

# Privacy Policy of the “PurpleCare” Digital Solution

Version in force 20th January 2021

The digital solution called "PurpleCare" is made of a Mobile Application and the Full Web interface (hereinafter the "Digital Solution") is published by DHYGEE (hereinafter "DHYGEE").

DHYGEE takes privacy and the protection of personal data very seriously. For this reason, DHYGEE, as controller, is committed to protecting the privacy and personal data of Users in accordance with legal requirements and in particular Regulation No. 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (hereinafter "General Data Protection Regulations" or "DPRR") and Act No. 78-17 of 6 January 1978 on data processing, to files and freedoms (known as the "Data Protection Act"), (together the "Applicable Regulations").

DHYGEE can be contacted by e-mail at the following address: [contact@dhygee.com](mailto:contact@dhygee.com)

The purpose of this privacy policy (hereinafter the "Privacy Policy") is to inform Users of the Digital Solution as fully as possible of how DHYGEE protects the personal data it collects in connection with the download and/or the use of the Digital Solution and of the commitments made by DHYGEE to ensure that Users' personal data are respected.

By providing personal data in connection with the use of the Digital Solution, the User acknowledges that he/she has read the terms of this Privacy Policy

Capitalised terms not defined herein have the meanings given to them in the General Terms and Conditions

## 1. WHAT IS THE SCOPE OF THIS PRIVACY POLICY?

The Privacy Policy applies to any natural person over the age of majority or any legal representant for all person minor or not in the ability to use the app, is registered and has a valid account for the Digital Solution (hereinafter referred to as the "User(s)").

When the User uses the Mobile Application of the Digital Solution for remote medical monitoring purposes, as defined by applicable regulations, allowing Users who have expressly consented to this additional device to share data concerning it with the user of the Full Web interface (usually their doctor or healthcare professional).

DHYGEE invites users of the Mobile Application version to contact their doctor or healthcare professional for information on the treatments they have implemented.

DHYGEE cannot be held responsible for a breach of the Applicable Regulations by any of the physicians or health professionals.

Physicians or healthcare professionals who use DHYGEE Services for remote monitoring purposes are not subject to this Privacy Policy.

## 2. IN WHAT CONTEXT DOES DHYGEE COLLECT USERS' PERSONAL DATA?

DHYGEE processes the personal data of the Digital Solution Users in the following situations:

- When creating and managing the User Account on the Digital Solution;
- When using the Services offered on the Digital Solution;
- When pairing a connected device and/or a third-party application with the Digital Solution;
- When the User contacts DHYGEE's customer service or any other point of contact (e-mail, chat, telephone).

### 3. WHAT ARE THE PURPOSES OF DHYGEE WHEN IT COLLECTS USERS' PERSONAL DATA? WHAT IS THE LEGAL BASIS FOR JUSTIFYING THE PROCESSING?

As the controller, DHYGEE collects Users' personal data in a lawful, fair and transparent manner. The main purpose of collecting personal data is to provide the Services by providing Users with a safe, optimal, efficient and personalized experience.

The purpose of the table below is to inform the User:

- of the different categories of personal data collected by DHYGEE,
- of the use made by DHYGEE of these personal data and
- of the legal basis and exceptions allowing the processing to be justified and therefore to make it lawful and fair.

The information that the User must fill in when creating his account in order to benefit from the Services is indicated by means of an asterisk.

<b>What personal data is DHYGEE likely to hold on the User?</b>	<b>How does DHYGEE use this data?</b>	<b>On what legal basis and/or exception does the processing of personal data and sensitive data take place?</b>
The identity of the Mobile Application User*: first name, last name, date of birth, gender, profile picture, The User's contact details: e-mail address, city and country	Manage the procedure for creating the User account, the connection process to the Digital Solution and more generally the User account	These processing operations are necessary for the execution of the contract between DHYGEE and the User, i.e. they are necessary to provide the User with the service offered by DHYGEE
The User's contact details e-mail address, telephone number	Help the user in case of loss of password or account ID. Also advise the user of the launch of new services.	This processing is necessary to pursue DHYGEE's legitimate interests, in order to promote its Services, understand their effectiveness, and ensure that the User receives the most appropriate experience. The processing thus benefits both the User and DHYGEE without infringing the interests, rights and fundamental freedoms of the Users.  Whenever required by Applicable Regulations, DHYGEE collects the consent of the User, who may revoke it at any time by sending an email to the following email address: <a href="mailto:withdrawconsent@purplecare.eu">withdrawconsent@purplecare.eu</a>

