

Advance Medical Privacy Notice

This notice describes the privacy practices of ADVANCE MEDICAL, Inc. herein called “ADVANCE MEDICAL”. The notice also addresses how personal identifiable and protected health information about you may be collected, used, and disclosed, and how you can get access to this information. Please review it carefully.

Introduction

Advance Medical, Incorporated (“Advance Medical”) collects personal identifiable (PI) and depending on the services you are seeking, we may also collect personal protected health information (PHI).

Definition of Terms Used

- **PI** is personal identifiable data that does or can directly identify or trace you and includes information that should not be available to the public.
- **PHI** is protected health information such as medical records, images, notes or other information collected from your health care provider(s).
- **Sensitive information** is used to refer to both personal and protected health information simultaneously. PI and PHI will be used separately when the information pertains to one but not the other.
- **Data subject** refers to you if used. This is the individual eligible for **Advance Medical** services.
- **Representative** is used to refer to the individual authorized in writing, either by the data subject or as the appointed legal guardian to consent to and sign any documents on behalf of the data subject.
- Sensitive data collected is not shared for any purpose other than as outlined in this notice. The information is strictly used to render an Expert Medical Opinion for the benefit of the data subject.

Scope

Advance Medical operates globally and adheres to the principles, regulations, and policies regarding the collection, use, and retention of identifiable personal information (“PI”) and protected health information (“PHI”) provided by individuals protected under one or more of the following:

- **United States Health Insurance Portability and Accountability Act (HIPAA)** of 1996, Privacy and Security Rules. To learn more about HIPAA for Individuals, please visit <https://www.hhs.gov/hipaa/for-individuals/index.html>.
- EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States. **Advance Medical** has certified to the Department of Commerce it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>.
- **Madrid Resolution** (See: International Conference of Data Protection and Privacy Commissioners, Madrid, 5th November 2009).

General Policy, Fundamental Principles

- Commits compliance to laws and regulations specified in this document; and, to protecting the privacy of all sensitive information of **Advance Medical** data subjects.
- Lawfully and fairly processes sensitive information to protect and maintain its confidentiality, integrity, and availability always.
- Collects the minimum sensitive information to accomplish the intended purpose; and limits its use and disclosure to the specific purpose collected.
- Supports open, transparent privacy policies.
- Maintains policies and procedures on how sensitive information must be protected; and is compliant to various international regulations and best practice standards.
- Provides technical and procedural security measures to protect the confidentiality, integrity, and availability of data.

- Takes proactive measures to prevent and/or detect unauthorized access or use of data subject information by enforcement of policies, staff training, and privacy and security assessments and reviews.
- Makes available processes for data subjects to exercise their right to:
 - Ñ Access information regarding data about them and related processing and usage.
 - Ñ Correct incomplete, inaccurate, unnecessary, or excessive record created by **Advance Medical**. Medical record data received from an external source (health care provider or facility) can be deleted, but not altered by **Advance Medical**.
 - Ñ Request a report on when and why health information was shared.
 - Ñ Revoke consent or authorization.
 - Ñ File a complaint if the data subject or representative believes the data subject's rights are being denied or health information is not being protected.

What Data is Collected

PII may be provided by **Advance Medical's** client companies in an eligibility list of individuals or plan members who are pre-approved for **Advance Medical** services. The eligibility list typically contains only publicly available data. However, in the event the client provides other personal information, we advise the client companies on the secure methods we have in place to transport the data to **Advance Medical**.

When a client sponsor provides no list, information is obtained directly from you or your representative to initiate services. Contact is by telephone, email, or regular mail.

If your interest is in a service requiring information specific to your medical history, activation cannot begin until **Advance Medical** receives a completed consent form about you. The form must be signed by you, the data subject, or your representative. The consent form indicates that you authorize **Advance Medical** to collect your medical records and other data from your health care provider(s) or facility for reasons stated by you or your representative on the consent document.

How Data is Used

Advance Medical does not share data subject information for any purpose other than as defined in this privacy policy. Data is constrained to be relevant and reliable for the purpose it was collected when received from health care providers.

