

Privacy policy Helpilepsy – Website and Application

Version 1.2 – 22 November 2018

New in this version

In this version, some updates were added for following reasons:

- Further comply with the privacy regulation
- Clarify our policy

No major changes were added:

- You still have the same rights.
- We still don't give or sell your personally identifiable data to third parties.
- The data is still your ownership and you can ask us to delete it when you want.

The specific changes:

- Article 1.3: Switching from the old Belgian law of 1992 to the new law of July 2018 in compliance with EU GDPR.
- Article 1.5: Detailing that if you are a user below the age of consent, you need the approval of a parent.
- Article 3.2: Scientific & statistical purpose: Clarified and reaffirming that no personally identifiable data will be shared with third parties.
- Article 4: We clarify the retention period: we contact you every 3 years if you haven't used Helpilepsy, to ask if you still wish us to retain your data.
- Other minor wording change, not impacting the policy (articles 3.4, 6.1).

For further questions, feel free to contact us at privacy@helpilepsy.com.

Article 1 – GENERAL TERMS

1.1 Your privacy is very important to us. This Privacy Policy (hereinafter "Privacy Policy") is created to inform you about how we treat your personal data, and how you can exercise control over that data. It defines your legal rights and obligations towards Helpilepsy.

Our Privacy Policy can be subject to future amendment and modification. In this event we will notify you with an invite to take a look at these changes, whom we will clearly indicate in the Privacy Policy.

1.2 Epione SPRL/ Helpilepsy, with registered offices in Belgium, Avenue Gustave Latinis 88, 1030 Schaerbeek, and registered at the CBE with number 0671.531.790, (hereinafter "Helpilepsy") and available via www.helpilepsy.com (hereinafter: the "Website"); takes responsibility for the processing of your personal data on the Application and Website as a "data controller".

1.3 The collection and processing of personal data is governed by strict conditions, enforced by the law. Helpilepsy acts in accordance with :

- i. the Belgian Privacy Law of 30 July 2018 on privacy protection in relation to the processing of personal data; and/or
- ii. the EU Regulation of 2016 concerning the protection of individuals with regards to the processing of personal data, regarding the free movement of such data and repealing Directive 95/46/EC;
- iii. and/or (iii) all (future) Belgian laws regarding the implementation of this Regulation; and/or
- iv. the Code of Conduct for mobile health applications.

1.4 This Privacy Policy is applicable, inter alia, to how we handle your personal data through our "Services" being the services offered, following and linked to our "Website" www.helpilepsy.com and the "Application", being the designated definition in this Privacy Policy for the following as a whole:

- i. The Helpilepsy Dashboard for Patient and Physician;
- ii. The Helpilepsy App; and

iii. The Helpilepsy Platform;

- 1.5 In case of use of Helpilepsy for someone under the legal age of consent, you need to have the authorisation of the tutor/parent before using Helpilepsy. Especially when sharing the Helpilepsy data with the physician, you need to be above legal age of consent or have the authorisation of the tutor/parent.

If you want to use our Services, we will first need your express approval (opt-in) of this Privacy Policy. This means you approve of how we collect, use and process your personal data.

You are not obliged to provide us with your personal data, however you must understand that we are not able to deliver you the Services in case you refuse to provide us with certain personal data.

Please note that you are also not obliged to install the Application. A Patients' refusal to install the Application will not have any impact on the quality of the treatment by their physician.

Article 2 – COLLECTED PERSONAL DATA

2.1 Data you communicate to us:

- Category 1 – Your user details:
 - information concerning your Helpilepsy user account, e.g. your username, profile picture, permissions, gender, e-mail address, language, time zone, birthday, ...
 - your contact information, e.g. your name, postal address, the hospital you're associated with (if you are a Physician), e-mail address, mobile number, ...; and
 - social media information: like your social media username(s), ...
- Category 2 – Your communications through our Services
 - information about the communication you had with Helpilepsy, or through the Application and/or Services, e.g. when you had a problem with the

Application and/or Services and asked for support, or when you communicate with your physician or Patient via the Application, ...

- Category 3 – Your health data:
 - information about your health conditions, and other health related information such as seizures, side effects, mood, medication, ...; and
 - upon your explicit and preliminary permission, health information from third party devices such as heart rate, step count, sleep analysis, weight, workouts, ...

- Category 4 – Your usage of our Services:
 - your usage data obtained by placing cookies (see our Cookie Policy)
 - information relating to more “technical” aspects of your use of the Application and/or Services, e.g. your IP-address (also without registration), which version of the App you use, ...

2.2 Helpilepsy can obtain personal data through different means:

- a. during your registration and use of our Application and/or Services;
- b. via your Patient, who referred you as their Physician
- c. by filling out questionnaires (for instance when you give us feedback, or when you use our Support function);
- d. via social media (for instance when you like, or contact us on Facebook)
- e. upon the connection of third party devices or services to Helpilepsy, such as Google Fit or Apple Health (but only when you have explicitly and preliminary gave consent).
- f. by placing cookies (see our Cookie policy);

Article 3 – PURPOSES OF THE PROCESSING OF DATA

We want to highlight that Helpilepsy collects and processes your personal information for one overarching goal, i.e. to offer you a safe, comfortable and personalized Helpilepsy-experience.