<p>The User's health data relating to his or her condition as entered on the Mobile Application*: his or her type of epilepsy the year of diagnosis of the epilepsy, whether or not he or she takes medication, the change of dose of medication. The number and the type of seizures. The side effects due to medication intake. The height and weight. Seizure's videos. Emergency protocol.</p> <p>The User's daily activity that may influence his epilepsy, including information on his diet (composition and meal times, illustrative photographs) and information on his physical activity (type of activity and duration).</p>	<p>Allow Users to import, inform, centralize, consult and manage Monitoring Data, Generate reports</p>	<p>These processing operations are necessary for the execution of the contract between DHYGEE and the User, i.e. they are necessary to provide the User with the service offered by DHYGEE</p> <p>Nevertheless, to the extent that health data is data to which the Applicable Regulations attach particular importance and protection, DHYGEE must rely on one of the exceptions provided by the Applicable Regulations to be able to process this type of data.</p> <p>For this reason, DHYGEE asks the User for his or her consent to process this data when the User uses the Mobile Application for epilepsy self-care purposes.</p> <p>The User may withdraw his consent at any time by deleting his health data directly on his profile or by contacting DHYGEE at the following e-mail address: <a href="mailto:withdrawconsent@purplecare.eu">withdrawconsent@purplecare.eu</a></p> <p>However, DHYGEE draws the User's attention to the fact that he/she will not be able to benefit from all the Services if the User's health data cannot be processed.</p> <p>When the User uses the Mobile Application for remote monitoring purposes, monitoring epilepsy with a doctor or healthcare professional, the User's consent is not required to the extent that the Mobile Application is used by the User as part of a medical remote monitoring device.</p>
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<p>User Content data available on the User's personal profile when using the functionalities of the telemedicine system: textual, visual, sound and video content</p>	<p>Provide Users with a telemedicine system on which they can interact with their validated and registered Full Web interface users (healthcare professional).</p>	<p>This processing is necessary for the execution of the contract between DHYGEE and the User, i.e. they are necessary to provide the User with the service offered by DHYGEE.</p> <p>For the use of the Mobile Application is the sharing of this data is not mandatory.</p> <p>Should the User of the Mobile Application be willing to share textual, visual, sound and video content for telemedicine purposes, none of these data are available to Dhygee.</p> <p>Only the User of the Full Web interface approved by the Mobile Application User can have access to these data.</p>
<p>Data relating to the device used to use the Mobile Application: technical information concerning the characteristics and operating data of the User's device, the operator, the operating system, the IP address</p>	<p>Manage the Mobile Application and its operational functions, improve and develop new functionalities based on usage, optimize the display on the Mobile Application according to the preferences chosen by the User</p>	<p>These processing operations are necessary for the pursuit of DHYGEE's legitimate interests (economic interests) in order to ensure that it offers the User a Mobile Application that functions correctly, to solve any technical problems, and to ensure the protection and security of the Mobile Application. The processing thus benefits both the User and DHYGEE without infringing the interests, rights and fundamental freedoms of the Users.</p>
<p>Logs for connecting to the Mobile Application and tags corresponding to the use of each of the Mobile Application's functionalities</p>	<p>Manage the Mobile Application and its operational functions, improve and develop new functionalities based on usage, optimize the display on the Mobile Application according to the preferences chosen by the User</p>	<p>Some of these processing operations are necessary for the performance of the contract between DHYGEE and the User, i.e. they are necessary to provide the User with the service offered by DHYGEE and others are necessary for the pursuit of DHYGEE's legitimate interests (economic interests) in order to ensure that the User is offered a Mobile Application that functions correctly, to solve any technical problems, to ensure the protection and security of the Mobile Application. The processing thus benefits both the User and DHYGEE without infringing the interests, rights and fundamental freedoms of the Users.</p>