Advance Medical collects PHI when a data subject selects participation in the **Advance Medical** Expert Medical Opinion service. This information is used to create a medical case history, identify physician consultants to review your case, and to produce the Expert Medical Opinion Report.

You may revoke authorization of use and disclosure by **Advance Medical**. However, the revocation will affect no use or disclosure made prior to receiving your request or in transit during the request.

Disclosure of “Sensitive” Information

During Service Delivery

Advance Medical will make data available to you or your representative.

Advance Medical discloses your information to staff members based on the essential and relative function they perform. For example, individuals in our Communications Team will only have access to PII. Other staff members more directly involved in your case management (Physician Case Manager, Patient Services Coordinator, or a Records Administrator) will have access to your PHI. All staff members must sign a confidential agreement as part of their employment package.

A member of the **Advance Medical** service support team may contact you during the time you are receiving services, as part of the ongoing process or to follow-up with you after using the service. You may also be contacted if there is an opportunity to inform you about additional services of interest. Our contact will be by mail, email, or telephone.

Expert physicians also have access to your health information. The physicians participate in the service to provide you with an “Expert Medical Opinion” when you select this service. These physicians must comply with HIPAA regulations, and are under contract to **Advance Medical**. Although they receive your medical history, the information sent is de-identified. If you are participating in the Expert Medical Opinion service, you will never directly communicate with

our Expert physicians. All interaction and communication will be through your Physician Case Manager.

United States HIPAA Law

Advance Medical may have to disclose sensitive information to a duly empowered branch of the government in a country where the data subject is a citizen. **Advance Medical** must obtain your authorization or proof you have been informed by the requestor to fulfill the request to use or disclose your protected health information (PHI).

The HIPAA Privacy Rule may permit or require **Advance Medical** to use or disclose your sensitive information, without authorization.

- The Privacy Rule explicitly allows the use and disclosure of PHI for treatment, payment, and health care operations without authorization. Based on HIPAA definitions for treatment, payment, and health care operations, **Advance Medical** does not provide clinical or medical treatment for data subjects; does not require payment from you, the data subject; and does not operate as a health care facility.
- The United States Office of Civil Rights (“OCR”), as an enforcement agency, may need to look at how **Advance Medical** handles personal health information records. OCR is an independent reviewer of consumer concerns over HIPAA privacy violations. The Privacy Rule states, “Disclosure of information should be limited to what is pertinent to ascertain compliance.”
- PHI may be requested by court order, including the order of an administrative tribunal. However, only the information specifically described in the order may be disclosed; and **Advance Medical** must have evidence there were reasonable efforts taken to:
 - Ñ Notify the person who is the subject of the court order to allow the person to object to the disclosure, or,
 - Ñ Seek a qualified protective order for the information from the court.

For more information about your privacy and OCR please visit

<https://www.hhs.gov/ocr/index.html>.

EU/Swiss Privacy Shield

Advance Medical may be required under Privacy Shield to disclose personal information in response to lawful requests by public authorities, including to meet national security or law enforcement requirements. Please visit

<https://www.privacyshield.gov/article?id=16-Access-Requests-by-Public-Authorities>.

Non-U.S., non-EU/Swiss Citizens

Advance Medical may have to disclose sensitive information to a duly empowered branch of the government in a non-U.S. or non-EU/Swiss country where a data subject is a citizen. Prior to doing so, **Advance Medical** must obtain your authorization or proof you have been informed by the requestor, to fulfill the request for use or disclosure of your protected health information (PHI). We will always consider sending the minimum data to be compliant with the request.

Other Uses of Data

Advance Medical also may use your health information to review or evaluate the performance of our systems in providing the service to you and to improve the quality or timeliness of our services.

Advance Medical “de-identifies” information you provide. In doing so, any information that could identify you is removed (examples include your name, address, birth date, or other information that could, combined with another piece of data, identify you). This de-identified information could be used for quality improvement, research, client account, and other purposes. For example, **Advance Medical** could use this de-identified information to demonstrate the reliability of our information management systems or to generate medical research information.

