy will be collected ("Device Information"). Device Information may also constitute sensitive personal information including personal health information and includes:

- times and dates of use of your Device;
- your Device's personalized settings;
- details of mask leak; and
- other sleep therapy information, including your sleep hours and your Apnoea Hypopnea Index (AHI).

Device Information may be collected by the Application by the transfer of data:

- from your Device to your mobile device;
- from a modem contained in or connected to your Device; or
- by other means applicable to your particular Device.

If you are an existing user of a Device, your healthcare provider, physician or sleep laboratory ("Provider") may already provide certain of your Device Information to us through a separate clinical monitoring application. This Device Information is uploaded by your Device or your Provider to that application only where you have consented to such collection and use. We may also collect Device Information from this source for the purposes of providing the Application (in addition to Device Information collected by the methods detailed above).

Like many other mobile applications, certain information may be passively collected using various technologies. For example, when you access the Application we may collect your Internet Protocol (IP) address, your mobile device ID and mobile device type by automated means.

## PURPOSES OF COLLECTION & USE OF YOUR INFORMATION

We will use your personal information, including Device Information (together, "Information"), for the purpose of providing you with the Application and any information or services we make available to you via the Application (or for purposes which are directly related to that purpose), namely:

- to create a unique user account on the Application;
- to allow you to review data relating to your usage of your Device and to provide you with educational material and information relating to your therapy;
- to maintain your account in the Application and manage and provide access to that account for you;
- to better understand your preferences and communicate with you based on those preferences through push notifications or other means (if you specifically consent to this);

- to reply to any queries you may have about our use of your Information;
- to perform data analytics to improve our products and services; and
- as otherwise authorised by you or permitted by law.

We will use your Information for the above purposes only if we have obtained your consent or if it is necessary in order to perform the F&P SleepStyle Terms and Conditions, which form an agreement between us and you, or if we have a legitimate interest to do so (including a legitimate interest in enforcing the F&P SleepStyle Terms and Conditions, and performing data analytics).

## STORAGE AND SECURITY OF YOUR INFORMATION

We may de-activate your account on the Application if there has been no user log-in to the account in over twelve (12) months or if you advise us that you no longer wish to use the account. To the extent permitted by applicable law, we will retain your personal information for as long as you are using your account on the Application and in any event for as long as necessary to provide you with the information or services we offer via the Application.

Depending on where you are located and the requirements of local law, your Information will be stored on dedicated servers located in the European Union or the United States that are operated by a third party service provider ("Service Provider"). The Service Provider strictly acts on our behalf and in accordance with our instructions and is not permitted to use Information uploaded into the Application for its own purposes

Information uploaded into the Application will be encrypted in transit and storage. We have also put into place contractual safeguards with the Service Provider to require them to take steps to ensure that your Information is kept safe.

Your data is protected using appropriate security standards. These standards are regularly reviewed and updated to ensure that we always use appropriate security measures.

If you are using the Application on your mobile device, certain Information may also be stored on this device, including:

- Your name, date of birth, e-mail address, serial number of your Device and details of your mask;
- Data relating to the usage of your Device and therapy, transferred from your Device or transferred from the servers associated with the Application; and
- Your username and password, if you choose to have the Application remember this information.

You should take appropriate steps to ensure that your mobile device or computer is secure by following any security practices recommended by your mobile device or operating system manufacturer.

## DISCLOSURE OF YOUR INFORMATION

Your Information will be disclosed to:

- duly authorised staff of F&P in New Zealand, who will process your Information for the purposes set out in this Privacy Policy on a need-to-know basis. If there are language differences which may impede communication, we may also share your personal data with other Fisher & Paykel Healthcare staff (for example in your country of residence) so that they can communicate with you; and
- third party service providers that we engage to provide us with services that are directly related to the Application and any information or services we offer via the Application. In such circumstances we ensure that appropriate protections are in place with such parties, including contractual safeguards, to require them to take steps to ensure that your Information is kept safe.

We will not disclose your personal information to any other third parties, except if:

- we are required or authorized by law to do so, for example if a court issues a subpoena;
- you have consented to the disclosure; or
- we believe we need to disclose information to protect our rights or property, or the rights or property of others, or to enforce this Privacy Policy or the F&P SleepStyle Terms and Conditions, or in the event of a sale of our business or a merger with another entity.

Your Information will not otherwise be shared with unrelated third parties, except as required or permitted by law. We will never sell your Information.

We may also disclose to third parties data which, although derived from your Information, is in an aggregated and anonymised form (so that you will not be personally identifiable from such data). We may do this in order to perform data analytics to improve our products and services or for commercial or business purposes that

are unrelated to the Application.

## CROSS BORDER TRANSFER

Your Information will be stored and processed at the locations where our third party Service Providers operate the dedicated servers (as set out in the section 'Storage and Security of your Information'). We may also transfer your Information outside of your country to our duly authorised staff in New Zealand for the purpose of operating the Application and providing you with the information or services we offer via the Application. All your Information may be transferred for these purposes. You agree to the transfer of your Information to countries outside of your residence.

## YOUR RIGHTS

Subject to applicable law in your country, you may have the right to 1) know what information is being collected about you, 2) access a copy of your personal information, 3) request deletion of your personal information, 4) know whether your personal information is sold or disclosed (and to whom), 4) opt out of the sale of your personal information, and 5) equal service and price, even if you exercise your privacy rights. If you wish to exercise any of these rights (to the extent applicable in your country), please contact us at [softwaresupport@fphcare.com](mailto:softwaresupport@fphcare.com) and provide a copy of your valid ID document (valid national ID card, driver's license or passport) with your request. We will comply with your request as soon as reasonably possible in compliance with applicable law.

You may also withdraw your consent to the collection of your Information at any time by 1) sending an e-mail to that effect to [softwaresupport@fphcare.com](mailto:softwaresupport@fphcare.com) and 2) turning off the Bluetooth function of your Device. If you do so, F&P will not further collect your Device Information via the SleepStyle Application. This will not affect the lawfulness of the use of your Device Information previously collected.

## WHAT IS THE PROCESS FOR COMPLAINING ABOUT A BREACH OF PRIVACY

If you believe that your privacy or rights have been breached, please contact us using the contact information below so that we can investigate it. You also have the right to lay a complaint with a privacy regulator.

If you complain to us about a breach of your privacy, we request that complaint be made in writing, so we can be sure about the details of the complaint.

We will treat your complaint confidentially, investigate your complaint and contact you in an effort to resolve your complaint within a reasonable time (and in any event within the time required by applicable laws, if applicable).

After we have completed our enquiries, we will contact you, usually in writing, to advise the outcome and invite a response to our conclusions about the complaint. If we receive a response from you, we will assess it and advise if we have changed our view. If you are unhappy with the outcome and our further response, you may still lay a complaint with a privacy regulator.

## CHANGES TO THIS PRIVACY POLICY

We may change or otherwise update this Privacy Policy from time to time. Such changes or updates are effective immediately after we give notice of the change or update, which we may do by posting on the Application and/or by any other means that provide reasonable notice and, where applicable law so requires, we obtain your consent.

## HOW TO CONTACT US

F&P has its registered office at 15 Maurice Paykel Place, East Tamaki, Auckland 2013, New Zealand. For full contact details of F&P or its representative in your country, please visit <https://www.fphcare.com/our-company/contact-us/fph-offices/>

If you have any questions or concerns about privacy matters relating to the Application, please contact our Data Protection Officer at [privacy@fphcare.com](mailto:privacy@fphcare.com)

This Privacy Policy was last updated by Fisher & Paykel Healthcare Limited effective from December 2018.