<p>Mobile Application User identification data: name, first name, date of birth and email address</p>	<p>Dhygee has implemented a pseudonymisation of these data through a 128bit encryption key. This key is in the hand of a third independent party.</p>	<p>Only the age, generated by the automatic treatment of the date of birth will be accessible to Dhygee for analysis purposes. These data can be made visible for the following case. In this case a trackability we be put in place:</p> <ul style="list-style-type: none"> <li>• Request from the authorities</li> <li>• Request from the user to delete his account.</li> <li>• Request from the user to rectify the data in his account.</li> <li>• Request from the user to data portability.</li> <li>• Request to access his data</li> </ul>
<p>The identity of Web Interface User*: first name, last name, medical practice location, medical practice institution, : e-mail address, city and country The profile picture, remote consultation hour, biographie</p>	<p>Manage the procedure for creating the User account, the connection process to the Digital Solution and more generally the User account</p>	<p>These processing operations are necessary for the execution of the contract between DHYGEE and the User, i.e. they are necessary to provide the User with the service offered by DHYGEE. This will also allow the Mobile Application User, that will have authorised sharing of his personal information, to have better relationship the Web Interface User</p>
<p>Web Interface User data: name, first name, working place and email address</p>	<p>Dhygee has implemented a pseudonymisation of these data through a 128bit encryption key. This key is in the hand of a third independent party.</p> <p>When creating his account and for medical and scientific purposes the Web Interface User can share this information with Dhygee</p>	<p>Only the age, generated by the automatic treatment of the date of birth will be accessible to Dhygee for analysis purposes. These data can be made visible for the following case. In this case a trackability we be put in place:</p> <ul style="list-style-type: none"> <li>• Request from the authorities</li> <li>• Request from the user to delete his account.</li> <li>• Request from the user to rectify the data in his account.</li> <li>• Request from the user to data portability.</li> </ul> <p>Request to access his data</p> <p>Should the Web Interface User decide to share the data with Dhygee, the data will still be encrypted in the data base but made visible to Dhygee.</p>

#### 4. HOW LONG DOES DHYGEE KEEP USERS' PERSONAL DATA?

Generally applicable retention periods

DHYGEE keeps personal data for the duration of the activation of the User's personal account. The User has the possibility to close his personal space at any time by sending an email request to DHYGEE at the following address: [withdrawconsent@purplecare.eu](mailto:withdrawconsent@purplecare.eu).

**If the User uses the Mobile Application for remote medical monitoring purposes with the intervention of a doctor or healthcare professional**

DHYGEE will keep the User's personal data for a period of 12 months from the closure of the User's account in order to enable the healthcare professional to retrieve the User's health data and to ensure his or her medical follow-up without using the Mobile Application. Or in case of control made by relevant authorities on a liable motivated request. Once this 12-month period has elapsed, DHYGEE will archive this data, on a distinct data base, for a period of 10 years from the day the User wishes to delete his personal account.

**If the User uses the Mobile Application for self-monitoring of his epilepsy**

DHYGEE will permanently delete its personal data from the active database when it deactivates its personal account. DHYGEE reserves the right to archive this data for a period of 5 years from the date of the request to delete the User's personal account in a separate archive database.

**In the event of inactivity of the account for a period of 2 years**

The User's personal data will be automatically deleted.

**If the User uses the Web Interface with a connexion to Mobile Application User account**

DHYGEE will keep the User's personal data for a period of 12 months from the closure of the User's account in case of control made by relevant authorities on a liable motivated request. Once this 12-month period has elapsed, DHYGEE will archive this data for a period of 10 years from the day the User wishes to delete his personal account on a distinct data base.

**In the event of inactivity Web Interface User account for a period of 2 years**

The User's personal data will be automatically deleted. DHYGEE reserves the right to store the data for a period of 5 years on a specific data base from the day the User wishes to delete his personal.

**In the event of a dispute**

DHYGEE reserves the right to keep any data that may be useful to it for the duration of the dispute and then place them in a separate archive database for a period of 5 years after all legal remedies have been exhausted.

## Specific retention periods for certain types of personal data

Data relating to the geolocation of Users are not kept by DHYGEE.

The raw attendance data associated with the User ID is stored for a period of 13 months. Data relating to Users' IP addresses are also stored for 13 months from the User's first connection to the Mobile Application. Users' other login data is kept for a period of 6 months.