Other uses or disclosures about your PHI may require your written authorization.

Data Integrity, Purpose Limitation, and Retention

Advance Medical retains and maintains PHI received from the data subject’s health care provider(s). When an Expert Medical Opinion case has been completed, information obtained from the health care provider(s) will be held electronically for two years and then destroyed by an acceptable method of secure destruction. You can update your information if you choose.

However, once a case is closed, it will typically not be reopened. Any future cases will be viewed as new. The data from the closed case should be available through your health care provider who originated and/or generated the information.

PII resulting from eligibility data received from client sponsor companies is retained and updated by the client until the relationship with **Advance Medical** ends or, otherwise, as defined in the contract. If there is no contract, language data will be retained for six (6) years after ending the contract.

The Expert Medical Opinion Report is void of PHI as a result of the **Advance Medical** de-identification process, but may be retained by **Advance Medical**, indefinitely.

The de-identified information could be used for quality improvement, research, and other purposes.

Notice

Everyone about whom **Advance Medical** collects PHI or PII (the data) is entitled to know of what data we are collecting, the usage and purpose of the data collected, the individual's ability to control that usage, and the retention period of that collected data.

A data subject's permission and signed consent must be obtained before **Advance Medical** initiates the process to collect, use, or disclose protected health information.

Advance Medical

- Protects the privacy and security of information about all data subject.
- Is committed to and abides by the terms of this privacy notice.
- Accommodates reasonable requests from data subjects to communicate health information by alternative means or at alternative locations, or to correct data subject information.
- Notifies data subjects if we cannot apply a requested restriction.
- Welcomes your feedback and will answer your questions about our privacy policy, commitments, and practices.

We reserve the right to change our practices and to make the new provisions effective for all PHI and PII we maintain. We will not use or disclose your health information without your authorization, except as described in this notice. If you have a question or would like a copy of this notice or would like additional information, please contact, in writing, Privacy Officer, c/o **Advance Medical**, 100 Lowder Brook Drive, Westwood, MA 02090.

Choice

Data subject sensitive information collected by **Advance Medical** is used only for the purpose for which it was originally collected. Any information received from your health care team of providers is treated as sensitive.

Advance Medical does not share your information with third parties for their business use but does use third party service providers to support our business operations. Individuals have the option to opt out of the collection and forward transfer of the data to third party service providers used by **Advance Medical**; however, this may preclude **Advance Medical** from rendering a service such as “Expert Medical Opinion”.

Any third parties handling data subject information acts as our agent to perform task(s) on behalf of and under the instructions of **Advance Medical**. These third parties are considered business associates and are bound by a signed Business Associate Agreement (BAA) contract.

Renowned expert medical doctors are provided your de-identified medical data to render an Expert Medical Opinion. They are covered by US HIPAA regulations, under contract to **Advance Medical**.

Accountability and Onward Transfer

We do not share PII or PHI with third parties other than those who are under a Business Associate Agreement (BAA) contract with **Advance Medical**. The BAA establishes the permitted and required uses and disclosures of PHI by the business associate performing activities or services for **Advance Medical** based on the relationship between the parties and the activities or services being performed by the business associate. The BAA also contractually requires the business associate to appropriately safeguard the PHI, including implementing the Security Rule.

Third party business associates acting as agents of **Advance Medical** include cloud service providers, which provide operational support for various functions:

- Platform as a Service (PaaS) to allow **Advance Medical** to develop, run, and manage applications.
- Software as a Service (SaaS), where the business associate hosts the **Advance Medical** application available to individuals to utilize over the internet.

- Desktop as a Service (DaaS), which is a virtual desktop infrastructure (VDI) for internal **Advance Medical** staff to carry out day-to-day operations and allows the implementation of increased security to protect data.

Access to your data is limited to the operations described. All activity is monitored. All providers are HIPAA compliant and Privacy Shield registered. No providers can utilize your data to conduct their business activities nor can they communicate with anyone other than **Advance Medical**. Should damage occur from the action of a third party acting as an **Advance Medical** agent, **Advance Medical** will remain liable for the damages if it can be proven the damages were not the fault of the business associate third party.