That being said, your personal data will only be processed for the following purposes:

3.1. General purposes (all categories 1 to 4):

- To maintain the safety of our Application and/or Services and improve them, as well as to create statistics based on the “legitimate interest” of Helpilepsy to improve the Application and/or Services;
- In order to manage your account on the Application and to make sure you can enjoy the Application and the services related to the Application fully, based on the execution of the agreement which you requested;
- In order to properly and easily address or notify you, or to be addressed by you. Also, to be able to follow up on your communication to us – all based on the execution of the agreement, which you requested;
- Health-related information (Category 3) will be processed by Helpilepsy, so you are able to use the Application and/or Services, based on the execution of our agreement; or in case the information was retrieved from third-party devices and services, upon your (explicit and preliminary) consent.

Before you connect these third-party devices and services to Helpilepsy, we suggest you take a look at their settings. Tools might be present to enable you to specify what kind of data Helpilepsy could access.

3.2. Scientific research and statistical purposes

Additionally, some of your personal data - including health-related information (categories 1 to 4), will be upon collection added to a special database.

Before we do this:

- Only for internal (scientific and statistical) further use: the data will be anonymized (= in no way you can be linked to the data ever again), or pseudonymized (= only with extra information can you be linked to the data again), depending on what is possible, or desirable – the latter taken from your perspective.
- For external use: the data will be anonymized (= in no way you can be linked to the data ever again). Helpilepsy chooses to do this because such a database will allow us (as well as other scientific institutions) to conduct further statistical and scientific research in compliance with Article 89 GDPR.

This database will not contain any personally identifiable data, and if we provide this data to third parties, Helpilepsy will make sure it is anonymized (e.g. the data must be sufficiently aggregated). This means that in no way you can ever be linked to this transferred data.

3.3. Direct marketing:

Your personal data (category 1 to 4); will only be used for direct marketing purposes if you give your explicit and preliminary consent. ("opt-in").

In case you have given your consent and you are added to Helpilepsy's direct mailing list, Helpilepsy may use your personal data to send you marketing material as well as other material relating to Helpilepsy, her products and/or services.

Helpilepsy can also transfer some of your personal data to her partners, for direct marketing purposes relating to Helpilepsy, her products and/or services.

This consent can be revoked at all times, for free and without motivation, by clicking the unsubscribe button below every promotional e-mail.

3.4. Transfer to sub-processors:

In order to process your personal data, we provide access to your personal data to some of our trusted employees.

Helpilepsy will also appeal to sub-processors in executing the agreement, to provide the requested service

- In order to communicate with you and provide you the means to communicate with your Patient/Physician
- In order to capture your opinion on our Application and/or Services
- In order to optimize your experience with our Application and/or Services
- In order to be easily addressed we work with social media channels
- In order to provide your medical institution with the data relating to the epilepsy treatment you are receiving

Yet, personal data is primarily processed for internal purposes within Helpilepsy.

Helpilepsy won't sell, let, hand out your personal data nor place them at disposal of third parties, except in the situations provided for in this policy, or unless your explicit and preliminary consent (also, see art. 3.2 and 3.3).

Helpilepsy has taken all legal and technical precautions to prevent unauthorized access and use.

We guarantee a similar level of protection by imposing contractual obligations to these sub-processors that are similar to this Privacy Policy and guarantee that the medical secrecy rules that protect patient medical data will at all times be respected.

In case of whole or partial reorganization or cession of Helpilepsy's activities, whereby Helpilepsy reorganizes, transfers, ceases her business activity or in case Helpilepsy goes bankrupt, your personal data may be transferred to new entities or third parties.

Helpilepsy will try, if reasonably possible, to inform you beforehand of the fact that Helpilepsy transfers your personal data to a third person. You must be aware that this is not always possible, because of what is realizable for Helpilepsy, whereas we also need to take technical and commercial reasons into account.

3.5. Legal requirements:

In extraordinary circumstances it may occur that Helpilepsy is obliged to transfer your personal data following a court order, or in order to comply with imperative laws and/or regulations. Helpilepsy will, if reasonably possible, try to inform you on beforehand, unless revealing this information is subject to legal constraints.

Article 4 – DURATION OF THE PROCESSING

We will store and process your personal data for the period we're legally obliged to do so, or for as long as this is essential for the purposes of the processing, or the contractual relationship between you and Helpilepsy.

Therefore, we keep a record of your data for as long as your account is active, or if your personal data is necessary to offer you a particular service. Additionally, in certain

circumstances we might retain a limited amount of information for the period it would be of vital importance to maintain the security of our Services.

You may at all times cease to

- use the Application and/or
- uninstall it and/or
- delete your account (in your settings).

If you delete your account, you will be given the choice whether you also wish us to delete any data that you asked us to back up. If you do wish us to delete your data, this means you are pursuing your right to erasure (see art. 5.2).

