

## MY COPESTM Platform Privacy Notice

Effective Date: September 30<sup>th</sup>, 2018

My COPESTM is powered by Virtual Health Partners, Inc. (“VHP,” “we,” or “us”), and provided in collaboration with Nestlé Healthcare Nutrition, Inc. (“Nestlé”), the creator of the COPE Program.

This Online Privacy Notice applies to information that VHP may obtain about you when you visit <http://mycopes.com> (the “Site”), and the My Copes landing page (collectively, the “Platform”). This Privacy Notice also describes how VHP may collect, use, or share information about you; your choices regarding our use of your information; the ways in which we safeguard the information we collect; and how you may contact us regarding our privacy practices.

### How We Collect Information

#### *Information You Provide*

We obtain information that you provide to us directly through the Site and/or the Platform. For example, we collect information you submit when you [register on the Platform](#) or [contact us](#), including details regarding your health history, your height, weight, body mass index, birthday, and medical conditions. The information we collect from you may include personal information, which is information that can be used to identify you individually, such as your name, email address, or telephone number.

If you choose to link an activity tracker (such as a Fitbit, a mobile pedometer, or other fitness apps) to your account on the Platform, we may obtain information about you that is collected by the activity tracker(s), such as statistics regarding your mobility, exercise habits, and other personal information that you may allow those devices to collect. Similarly, if you choose to link a Bluetooth-enabled device (such as a scale or blood pressure cuff) to the Platform, we may obtain information about you that is measured or otherwise collected by those devices.

#### *Information Collected Automatically*

In addition to information you submit to us, we may collect certain information using automated tools such as cookies, web beacons, and web server logs. The types of information we collect automatically may include IP addresses, device identifiers, browser characteristics, operating system details, language preferences, referring URLs, length of visits, and pages viewed.

We may combine certain automatically-collected information with other information we obtain about you, which may include data we obtain from third parties.

Information about your use of the Site and the services available through the Platform and other websites may be collected across time, devices, and websites, and used for various purposes including to associate different devices you use and to deliver relevant and/or retargeted content.

#### *Information We Obtain From Your Healthcare Provider, Partners and Other Sources*

In connection with your use of the Platform, we also may obtain information about you from other sources (including, for example, from your COPE Provider) and combine that information with information you provide to us directly or that we collect automatically through the Site and/or the Platform.

### *Data Analytics*

We use certain third-party web analytics services, such as Google Analytics to help us understand our visitors and analyze how they use the Site and/or the Platform. For further information about how Google may use data it collects in this manner you may [click here](#), or [click here](#) to learn more about opting out of Google Analytics data collection.

Your web browser may have settings that allow you to transmit a “Do Not Track” signal when you visit various websites or use online services. Like many websites, this Site is not designed to respond to “Do Not Track” signals received from browsers. To learn more about “Do Not Track” signals, you may wish to visit <http://www.allaboutdnt.com/>.

### **How We Use Your Information**

We may use the information we collect about you for various purposes, including to:

- Personalize and improve your online experience;
- Help you execute your wellness and/or weight loss management plan;
- Permit your physician, other healthcare provider, or wellness provider to obtain reports about your progress;
- Respond to emails or other requests for support, inquiries, comments, or questions;
- Provide you with offers tailored to your interests and past activities on the Site and/or the Platform;
- Monitor and analyze trends, usage, and activities of visitors and users;
- Improve the Site and/or the Platform, our marketing, and other products or services we may offer;
- Contact you regarding your use of the Site and/or the Platform or, in our discretion, changes to our policies;
- Verify and/or authenticate a registered user’s identity;
- Comply with applicable laws, regulations, or legal process as well as industry standards and our company policies;
- Prevent, investigate, identify, or take any other action with regard to any suspected or actual fraudulent or illegal activity or any activity that violates our Terms of Use; or
- For any other purpose, with your consent.

We also may use the information we obtain about you in other ways, in which case we will notify you at the time of collection.

In addition, we use information collected online through cookies, web beacons, and other automated tools for purposes such as recognizing your device online, tracking your activity as you navigate the Site and/or the Platform, or analyzing your use of the Site and/or the Platform. This information may be used to track your activity over time on various websites and services, as well as across different devices you may use to access the Internet.

### **How We May Share Your Information**

We may permit our agents, vendors, consultants, and other service providers to access information we collect about you through the Site and/or the Platform to carry out work on our behalf. These third-party service providers use the personal information to which they have access to fulfill the purposes for which we shared that information.

We also may share your information:

- If we are required to do so by law, regulation, or legal process (such as in response to a subpoena or court order or similar government request for information);
- To respond to requests by government agencies, including law enforcement authorities;
- When we believe disclosure is necessary or appropriate to prevent physical harm or financial loss, or in connection with an investigation of suspected or actual illegal activity;
- To enforce our policies, or to protect legal rights, property, or safety;
- With third parties, to investigate or address possible criminal or fraudulent activity; or
- In the event of a joint venture, partnership, merger, or other collaboration with another organization.

We reserve the right to transfer any information we obtain through the Site and/or the Platform in the event we sell or transfer all or a portion of our business or assets (e.g., further to a merger, reorganization, liquidation, or any other business transaction, including negotiations of such transactions).