Security

Advance Medical takes reasonable measures to protect your information from loss, misuse, and unauthorized access, disclosure, alteration, and destruction throughout all stages of processing. **Advance Medical** follows best practice recommendations to ensure a secure operation and environment for your data.

Enforcement and Data Access

Individuals can access their stored information and correct or delete it if inaccurate. We safeguard the data with tested and certified technical and manual security controls. We educate our employees and service providers on our privacy policy, principles, and their roles and responsibilities in complying with them. We enforce remedial penalties for non-compliance.

Advance Medical takes reasonable measures to protect PHI and PII from loss, misuse, and unauthorized access, disclosure, alteration, and destruction, taking into account the risks involved in the processing and the nature of the personal data.

Access to **Advance Medical** sites are controlled and restricted to registered adult patients, parents, or guardians of minor patients, and our own staff.

Advance Medical has implemented manual, technical, physical, and electronic security controls to ensure that our systems and data are secure. These controls are continuously monitored and

upgraded as required by changing business processes, new threats, and updated security controls, as they become available.

Your Health Information Rights

-) Request a restriction on certain uses and disclosures of your information.
-) Obtain a paper copy of this privacy notice (information practices) upon request.
-) Inspect, copy, and amend completed medical records maintained by **Advance Medical**.
-) Obtain an accounting of disclosures of your health information.
-) Revoke your authorization to use or disclose health information, unless action has been taken.
-) You may request to receive confidential communications about your health information, such as having information sent to a specific address or via an alternative manner. In your request, specify how you would like us to communicate with you.
-) Depending on the request, a processing fee may be charged. If it is believed your request could cause you harm, we may advise you for your protection (i.e., used as part of a legal proceeding or in legal research).
-) Include the specific information you want changed, amended, or restricted.
-) If we deny your request, you will be notified of any denial within 60 days and will be given additional options or information.
-) You may file complaints about the possible violation of your privacy rights to **Advance Medical**. **Advance Medical** will not penalize you for making a complaint.

International Data Transfers

Advance Medical is committed to full compliance with the regulations of the exporting jurisdiction (country the data subject is a citizen of), the importing jurisdiction (where the processing, retention, and disclosures take place), and applicable global agreements between such governmental jurisdictions. **Advance Medical**'s operations in each importing jurisdiction have implemented measures to comply with exporting jurisdiction privacy regulations and laws.

Recourse, Enforcement, and Liability

North America

Advance Medical commits to resolving complaints about its collection or use of personal information. Individuals with inquiries or complaints should contact:

Advance Medical, Privacy Officer
100 Lowder Brook Drive, Suite 2200
Westwood, MA 02090

European Union and/or Swiss Privacy Shield

In compliance with the Privacy Shield Principles, **Advance Medical** commits to resolving complaints about our collection or use of personal information. EU and Swiss individuals with inquiries or complaints regarding our Privacy Shield policy should first contact **Advance Medical** at in writing at:

Advance Medical, Privacy Officer
100 Lowder Brook Drive, Suite 2200
Westwood, MA 02090

Advance Medical has further committed to refer unresolved Privacy Shield complaints to [JAMS](https://www.jamsadr.com/eu-us-privacy-shield), an alternative dispute resolution provider in the United States. If you do not receive timely acknowledgment of your complaint from us, or if we have not addressed your complaint to your satisfaction, please contact or visit **JAMS** (<https://www.jamsadr.com/eu-us-privacy-shield>) for more information or to file a complaint. The services of **JAMS** are provided at no cost to you.

An individual has the possibility, under certain conditions, to invoke binding arbitration for complaints regarding Privacy Shield compliance unresolved by the Privacy Shield mechanisms. Please see Annex I for additional information:

<https://www.privacyshield.gov/article?id=ANNEX-I-introduction>.

Advance Medical is subject to the regulatory powers of the Federal Trade Commission (FTC) over Privacy Shield. For additional information, please visit <https://www.ftc.gov/tips-advice/business-center/privacy-and-security/privacy-shield>.