

Please read this Privacy Notice carefully.

The Global Kinetics group of companies, being Global Kinetics Pty Ltd and its subsidiaries (listed below) (“GKC”, “we”, “our” or “us”) is committed to safeguarding the privacy of our providers, patients, website and web-based portal users and of the data collected on individuals through the use of our Services. GKC is the provider and manufacturer of a system inclusive of the medical device known as the PKG® Watch; the GKC websites, the web-based portal, iPad or tablet-based application used to upload data, download and display results, the PKG Report generated from the data collected through the aforementioned components; and the PKG® as system hereinafter referred to as the (“Services”). The GKC websites, web-based portal and the iPad and tablet-based application are collectively referred to herein as the “Sites”.

GKC is a corporation formed and operating in Australia with offices in the United Kingdom and the United States. The following are GKC subsidiaries:

- GKC Manufacturing Pty Ltd
- Global Kinetics EU Sales and Marketing Limited
- Global Kinetics Corporation GmbH
- Global Kinetics USA Corporation
- Kinetics Medical Science and Technology Development (Shanghai) Co Ltd
- Global Kinetics Corporation UK
- Global Kinetics Corporation Sweden Filial

GKC’s principal place of business is at Level 9/31 Queen Street, Melbourne, VIC 3000, Australia. Should you have any privacy questions or concerns you may contact GKC by sending an email to dpo@globalkineticscorp.com.

This Privacy Notice sets out how we treat the personal data of (a) patients who are users of the GKC Services; (b) users of the GKC web-based portal and/or the iPad or tablet based application; (c) recipients and subjects of the PKG report; (d) healthcare providers, and (e) users of the GKC websites (“you”). This Privacy Notice applies to patient and data subjects’ Personal Information (also known as personal data, or personally identifying information) covered by Article 4 of the General Data Protection Regulation (“GDPR”) in the European Union (“EU”) and European Economic Area (“EEA”), the Data Protection Act of 2018 in the United Kingdom (“UK”), the Australian Privacy Principles (“APPs”), and the laws and regulations of the United States (“US”) and other jurisdictions. This Privacy Notice also defines your privacy options and describes how information is collected and used by GKC.

At GKC we are committed to being transparent with you regarding our privacy practices and compliance with all applicable laws and regulations. We value your trust and are dedicated to protecting your privacy.



By using the Services, and submitting your Personal Information to us, you are agreeing to the processing of your Personal Information and use of your personal Information as set forth in this Privacy Notice. This sentence does not apply to the UK and EEA.

If you are submitting the Personal Information of third parties to us, you warrant and represent you have the individual data subjects consent to provide their Personal Information to us and agree to hold us harmless from and against claims by data subjects relating to our processing and use of Personal Information covered by the terms of this Privacy Notice.

This Privacy Notice is designed to inform you of how GKC collects, uses, stores, processes and transfers your information when Services are provided and when you use our Sites at www.globalkineticscorporation.com. GKC will not share your Personal Information with any third parties without your permission, except as provided in this Privacy Notice. If you do not agree with the terms of this Privacy Notice, please do not access or use the Services.

If you acknowledge that you have reviewed this Privacy Notice and accept its terms when registering to use the Services, you have expressly consented to our use of your Personal Information as stated in this Privacy Notice. This sentence does not apply to the UK and EEA.

Please refer to our informed patient consent form, available at <https://www.globalkineticscorporation.com/privacy-security/consent-forms/>.

You may withdraw your consent to the use of your Personal Information by sending your written request to dpo@globalkineticscorp.com. GKC's continued use of your Personal Information, after you withdraw your consent to its use, may be required for GKC to comply with applicable laws and regulations or other purposes for which your consent is not a legal prerequisite.

We will change this Privacy Notice periodically. If we make material changes to this policy, we will notify you. Such revisions and additions shall be effective immediately upon notice. You are responsible for reviewing the Services for any modification to this policy. Any access or use of the Services by you after notice of modifications to this policy shall constitute and be deemed to be your agreement to such modifications, if and to the extent such agreement is required. The date at the end of this Privacy Notice indicates when the most recent changes to this Privacy Notice were posted.

INFORMATION COLLECTED AND HOW WE USE IT

Information Collected Via the Sites

When you visit our Sites, we and our third-party partners automatically obtain certain information about you from your computer.

The information collected may include:

- The name of the domain from which you access the Internet;
- The Internet Protocol address ("IP Address") of the computer you are using;
- The type of browser and operating system you are using;



- The date and time you access our Sites;
- The internet address of the site from which you linked directly to our Sites;
- The pages on the Sites you have visited;
- The search terms you use; and
- The links on which you click.