## 5. CAN DHYGEE USE USERS' PERSONAL DATA FOR SCIENTIFIC RESEARCH PURPOSE?

DHYGEE reserves the right to process and share Users' personal data in anonymous form for scientific research purposes. DHYGEE undertakes that this further processing will comply with the provisions of the Applicable Regulations and will not be used to make decisions with regard to the persons concerned. The data resulting from these processing operations stored by DHYGEE may only be accessed or modified by authorised persons who comply with the rules of professional ethics applicable to their sectors of activity. These data may not be disseminated without prior anonymisation unless dissemination in non-anonymised format is absolutely necessary for its presentation.

## 6. WHAT ARE THE RIGHTS OF USERS TO THEIR PERSONAL DATA?

In accordance with the Applicable Regulations, the User has the following rights over his personal data:

- **A right to information:**

the User has the right to obtain clear, transparent, understandable and easily accessible information on how DHYGEE uses its personal data and on its rights. That is why DHYGEE has written this Privacy Policy.

- **A right of access:**

the User has the right to access the personal data held by DHYGEE about him/her (provided that the request is not manifestly unfounded or excessive, in particular because of its repetitive nature), and to obtain a copy.

- **A right of rectification:**

The User has the right to demand that his personal data be rectified if they are inaccurate or outdated and/or that they be completed if they are incomplete (provided that the request is not manifestly unfounded or excessive, in particular because of its repetitive nature).

- **A right to erasure:**

In certain cases, the User has the right to obtain the erasure or deletion of his personal data. This is not an absolute right, as DHYGEE may be required to retain the User's personal data for legal or legitimate reasons.

- **A right to limit processing:**

The User has the right to request that the processing of his personal data be limited, so that DHYGEE can keep this data, but may not use or process it. This right applies in special circumstances, namely:

- In cases where the accuracy of personal data is contested by the User. The processing is then limited for a period of time allowing DHYGEE to verify the accuracy of the personal data;
- In cases where the processing is unlawful and the User objects to their deletion and instead demands the limitation of their use;

- In cases where DHYGEE no longer needs the personal data for processing but they are still necessary for the User to establish, exercise or defend legal claims;
  - In cases where the User has objected to the processing based on the legitimate interests pursued by DHYGEE during the verification as to whether the legitimate grounds pursued by DHYGEE prevail over those of the data subject or not.
- **A right to object to the processing of its personal data when the processing is based on DHYGEE's legitimate interest (see above the table in Section 3 to identify such processing and data):**

The User may at any time object to the processing of his personal data for reasons relating to his particular situation, unless DHYGEE asserts legitimate and compelling reasons for processing such data which prevail over the interests, rights and freedoms of the User or when such data are necessary for the establishment, exercise or defence of a legal claim.

- **A right to object to direct commercial prospecting:**

The User may, at any time, unsubscribe or object to the receipt of commercial prospecting messages from DHYGEE. Simply send a message to the following email address: [contact@dhygee.com](mailto:contact@dhygee.com)

- **A right to withdraw consent at any time for data processing based on consent or where consent is required to process health data (see above the table in Section 3 to identify such processing and data):**

The User may, at any time, withdraw consent to the processing of his data if such processing is based on consent or if consent has been obtained to process health data. The withdrawal of such consent shall not affect the lawfulness of the processing operation based on the consent given before its withdrawal.

- **A right to data portability:**

The User has the right to receive the personal data concerning him/her, which he/she has provided to DHYGEE and which are present in the DHYGEE database, in a structured format, commonly used and machine-readable. This applies only to data that the User has provided directly or indirectly, where the processing is based on the consent of the User or the performance of a contract (see above the table in Section 3 to identify such processing and data) and it is carried out by means of automated processes.

- **A right to define special guidelines for the storage, erasure and communication of your personal data after his death.**
- **A right to file a complaint with a supervisory authority:**

The User has the right to file and file a complaint with the data protection authority of his country to challenge DHYGEE's practices in terms of personal data protection and privacy.

The User may, at any time, exercise the rights mentioned by sending a request to the following e-mail address [withdrawconsent@purplecare.eu](mailto:withdrawconsent@purplecare.eu) or to the following postal address: DHYGEE SA, c/o Mazars SA, Rue de la Jeunesse 1, 2800 Delémont - CH.

## 7. WHAT ARE THE USER'S DUTIES WITH REGARD TO THE PROTECTION OF PERSONAL DATA?

The User undertakes to ensure, as far as necessary, that the personal data concerning him/her is updated. The User also undertakes to ensure that the personal data concerning him/her is accurate, complete and sincere.

