

Labtician Ophthalmics, Inc. Privacy Policy

Labtician Ophthalmics, Inc. (“**Labtician**”, “**we**”, “**our**”) recognizes the importance of the privacy and the sensitivity of personal information, including personal health information (“**Personal Information**”). We are committed to protecting any Personal Information we hold. This Privacy Policy outlines how we collect, use, disclose, transfer and safeguard your Personal Information.

Scope:

This Privacy Policy applies to Labtician’s products and services in Canada. Labtician is subject to the *Personal Information Protection and Electronic Documents Act* (“**PIPEDA**”) and substantially similar provincial laws applicable to private sector organizations. In each province, Labtician may be subject to requirements of specific health privacy laws and complies with such obligations. This Policy describes Labtician’s protection of and practices with respect to Personal Information.

Application:

Labtician may provide services to clinics having custody and control of Personal Information and be authorized by clinics to use Personal Information for purposes including the sending of appointments and surveys and to generate de-identified/anonymized information. Labtician protects the Personal Information processed on behalf of clinics in accordance with applicable laws, including health privacy laws.

As an individual, you may choose to enroll in Labtician’s Kyklos Ocular Health Management Program (“**OHMP**” or “**Program**”) and/or provide consent to Labtician for the collection, use or disclosure of your Personal Information, including when you sign in on Labtician’s website/Mobile App portal. This allows Labtician to become a direct provider of services to you, including for online ordering and as an information site for specialty ophthalmic and related products in accordance with Labtician’s Terms and Conditions and as described in the Privacy Policy and the Privacy Policy: Mobile App.

What Is Personal Information?

Personal Information means information about an *identifiable* individual and includes personal health information, such as information concerning physical or mental health and information collected in the course of or incidental to the provision of health services to the individual, but does not include de-identified, anonymized, or aggregate information that cannot be linked to a specific person or used to identify a specific individual.

This Policy explains how we collect, use, disclose, transfer and safeguard your Personal Information in the course of providing you with our products and services. Labtician may also use and disclose de-identified, anonymized or aggregate information in its sole discretion including for the purposes of research, statistics and evaluation of our products and services.

Your Privacy Rights:

As a provider to clinics, Labtician only uses or discloses your Personal Information for the purposes authorized by your clinic and applicable laws.

As a service provider to you, Labtician obtains your consent for additional collection, use, disclosure and transfer of your Personal Information in order to optimize your experience with Labtician's products and services.

Why Does Labtician Need Personal Information?

Labtician uses the Personal Information that you provide to us as necessary to respond to the reason you contacted us. For example, if you have visited one of our websites in order to purchase our products, we will use the Personal Information that you give us in order to fulfill your product order. In other circumstances, for example where you have enrolled in the OHMP, we will use your Personal Information to optimize your experience within the Program. If you opt in, we may also use your Personal Information to periodically send emails about new products, special offers or other information we think you may find interesting.

We will not share your Personal Information with any third party outside of our organization, other than as described in this Privacy Policy.

What Personal Information do we collect?

As described above, Personal Information is any information that identifies you, or by which your identity could be deduced, and includes your personal health information such as your symptoms, conditions and treatments.

When you purchase products from Labtician you must provide contact information (e.g. name, address, email, phone) and payment information (e.g. credit card) for us to complete your order. Your credit card information is collected on a per order basis and is not retained by us within our database systems. To help us make credit decisions about clients, prevent fraud, check the identity of new clients and prevent money-laundering, we may – with your consent – request information about you from the files of consumer reporting agencies.

When you activate your enrolment in the OHMP, with your consent, we will collect certain Personal Information from your Eye Care Professional that you had provided to your Eye Care Professional in order to assess your condition. Such information may include:

- your symptoms,
- the Eye Care Professional's assessment of your condition,
- certain information regarding your medical history,
- the medication recommended by your Eye Care Professional for your condition and the products that you have ordered for your condition.

Your Eye Care Professional will not disclose this information to us for our use within the OHMP unless you have given your express consent.

With your consent, we will also collect additional Personal Information from you upon your enrolment in the OHMP and during your use of the Program, including:

- Your experience using our products, website, and other elements of the Program (e.g. the dry eye clinic),
- Lifestyle factors that may affect your condition,
- Demographic information,
- Additional information regarding your symptoms,
- Information regarding your product orders and use of our products to treat your condition.