GKC may keep and use Personal Information as mentioned above to personalize your experience with our Sites. We may also keep and use your Personal Information to:

- provide you with requested technical support;
- contact you with information that might be of interest to you about our Services;
- for analytical purposes and to research, develop and improve programs, products, services and content;
- (if you are a U.S. healthcare provider), link your name, National Provider Identifier (NPI), state license number, and/or your IP address to web pages you visit, for compliance, marketing, and sales activities;
- enforce this Privacy Notice and other rules about your use of our Sites to protect someone's health, safety or welfare;
- protect our rights or property; and
- comply with a law or regulation, court order or other legal process.

We will also compile anonymous aggregate statistics. GKC uses various technical measures to gather and anonymize these statistics to mask them from being associated with any particular individual. This tracking is necessary to help us customize and continually improve our users' experience, to gather demographic information about our user base and the visitors to our Sites, to offer our products and services, to monitor and track our marketing programs, and to serve targeted advertising on our Sites and on other websites around the Internet.

Cookies and Web Beacons

Some of the Site information mentioned above is collected through the use of Cookies, Web Beacons or similar technologies. Cookies are small files that a software application stores on your computer's hard drive or other memory for record-keeping or other administrative purposes. Web Beacons, also known as "pixel tags" or "clear GIFs," are small images or pieces of data embedded in other content that can recognize cookies, the time and date content is viewed, a description of the page where the Web Beacon is placed, and similar information from your device.

If you are concerned about the use of cookies, you can choose to enable a feature in your browser that will erase cookies, block all cookies, or warn you before cookies are stored or exchanged. If you reject cookies, you may not have access to all features or functionality offered by the Site. To learn more about our use of Cookies and how you can control the collection of information by limiting the use of Cookies please visit our Cookie Policy

<https://www.globalkineticscorporation.com/privacy-security/>



Collection of Personal Information from You or Third Parties

GKC collects Personal Information that is reasonably necessary for, or directly related to, its functions and activities as a provider of medical devices and related services. In some cases, GKC is required by the law to collect Personal Information to comply with its regulatory obligations, such as responding to safety concerns about its products.

When Personal Information is Collected from You or Third Parties

GKC may collect Personal Information about you through its direct interactions with you. GKC may collect Personal Information from you when you provide information while using the GKC Sites, when communicating with you by telephone, mail and email, or when responding to product queries, or conducting sales calls or meetings.

- If you are a healthcare professional, GKC may collect Personal Information from you when communicating with you by telephone, mail and email, including when providing technical and customer support, when you participate in GKC sponsored educational events, conferences and research grants, or when you use GKC's customer or product information services.
- If you are a patient, GKC may collect Personal Information from or about you in the course of providing technical assistance about its products to you or to your healthcare professional, communicating with you by telephone, mail and email, including when providing technical and customer support, when you participate in GKC sponsored programs, including clinical trials, or when you use GKC's customer or product information services.

Healthcare providers, whether directly engaged by you as patient, may provide us with information about their patients and their practices, including address, phone number, email, and the name, job title, and contact information of other providers involved in an individual's care.

Types of Information Collected from You or Third Parties

- If you are a patient, GKC may collect Personal Information including details of your healthcare professional, details of your use of the GKC device, the performance of your GKC device, product data, such as the model and usage of your device, and any specific products or services you want to learn about.
- If you are a healthcare professional, additional Personal Information GKC may collect from you includes your medical specialty and your clinical interests.
- GKC collects, stores and uses personally identifiable information including, date of birth, payment information (e.g. credit card) and contact details such as email address, phone number, shipping/billing address, and contact preferences when it is voluntarily submitted to us for purposes of considering or ordering tests, receiving Services and/or when you register for updates, or contact us via the Sites or other channels.

When GKC collects Personal Information from or about you, GKC may provide further



information about the type, purpose and/or use of the collected information.

Why Personal Information is Collected

GKC will use your Personal Information for the following purposes:

- In the course of sale, distribution or provision of medical devices that have been requested by you or your healthcare provider(s);
- If you are a patient, in the course of supporting you and your healthcare professional in your use of the device and your ongoing care;
- Administering training programs, clinical trials or other similar programs that you agree to be involved in;
- Compliance with legal and regulatory requirements, such as maintaining a record of medical queries, complaints, adverse events and recalls relating to GKC medical devices, maintaining tax and accounting-related records, or complying with transparency or anti-gift obligations;
- Detecting, investigating or preventing activities that may violate our policies or be illegal;
- Providing you with updated product or safety information regarding GKC medical devices;
- Managing, planning and arranging meetings between you and a GKC representative;
- Generating customer lists for the purposes of conducting market research;
- Maintaining business records;
- Accessing applications for employment and acting as an employer;
- Managing accounts and ensuring that GKC receives payment for its products and services;
- Using data in connection with dispute resolution, legal claims, compliance, and/or regulatory and investigative purposes as deemed necessary by us or our advisors (including disclosure of such information in connection with legal process or litigation); and
- Pursuing all purposes permitted or required by law, and purposes for which you have provided affirmative consent.