## 8. WHO ARE THE RECIPIENTS OF THE USERS' PERSONAL DATA?

DHYGEE undertakes to store all personal data collected via the Mobile Application and to share them only under certain circumstances and in accordance with the provisions of the Applicable Regulations.

- **The communication of Users' personal data to DHYGEE employees:**

Some of the Users' personal data is accessible to DHYGEE employees if they need to have access to it for the purposes mentioned, i.e. to provide the Services to the Users in an appropriate manner. DHYGEE's internal departments that may have access to Users' personal data include the IT department, the technical support department and the medico-marketing department.

- **The communication of Users' personal data to doctors or health professionals:**

The Mobile Application allows the doctor or other healthcare professional who is a member of the DHYGEE program and expressly authorized by the User to access and consult the User's data contained in his User Account, to interpret such data remotely and, if necessary, to make decisions relating to the medical care of this User

The User may at any time change the identity of the doctors or healthcare professionals who have access to this data.

- **The communication of Users' personal data to third party service providers:**

In particular, DHYGEE may provide access to Users' personal data to third party service providers, acting as subcontractors to perform services related to the Mobile Application, including hosting, storage, analysis, communication, data processing, database management and computer maintenance services. These service providers act only on instructions from DHYGEE and will only have access to Users' personal data to perform the above-mentioned services and will be bound by the same security and confidentiality obligations as DHYGEE.

In addition, the User's personal data may be shared with third parties for the following reasons:

- In the context of scientific research with duly authorized persons who respect the rules of ethics applicable to their sectors of activity. Only data in anonymised form are transmitted to them;
- In the context of a merger, acquisition or sale of all or part of the company's assets, of which the User acknowledges having been informed;
- In response to judicial or administrative proceedings of any kind or law enforcement measures requested by the competent authorities;
- To comply with legal obligations, to protect the rights and/or safety of an individual, to protect DHYGEE's rights and property, including the need to comply with this

Privacy Policy and the Terms and Conditions of Use, and to prevent fraud, security or technical problems.

## 9. ARE USER DATA TRANSFERRED TO COUNTRIES OUTSIDE THE EUROPEAN UNION AREA?

In order to provide you with better quality Services and in particular to resolve any technical difficulties that may arise 24 hours a day, 7 days a week, DHYGEE may have a replication of Users' personal data to European Union located servers and Swiss base servers. DHYGEE will carry out this operation in a secure manner and in compliance with the Applicable Regulations. The standard regulations are available at the following address: <https://gdpr.eu/>

## 10. LINK TO MOBILE APPLICATIONS AND/OR THIRD-PARTY WEBSITES

While browsing the Mobile Application, the User may see content that contains links to third party Mobile Applications and/or websites. DHYGEE cannot access or control cookies or other functions used by Mobile Applications and/or third-party websites, and the procedures and processing carried out by these external Mobile Applications are not governed by this Privacy Policy. Consequently, it is the User's responsibility to contact and/or consult directly the general terms of use and privacy policies of these Mobile Applications and/or websites of these third parties to obtain additional information regarding their personal data protection procedures.

## 11. WHAT SECURITY MEASURES DOES THE MOBILE APPLICATION TAKE TO ENSURE THE CONFIDENTIALITY AND SECURITY OF USER INFORMATION?

The security of personal data is one of DHYGEE's priorities. Thus, DHYGEE undertakes to take all reasonable organisational and technical measures to prevent any disclosure, use, alteration, accidental loss or destruction of the personal data provided by a User.

## 12. WHAT IF DHYGEE CHANGES THIS PRIVACY POLICY?

DHYGEE may update this Privacy Policy at any time to adapt it to possible new practices and service offerings. In this case, the date of update of the Privacy Policy will be updated and will indicate the day on which the changes were made. If DHYGEE provides updates to the Privacy Policy, Users will be notified through the Mobile Application.

## 13. HOW CAN THE USER CONTACT DHYGEE FOR ANY REQUEST OR QUESTION REGARDING HIS PERSONAL DATA?

In general, if the User has any questions or comments regarding this Privacy Policy, DHYGEE's use of their data, or if they wish to exercise any of their rights, they may contact DHYGEE by email at

[contact@Dhygee.com](mailto:contact@Dhygee.com) or by post at the following address: DHYGEE SA , c/o Mazars SA, Rue de la Jeunesse 1, 2800 Delémont – CH.