How do we collect your Personal Information?

Wherever possible we collect your Personal Information directly from you, both at the start of any order you place with Labtician and in the course of our supplying those ordered products to you.

Sometimes we may obtain information about you from other sources, for example:

- Your substitute decision maker, in circumstances where you are a minor or legally incapable of providing consent, as defined by law,
- A caregiver that you have authorized, if you have expressly consented, or
- your treating Eye Care Professional, if you have expressly consented to the disclosure of your Personal Information by your Eye Care Professional to us, for purposes of your participation in the OHMP.

Whenever it is legal and practicable, we may offer the opportunity to deal with general inquiries without providing your name (for example, by accessing general information on our website).

How Do We Obtain Your Consent?

When you place a product order with us online through our order portal, your consent for us to collect your contact information and payment information will be implied through your conduct in providing this information to us in order to process, fill and deliver your order.

When you are asked to provide us with sensitive Personal Information including personal health information, we will ask for your express consent for us to collect, use and disclose such information.

Please note that it is *always your choice* whether you provide us with your Personal Information, however, in some circumstances, if the Personal Information requested is necessary in order for us to provide a product or service to you, we may be unable to provide that product or service to you without your Personal information. For example, in order for you to use the OHMP, it will be necessary for you to consent to the collection and use of your Personal Information within the program, and to provide consent for your Eye Care Professional to disclose certain Personal Information to us and to obtain your Personal Information from us. However, if you do not provide this consent, you will still be able to place product orders with us online via our order portal.

You may withdraw your consent for us to collect, use and disclose your Personal Information at any time, by contacting us at the email/address provided at the end of this Policy. It is important to realize, however, that withdrawal of your consent will not operate retroactively.

How Do We Use Your Personal Information?

When you purchase products from Labtician, we use your Personal Information:

- to create your customer profile,
- to process your order for products supplied by Labtician,
- to administer our invoicing database,
- to contact you directly, if we have a problem processing your order.

If you choose to activate your enrolment in the OHMP, we will use your Personal Information to:

- generate reminders sent on behalf of your Eye Care Professional to replace your medication,
- generate reminders sent on behalf of your Eye Care Professional for you to book regular appointments with your Eye Care Professional,
- generate reminders sent on behalf of your Eye Care Professional for you to update your profile, including your medication profile,
- generate reminders sent on behalf of your Eye Care Professional that assist you in goal setting and achievement of goals relating to your condition,
- collect information to allow your Eye Care Professional to assess your symptom relief following enrolment in the Program,
- contact you to complete questionnaires that allow us to assess your experience using our products, website, and other elements of the Program, with the objective of improving the Program and its offerings,
- customize the selection of information and videos that may be sent to you by Labtician on behalf of your Eye Care Professional,
- Generate de-identified, anonymized, and/or aggregated data to use and disclose at our sole discretion.

If you choose, we may use your Personal Information to send you, on behalf of your Eye Care Professional, certain general information about your dry eye condition. Emails that we send to you comply with Canada's anti-spam legislation. We will not send commercial electronic emails to you without your express consent or implied consent as defined in the law. In accordance with the law, you have the option of unsubscribing from commercial emails, according to your preferences. Please note, however, that even if you unsubscribe, we may continue to send you "non-commercial" emails, for example, those that solely clarify or complete a transaction that you have initiated with us.

We may take your Personal Information and render it non-identifiable (anonymized), following which we may add the non-identifiable information to an anonymous research database or databases, which will be used to advance research of dry eye conditions or otherwise used for Program evaluation. Your information will only be added to the database(s) after removing all

personally identifying elements. The information in our database(s) does not contain any information that can be linked to a specific person or matched with other information to identify individuals.

To Whom Do We Disclose Your Personal Information?

Under certain circumstances, Labtician will disclose your Personal Information:

- when you have expressly consented to the disclosure, for example, to your Eye Care Professional working together with the OHMP,
- where necessary to establish or collect payment,
- if the information is Publicly Available Personal Information, as it is defined under the *Personal Information Protection and Electronic Documents Act*,
- to another organization, in the event of a change of control, sale of the business, or other business transaction or in anticipation of such transaction,
- when we are required or authorized by law to do so, for example if a court issues a subpoena.