These activities are in our or third parties' legitimate business interests, to the extent not covered by an applicable legal obligation, a necessity to perform (or enter into) a contract with you, or something you have explicitly consented to.

In addition, with your consent where required (and otherwise in our or third parties' legitimate interests), GKC may send you promotional communications, including updates on products and services offered by GKC, or about activities, products or developments in medical technology that GKC believes may be of interest to you. You may opt-out of receiving marketing/promotional communications by updating your account settings, by sending written request to stop receiving marketing communication to dpo@globalkineticscorporation.com, or by following the **unsubscribe** instructions within any marketing/promotional communication



you receive from GKC.

Sharing Personal Information with Third Parties

GKC will disclose protected health information without patient consent in only very limited circumstances, such as where required by law to disclose information or in the event of a serious threat to your life or health, or where doing so is necessary in connection with your ongoing care.

To facilitate the Services or other purposes disclosed above, GKC will share Personal Information within the company/company group and its subsidiaries listed at the beginning of this Privacy Notice above. We may also share some Personal Information with third parties that we engage to perform services or functions on our behalf. For example, we may use different vendors or suppliers to ship products that you order on our Sites. In these cases, we provide the vendor with the required Personal Information to process your order such as your name and mailing address. When we share your Personal Information with our third-party partners, we do not authorize them to use, share or disclose your Personal Information with others for purposes other than the provision of services they have been retained to provide.

GKC or its advisors/service providers may also disclose Personal Information to government authorities, regulatory agencies and law enforcement officials, if required for the purposes specified above, if mandated by law, or if required for the legal protection of our or third parties' legitimate interests in enforcing their rights and/or compliance with applicable laws.

GKC will not sell or rent your Personal Information to any other company or organization. Information about you, including Personal Information, may be disclosed and otherwise transferred to an acquirer, successor or assignee as part of any merger, acquisition, debt financing, sale of assets, or similar transaction, as well as in the event of an insolvency, bankruptcy or receivership in which information is transferred to one or more third parties as one of our business assets.

Data Retention

Where our retention of certain data is required by law (such as medical device laws), we retain it for the period implicitly or explicitly required by those laws.

If we have a contract with you, for instance any Service Terms and Conditions, your Personal Information will be retained (at least) for the duration of your contract and for an appropriate duration after its termination to protect us from, or otherwise be used in connection with, legal or administrative proceedings.

Any Personal Information we store for analytics purposes will be retained for 8 years.

Otherwise, your Personal Information will only be retained to the extent reasonably required for the above purposes and as required or permitted by law.

For more information on your particular circumstances, please contact us using the contact



information listed below.

Linked Websites

The Sites may contain links to third party external websites. GKC does not maintain these third-party websites and is not responsible for the privacy practices of third party or external websites. Please refer to the specific privacy policies or statements posted on any third-party or external websites you choose to access.

European Union, UK and other International Residents

In certain situations, GKC may transmit Personal Information to our group companies or third party service providers in other countries, including Australia and the United States, but at all times such data transfer will be in furtherance of the purposes set out in this Privacy Notice. If Personal Information is transmitted from Europe to other countries, we will so far as reasonably possible (and in all cases to the extent legally required) ensure that all Personal Information will be transferred pursuant to adequate safeguards. For more information on the safeguards implemented by GKC, please contact us at dpo@globalkineticscorporation.com.

US Residents

For patients or providers residing within the US, all Protected Health Information is stored, transmitted and maintained in compliance with the Health Information Portability and Accountability Act (HIPAA) as well as the Health Information Technology for Economic and Clinical Health Act, (“HITECH”), enacted under Title XIII of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5). If you are a US resident and believe that GKC has violated your privacy rights under HIPAA or HITECH you may file a written complaint with the US Department of Health and Human Services – Office for Civil Rights. GKC honors your right to express concerns regarding your privacy. GKC would not – nor could it legally or ethically – take action against you for filing a concern or complaint regarding the use, disclosure, and rights of your protected health information.

California Residents and Your Rights Under The California Consumer Privacy Act Of 2018 (“CCPA”)

California Civil Code Section 1798.83 permits users who are California residents to request certain information regarding our disclosure of Personal Information to third parties for their direct marketing purposes. GKC, through our Sites or through the provision of Services, may have collected information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular California consumer or household (“Personal Information”). To learn more about the Personal Information we may have collected and what your rights are under the CCPA please review the Notice to California Residents under the CCPA. <https://oag.ca.gov/privacy/ccpa>.

