

Lilypad® Privacy Policy

Thank you for choosing to be part of our community at Lilypad®, LLC (“**Company**”, “**we**”, “**us**”, or “**our**”). We are committed to protecting your personal information and your right to privacy. If you have any questions or concerns about our policy, or our practices with regard to your personal information, please contact us at info@lilypad207.com.

Our Confidentiality Pledge. Lilypad® maintains the highest standards of confidentiality for all supplied, clinic and provider information. Lilypad does not reveal identifiable provider-level productivity or compensation data, nor clinic-level financial performance data. The POND® and LAKE® application infrastructure meets or exceeds industry-standard requirements established for data-at-rest and data-in-motion. Your data will be handled using industry-standard security capabilities.

When you visit our website www.lilypad207.com, and use our services, you trust us with your personal information. We take your privacy seriously. In this privacy policy, we seek to explain to you in the clearest way possible what information we collect, how we use it and what rights you have in relation to it. We hope you take some time to read through it carefully, as it is important. If there are any terms in this privacy policy that you do not agree with, please discontinue use of our Sites and our services.

This privacy policy applies to all information collected through our websites (such as www.lilypad207.com or <https://pond.lilypad207.com>), and/or any related services, sales, marketing or events (we refer to them collectively in this privacy policy as the “**Services**”).

Please read this privacy policy carefully as it will help you make informed decisions about sharing your personal information with us.

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WHAT INFORMATION DO WE COLLECT?

Personal information you disclose to us. We collect personal information that you voluntarily provide to us when enrolling for the Services, expressing an interest in obtaining information about us or our products and services, when participating in activities on the Services or otherwise contacting us. The personal information that we collect depends on the context of your interactions with us and the Services, the choices you make and the products and features you use. The personal information we collect can include the following:

Publicly Available Personal Information. We collect first name and last name; email addresses; business email; and other similar data.

Credentials. We may collect passwords and similar security information used for authentication and account access.

All personal information that you provide to us must be true, complete and accurate, and you must notify us of any changes to such personal information.

Clinic and Provider Data. We also may collect provider-level productivity and/or compensation data, and clinic-level financial performance data.

HOW DO WE USE YOUR INFORMATION?

We use personal information collected via our Services, and the clinic and provider data that you and other subscribers provide to us, for a variety of business purposes described below. We process the information you provide for these purposes in reliance on our legitimate business interests, according to our Terms of Use, with your consent, and/or for compliance with our legal obligations. We indicate the specific processing grounds we rely on next to each purpose listed below. We do not link your account with us to a third-party account (such as your Google or Facebook account) nor do we use the personal information you send to us for our marketing purposes.

Personal Information. We use the personal information we collect or receive:

- **To send administrative information to you.** We may use your personal information to send you product, service and new feature information and/or information about changes to our terms, conditions, and policies.
- **To enforce our terms, conditions and policies for Business Purposes, Legal Reasons and Contractual.**

- **To respond to legal requests and prevent harm.** If we receive a subpoena or other legal request, we may need to inspect the data we hold to determine how to respond.
- **To manage user accounts.** We may use your information for the purposes of managing our account and keeping it in working order.
- **To respond to user inquiries/offer support to users.** We may use your information to respond to your inquiries and solve any potential issues you might have with the use of our Services.
- **For other Business Purposes.** We may use your information for other Business Purposes, such as data analysis, identifying usage trends, determining the effectiveness of our promotional campaigns and to evaluate and improve our Services, products, marketing and your experience. We may use and store this information in aggregated and anonymized form so that it is not associated with individual end users and does not include personal information. We will not use identifiable personal information without your consent.

Clinic- and Provider-Specific Data. We collect, warehouse and make external, aggregated performance benchmark data available to subscribers, clinics and state partners who fund the POND program. We do not share identifiable clinic or provider data with any state or federal governmental agencies other than funding partners or their designated partners or advisors, and in those instances, the provider data are blinded and de-identified.

WILL YOUR INFORMATION BE SHARED WITH ANYONE?

We may process or share data generally (both personal and clinic- and provider-level data) based on the following legal basis:

- **Legitimate Interests:** We may process your data when it is reasonably necessary to achieve our legitimate business interests.
- **Performance of a Contract:** Where we have entered into a contract with you, we may process your information to fulfill the terms of our contract.
- **Legal Obligations:** We may disclose your information where we are legally required to do so in order to comply with applicable law, governmental requests, a judicial proceeding, court order, or legal process, such as in response to a court order or a subpoena (including in response to public authorities to meet national security or law enforcement requirements).
- **Vital Interests:** We may disclose your information where we believe it is necessary to investigate, prevent, or take action regarding potential violations of our policies, suspected

fraud, situations involving potential threats to the safety of any person and illegal activities, or as evidence in litigation in which we are involved.

More specifically, we may need to process your data or share your personal information in the following situations:

- **Vendors, Consultants and Other Third-Party Service Providers.** We may share your data with third party vendors, service providers, contractors or agents who perform services for us or on our behalf under a separate business arrangement and require access to such information to do that work. Examples include: payment processing, data analysis, email delivery, hosting services, strategic or business planning, customer service and marketing efforts. Unless described in this Policy, we do not share, sell, rent or trade any of your identifiable personal information with third parties for their promotional purposes.
- **Business Transfers.** We may share or transfer your personal information in connection with, or during negotiations of, any merger, sale of company assets, financing, or acquisition of all or a portion of our business to another company to facilitate service and business continuity.
- **Business Partners.** We may share your personal information with our business partners to offer you certain products, services or promotions.