Labtician engages certain third party services providers to provide administrative services to us, for example, computer (information technology) services or archival file storage. To the extent that these service providers have access to your Personal Information during the course of providing services, they are obligated by us to provide an equivalent level of protection for your Personal Information to the level of protection that we provide.

Labtician does not disclose your Personal Information to any third party to enable them to market their products and services.

Website:

Our website contains links to other sites, which are not governed by this Policy.

On our website, like most other commercial websites, we may monitor traffic patterns, site usage and related site information in order to optimise our web service. We may provide aggregated information to third parties, but these statistics do not include any identifiable Personal Information.

Cookies:

A cookie is a small file, which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyse web traffic or lets you know when you visit a particular site. Cookies allow web applications to respond to you as an individual. The web application can tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.

We use traffic log cookies to identify which pages are being used. This helps us analyse data about web page traffic and improve our website in order to tailor it to customer needs. We only use this information for statistical analysis purposes and then the data is removed from the system.

Overall, cookies help us provide you with a better website, by enabling us to monitor which pages you find useful and which you do not. A cookie in no way gives us access to your computer or any information about you, other than the data you choose to share with us.

You can choose to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. This may prevent you from taking full advantage of the website.

Is My Personal Information Secure?

Labtician takes all reasonable precautions to ensure that your Personal Information is kept safe from loss, unauthorized access, modification or disclosure. Among the steps taken to protect your information are:

- premises security;
- restricted file access to Personal Information;
- deploying technological safeguards like security software and firewalls to prevent hacking or unauthorized computer access;
- internal password and security policies.

You should be aware that e-mail is not a 100% secure medium, and you should be aware of this when contacting us to send Personal Information or confidential information by email. In addition, no form of Internet transmission or network security is guaranteed to be secure against all forms of threat actors or instruction, and your use of our website, Mobile Apps and networks is at your own risk.

How Can I Update My Personal Information?

Since we use your Personal Information to build your customer profile, it is important that the information be accurate and up-to-date. If during the course of your relationship with Labtician, any of your Personal Information changes, please inform us so that we can make any necessary changes. Our email and address are provided at the end of this Policy.

If Labtician holds Personal Information about you and you can establish that it is not accurate, complete and up-to-date, Labtician will take reasonable steps to correct it.

How Do I Access My Personal Information?

You may ask for access to any Personal Information we hold about you. Summary information is available on request. More detailed requests which require archive or other retrieval costs may be subject to a modest fee. Your rights to access your Personal Information are not absolute. We may deny access when to do so would reveal confidential commercial information or the Personal Information of another individual, and your Personal Information cannot be severed from the record, or for any other reason required or authorized by law. If we deny your request for access to, or refuse a request to correct information, we will explain why.

Please note that, prior to activation of your enrolment in the OHMP via the website, we may not have the ability access or correct Personal Information that you have provided to your Eye Care

Professional. Upon your enrollment in the Program, we also may not have access to certain information if you have not provided your express consent for it to be disclosed to us. Accordingly, should you wish to obtain access to your Personal Information that was collected by your Eye Care Professional in these circumstances, you may be required to make the request for access directly to your Eye Care Professional. Upon request for access to your Personal Information, we will assist in directing your request as appropriate.

How Do I Request Updates/Access My Personal Information, Withdraw Consent, or Register a Complaint?

If you have any questions, or wish to update or access your Personal Information, withdraw your consent for us to use or disclose your Personal Information, or register a complaint with us regarding our privacy practices, please write to our Privacy Contact at:

Director of Privacy Affairs
Labtician Ophthalmics, Inc.
2140 Winston Park Drive, Unit 6
Oakville, Ontario L6H 5V5

Email: privacyaffairs@labtician.com

If you are not satisfied with our response, you may also contact the Privacy Commissioner of Canada:

112 Kent Street,
Ottawa Ontario, K1A 1H3
1.800.282.1376.

You may also direct your inquiry/complaint to the relevant Information and Privacy Commissioner in your jurisdiction of residence.

Changes to this Privacy Policy:

Since Labtician regularly reviews all of its policies and procedures, we may change this Policy from time to time. Any changes will be effective upon the amended Policy being posted on the website. We will reflect any such changes or modifications to this Policy on the website and will indicate on the first page of this Policy the date this Policy was last amended. Your continued access to and/or use of our products and services after any such changes constitute your acceptance of, and agreement to be legally bound by this Policy, as revised. We encourage you to periodically review the website for the latest information on our privacy practices.