### **Information Nestlé May Obtain**

As the operator of this Site, VHP may collect, use, and share information about you as described in this Privacy Notice. Nestlé, the owner of the COPES Program and related products, does not collect, request or obtain Protected Health Information (as that term is defined in the Health Insurance Portability and Accountability Act of 1996) relating to visitors to this Site or users of the Platform; nor does VHP provide Nestlé with Protected Health Information about you that VHP obtains through the Site and/or the Platform.

VHP may share certain de-identified, aggregated statistical data about visitors to this Site and users of this Platform with Nestlé, to help Nestlé understand how many people visit the site, and how these visitors navigate the Site and their respective statistics. Nestlé cannot identify any individual person from the data VHP may provide for these purposes.

### **Information Security**

We maintain appropriate administrative, technical, and physical safeguards designed to help protect personal information collected or received through the Site and/or the Platform. Although we use reasonable efforts to safeguard information, transmission via the Internet is not completely secure and we cannot guarantee the security of your information submitted online.

### **Links to Other Websites**

We may provide links to other websites or services for your convenience and information. Websites that are operated by entities not affiliated with VHP or Nestlé may have their own privacy policies or notices, which we strongly suggest you review. VHP or Nestlé are not responsible for the content or privacy practices of any linked websites that we do not control.

### **Platform Support Groups and Online Forums**

The Platform features forums, including online support groups and virtual semi-private group fitness classes (collectively, the “Forums”), that allow registered users to communicate with one another through online audio conferencing. When you voluntarily elect to participate in a Forum, your account information and records will be available to the moderator of the Forum, but not to the other participants. Your identity will not be disclosed to your fellow users in the Forum unless you choose to

disclose that information yourself. Please note, however, that your voice and words will be audible to all participants in the Forum. Accordingly, any information you share in this context will be available to your fellow users, who may not adhere to this Privacy Notice and could disclose the information you share to unknown third parties. You should think carefully about whether you wish to disclose information that may identify you when you participate in a Forum. Please be aware that even if you do not say your name, sharing certain details about yourself may make it possible for others to deduce your identity.

### **Social Features**

The Site may include features that are designed to permit interactions that you initiate between the Site and third-party websites or services, including third-party social networks (“Social Features”). An example of a Social Feature is enabling you to “like” or “share” content on other websites or services.

If you use Social Features on the Site, both VHP and the third-party services that operate those Social Features may have access to certain information about you and your use of both this Site and theirs. The information we collect in connection with your use of Social Features is subject to this Privacy Notice. The information collected and stored by the third parties remains subject to those third parties’ privacy practices, including whether the third parties continue to share information with us, the types of information shared, and your choices with regard to what is visible to others on those third-party websites or services.

### **Children’s Privacy**

This Site is not intended for, nor targeted to, children under 13, and we do not knowingly or intentionally collect information from children under 13. If we learn that we have received information directly from a child who is under the age of 13, we will delete the information in accordance with applicable law.

### **California Privacy Rights**

California law permits customers in California to request certain details about how their “personal information” (as defined by California Civil Code Section 1798.83) is shared with third parties for direct marketing purposes. We may from time to time elect to share such personal information about you with third parties for those third parties’ direct marketing purposes. California residents who have supplied personal information to us may request a list of the categories of personal information shared and the names and addresses of the third parties that received such personal information for their direct marketing purposes during the preceding calendar year (e.g., requests made in 2017 will yield information about 2016 sharing activities). To make a request, please provide sufficient information for us to determine if this applies to you, attest to the fact that you are a California resident, and provide your current California address to which we will send our response. You may make the request by contacting us at [privacy@mycopes.com](mailto:privacy@mycopes.com) or by postal mail sent to:

Virtual Health Partners  
Attention: California Privacy Inquiry / My COPES Privacy Inquiry  
160 East 19<sup>th</sup> Street  
New York, New York 10003

Your inquiry must specify “California Privacy Rights Request” in the subject line of the email or the first line of the letter, and include your name, street address, city, state, and ZIP code. Please note that we are only required to respond to one request per customer each year.

## **Your Choices**

You may unsubscribe from receiving promotional emails from us by following the instructions provided in those email communications. Please note that even if you opt out of receiving promotional communications from us, we may continue to send you non-promotional emails, such as communications regarding our ongoing relationship with you.

Many web browsers provide options to allow you to stop accepting new cookies, or to disable existing cookies. Please be aware that if you disable the cookies on your device, you may not be able to use certain features of the Platform or other websites. In addition, disabling cookies may invalidate opt outs that use cookies to recognize devices that have opted out.

## **Information for Users Outside the United States**

If you are visiting us from outside the United States, please be aware that information we collect will be transferred to and stored on our servers in the United States. By using the Site and/or the Platform, you acknowledge and consent to the transfer and processing of your personal data in the United States as described in this Privacy Notice. Please be aware that the data protection laws and regulations applicable to your personal data transferred to the United States may be different from the laws in your country of residence.

## **Changes to this Privacy Notice**

We may change this Privacy Notice from time to time. If we make changes, we will notify you by revising the date at the top of this Privacy Notice. We encourage you to review this Privacy Notice whenever you visit the Site to stay informed about our information practices.

## **How to Contact Us**

If you have questions regarding this Privacy Notice you may email us at [privacy@mycopes.com](mailto:privacy@mycopes.com) or write to us at:

Virtual Health Partners  
Attention: My COPES Privacy Inquiry  
160 East 19th Street  
New York, New York 10003