HOW DO WE USE YOUR CLINIC LEVEL DATA?

We never share the clinic data you enter in an identifiable form. Specifically, all external benchmark reports and analytics display non-identifiable scores that cannot be traced back directly to an individual clinic or provider. We add your data, in a blinded, non-identifiable form, to aggregations and summations of cohorts of providers or clinics consisting of a minimum population of data from five other providers. This makes your data impossible to discern within the aggregate. At no point can anyone outside your designated, authenticated user(s) for your clinics or authorized Lilypad personnel access your individual data, nor identify it.

Lilypad produces State, Regional and National Summary Reports, drawn from a minimum population cohort of five clinics. Aggregations and summations are used in reports that POND users may download from the clinic Reporting panel. These individualized reports are only available to the authorized users from the subject clinic(s). No other person or entity can access the individualized but blinded (or "deidentified") external benchmarking summary reports, although they can access this data in an aggregated form as described above.

Subject to the limitations set forth in this Privacy Policy, Lilypad may also use aggregated or otherwise deidentified clinic- and provider-level data for other business purposes, which may include developing new products to better serve our subscribers and other customers.

HOW LONG DO WE KEEP YOUR INFORMATION?

We will only keep your personal information for as long as it is necessary for the purposes set out in this privacy policy, unless a longer retention period is required or permitted by law (such as tax, accounting or other legal requirements). No purpose in this policy will require us keeping your personal information for longer than two (2) years past the start of idle period of the user's account.

When we have no ongoing legitimate business need to process your personal information, we will either delete or anonymize it, or, if this is not possible (for example, because your personal information has been stored in backup archives), then we will securely store your personal information and isolate it from any further processing until deletion is possible.

HOW DO WE KEEP YOUR INFORMATION SAFE?

We have implemented appropriate technical and organizational security measures designed to protect the security of any personal information we process. However, please also remember that we cannot guarantee that the internet itself is 100% secure. Although we will do our best to protect your personal information using industry standards, transmission of personal information to and from our Services is at your own risk. You should only access the services within a secure environment.

The POND program neither collects nor warehouses patient-level data or Protected Health Information ("PHI"), but our protocols are built upon technical standards that meet or exceed HIPAA and HITECH data at rest and data in motion requirements. All data are stored and transmitted in a highly secure, encrypted form through the AES-256 algorithm, the same encryption methods the United States government uses to protect classified information.

DO WE COLLECT INFORMATION FROM MINORS?

We do not knowingly solicit data from or market to children under 18 years of age. By using the Services, you represent that you are at least 18 or that you are the parent or guardian of such a minor and consent to such minor dependent's use of the Services. If we learn that personal information from users less than 18 years of age has been collected, we will deactivate the account and take reasonable measures to promptly delete such data from our records. If you become aware of any data we have collected from children under age 18, please contact us at info@lilypad207.com.

WHAT ARE YOUR PRIVACY RIGHTS?

Account Information. If you would at any time like to review or change the information in your account or terminate your account, you can contact us using the contact information provided. Upon your request to terminate your account, we will deactivate or delete your account and information from our active databases. However, some information may be retained in our files to prevent fraud, troubleshoot problems, assist with any investigations, enforce our End User Terms and Conditions and/or comply with legal requirements.

CONTROLS FOR DO-NOT-TRACK FEATURES

Most web browsers and some mobile operating systems and mobile applications include a Do-Not-Track (“DNT”) feature or setting you can activate to signal your privacy preference not to have data about your online browsing activities monitored and collected. No uniform technology standard for recognizing and implementing DNT signals has been finalized. As such, we do not currently respond to DNT browser signals or any other mechanism that automatically communicates your choice not to be tracked online. If a standard for online tracking is adopted that we must follow in the future, we will inform you about that practice in a revised version of this privacy policy.

DO CALIFORNIA RESIDENTS HAVE SPECIFIC PRIVACY RIGHTS?

California Civil Code Section 1798.83, also known as the “Shine The Light” law, permits our users who are California residents to request and obtain from us, once a year and free of charge, information about categories of personal information (if any) we disclosed to third parties for direct marketing purposes and the names and addresses of all third parties with which we shared personal information in the immediately preceding calendar year. If you are a California resident and would like to make such a request, please submit your request in writing to us using the contact information provided below.

If you are under 18 years of age, reside in California, and have a registered account with the Services, you have the right to request removal of unwanted data that you publicly post on the Services. To request removal of such data, please contact us using the contact information provided below, and include the email address associated with your account and a statement that you reside in California. We will make sure the data is not publicly displayed on the Services, but please be aware that the data may not be completely or comprehensively removed from our systems.

DO WE MAKE UPDATES TO THIS POLICY?

We may update this privacy policy from time to time. The updated version will be indicated by an updated “Revised” date and the updated version will be effective as soon as it is accessible. If we make material changes to this privacy policy, we may notify you either by prominently posting a notice of such changes or by directly sending you a notification. We encourage you to review this privacy policy frequently to be informed of how we are protecting your information.

HOW CAN YOU CONTACT US ABOUT THIS POLICY

If you have questions or comments about this policy, you may contact our Data Protection Officer (DPO), David Rodgers, by email at info@lilypad207.com, by phone at (207) 232-3733, or by post to:

Lily pad, LLC

c/o David Rodgers
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United States

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