Children



If you are considered a minor in the country in which you live (for example, under the age of 13 in the United States, under 16 in the EU and under 18 in Australia), you must obtain the authorization of a responsible adult (parent, legal custodian, or teacher) before using or accessing the Site. We will not knowingly collect or use any Personal Information from any minors. If we become aware that we have collected any Personal Information from minors without their parent or guardian's consent, we will promptly remove such information from our databases.

User Credentials for Services

You may be issued a secure user ID and have the opportunity to set up your password for access to the secure GKC portal and GKC Services. Individuals with user IDs are solely responsible for the maintenance and security of their copy of their individual user ID and password. Save as otherwise provided by law, you also agree that you will be solely responsible for any activities conducted in connection with the GKC portal and the Services using those credentials. User IDs and passwords are personal, unique to each individual user, and should never be shared with or disclosed to anyone other than the designated user.

It is your obligation and responsibility to ensure that you keep your user ID and password for the GKC portal and Services strictly confidential and you are responsible for any and all actions taken using your accounts and passwords. You are also responsible for immediately notifying GKC at dpo@globalkineticscorp.com of any known or suspected unauthorized use of your user ID and/or password of which you become aware.

Information that you provide to GKC through our Services is encrypted using industry standard Secure Sockets Layer/ Transport Layer Security (SSL/TLS) technology, with the exception of information you send to us via email. Your information is processed and stored on controlled servers with restricted access. Unfortunately, due to factors outside our control (patient-owned computers infected with malware, etc.), we cannot ensure or warrant the security of any information you transmit, and you therefore understand and agree that you do so at your own risk.

Individual Choices

You may choose to decline to share certain Personal Information with GKC. In some cases, we may not be able to provide you with some of the features and functionality of the Service without that information. In other cases (where we collect Personal Information either to enter into or perform our contract with you, or to comply with our legal obligations), this is mandatory and we will not be able to perform the contract or we may be prevented from complying with our legal obligations to you or third parties without this information.

You may be entitled under applicable law to ask GKC for a copy of your Personal Information, to correct it, erase or restrict its processing, or to ask us to transfer some of this information to other organisations. You may also have rights to object to some processing. These rights may



be limited in some situations – for example, where we can demonstrate we have a legal requirement to process your Personal Information.

With respect to English NHS patients and social care users, we will comply with the National Data Opt-out policy, to the extent applicable; more information about this can be found [here](#).

You may exercise or enquire about your rights by contacting us at dpo@globalkineticscorporation.com.

In addition, at times you may have an opportunity to elect to receive certain communications, including emails, from us. If you choose to stop receiving such communications at any time, you may unsubscribe by following the instructions mentioned above. Please be aware that, if you opt-out of receiving email from us, it may take up to ten (10) business days for us to process your request and during that time you may receive promotional communications from us that you have opted-out from during that period. Additionally, even after you opt-out from receiving commercial messages from us, you will continue to receive administrative messages from us regarding the Services.

Updates to the Privacy Notice

GKC may revise this Privacy Notice from time to time. All updates will be posted on our Sites at www.globalkineticscorporation.com/privacy-security. Please check the Sites for the most current version of our Privacy Notice. Your continued use of the Sites after we have posted notice of the change in our Privacy Notice on the Sites constitutes your acceptance of such changes. If any term or condition in this Privacy Notice is found to be or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect the validity or enforceability of any other provision in this Privacy Notice.

Contact Information

Please contact us with any questions or comments about this Privacy Notice, our use and handling of your Personal Information, our use of third-party partners, your choices and rights regarding the use and disclosure of your Personal Information by emailing us at dpo@globalkineticscorp.com or by contacting us via <https://www.globalkineticscorporation.com/contact-us/>.

We hope that we can satisfy any queries you may have about the way in which we process your Personal Information. However, if you have unresolved concerns, you also have the right to complain to the data protection authority in the location in which you live, work or believe a data protection breach has occurred. In the EEA, the “lead” supervisory authority is the Irish Data Protection Commission: <https://www.dataprotection.ie/en/contact/how-contact-us>. In the US, the “lead” supervisory authority is the U.S. Department of Health & Human Services (HHS) Office of Civil Rights (OCR): <https://www.hhs.gov/ocr/about-us/contact-us/index.html>. In AU, the “lead” supervisory authority is the Office of Australian Information Commissioner (OAIC): <https://www.oaic.gov.au/about-us/contact-us/>.



PAGE UPDATED AS OF: 10th September 2020.