If you do not delete your account, Helpilepsy will keep the data you have backed up, as it contains medical information that could be important for you in the future. In that way, you can benefit from a back-up service, whilst not being an active user of other Helpilepsy Services – including but not limited to the Services as we defined above.

However, if you aren't using Helpilepsy anymore, we will contact you occasionally (= at least once every 3 years) to ask if you wish us to retain the data.

Should Helpilepsy cease to be able to keep your data, it will be sent to you in an electronic and commonly-used format.

Article 5 – YOUR RIGHTS

5.1. Right of access and right to obtain a copy

You have the right to freely obtain at any moment access to your personal data, as well as to be informed about the purpose of the processing by Helpilepsy. We would like to invite you to check our Terms of Use for some extra information on this topic.

5.2. Right to rectification, erasure or restriction

You have the choice to share your personal data with Helpilepsy.

You also have the right to request Helpilepsy to rectify your personal data. Please note that you can change your account information in the Application at any time on the "Settings-Account" pages.

You can also request the processing of your personal data to be restricted, if you think your data is inaccurate and you subsequently notified us about this.

Additionally, you have the right to request Helpilepsy to erase your data in as far as we were not able to anonymize it.

Yet, with regard to certain personal data provided by you, Helpilepsy is bound by certain legal obligations, pursuant to which Helpilepsy is not allowed to delete the information.

Also, if Helpilepsy cannot access, change or delete your data - e.g. because it is stored on your device – you should understand that we do not really have the time to come and stop by, so it will be up to you to undertake these actions yourself.

Furthermore, you acknowledge that a refusal to share data or a request to erase these data will make the delivery of several Helpilepsy services impossible.

5.3. Right to object

You have the right to object to the processing of your personal data when you have serious and legitimate reasons to do so.

You also have the right to object to the use of your personal data for purposes of direct marketing. In such case specific reasoning will not be requested.

5.4. Right to data portability

You have the right to obtain your personal data which is processed by Helpilepsy in a structured, commonly used format and/or to transfer this data to another data controller.

5.5. Right to withdraw consent

When the processing is based on prior consent you have the right to withdraw this consent.

5.6. Automated decisions and profiling

You have the right to request us not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you.

5.7. Exercising your rights

You can exercise your rights by contacting us with a copy of your ID as attachment,

either through e-mail to privacy@helpilepsy.com;

or by mail to,

Epione/ Helpilepsy SPRL,

Avenue Gustave Latinis 88,

B-1030 Schaerbeek.

5.8. Right to file a complaint

You have the right to file a complaint with the Belgian Data Protection Authority, which is the Lead Supervisory Authority of Helpilepsy:

Data Protection Authority

Drukpersstraat 35, 1000 Brussels,

Tel +32 (0)2 274 48 00, Fax +32 (0)2 274 48 35,

e-mail: [contact\(at\)apd-gba.be](mailto:contact(at)apd-gba.be)

However, you are always free to contact your own European or EU-vested authority thereto.

This does not affect a procedure before the civil court.

If you have suffered damages caused by the processing of your personal data, you can file a claim for damages.

Article 6 – SAFETY AND CONFIDENTIALITY

6.1. We have adopted safety measures which are suited on both a technical and an organisational level to avoid the destruction, the loss, the forgery, the adjustment,

the non-authorized access or the notification of the personal data by accident to a third party, as well as the non-authorized processing of these data. Nevertheless, if these events would occur and would affect your personal data, Helpilepsy will inform you of the breach without undue delay, including a summary description of the potential impact and a recommendation on measures to mitigate the possible adverse effects of the breach.

Helpilepsy has made sure to encrypt all communications concerning your health-related data. Also, the information on the Helpilepsy servers, in Frankfurt, Germany, with Amazon Web Services, can only be read by Helpilepsy and/or her team members and/or her employees in possession of the right key. The outside world cannot access this information.

- 6.2. Helpilepsy shall not be liable in any way for direct or indirect damages caused by a wrong or improper use of the personal data by a third party.
- 6.3. Please note that the automatic transfer of data to the Physician is only possible after the Patient has correctly made the link to the Physician through their mobile device. Doing this correctly, is the Patients' sole responsibility.
- 6.4. At the same time, you also share responsibility for maintaining the privacy and security of the Application and/or Services, for example: by not allowing any third party to use your personal Helpilepsy account on the Application and/or Services and avoiding all other non- authorized access to your login and access code. You are solely responsible for the use of the Application and/or Services on your devices, IP-address and identification data, as well as for its confidentiality.
- 6.5. In any case, you need to immediately notify Helpilepsy of any unauthorized use of your personal Account by sending an e-mail to privacy@helpilepsy.com .

Article 7 – APPLICABLE LAW AND JURISDICTION

This Privacy Policy is managed, interpreted and executed in accordance with Belgian law which exclusively applies to every potential dispute.

The courts and tribunals of Brussels have exclusive jurisdiction to settle any dispute arising out of or in connection to the interpretation or execution of the present Privacy Policy.