

FERTILLIGENCE Platform Privacy Notice

Effective Date: Feb 12, 2020

Fertilligence™ is powered by Virtual Health Partners, Inc. (“VHP,” “we,” or “us”), and provided in collaboration with Nestlé Healthcare Nutrition, Inc. (“Nestlé”).

This Online Privacy Notice applies to information that VHP may obtain about you when you visit http://*.fertilligence.com (the “Site”), the Fertilligence landing page, and the Fertilligence application (“App”) (collectively, the “Platform”). This Privacy Notice also describes how VHP may collect, use, or share information about individuals who visit our Platform.

How We Collect Information

Information You Provide

When using our Platform, you may voluntarily provide information about yourself to us. For example, we collect information you submit when you register on the Platform, contact us, or upload information to the Platform. Information you may choose to share with us may include details regarding your health history, your height, weight, body mass index, birthday, medical conditions, dietary preferences, food allergies, lifestyle choices, and results your health tests. Additionally, we may collect information that may allow us to identify you, 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

We also collect information related to your interactions with our Platform, including, but not limited to, browser type, IP address, pages visited and other activities on the Site, device type, and time and date of visit, and other information we collect through the use of cookies and similar technology. We may use your IP address to derive your device's general location. Our Apps may collect information about the precise location of your mobile device if you enable location services and grant permission. See the “Analytics” section of this privacy notice to learn more about the use of this information and the choices available to you.

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

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 healthcare provider or our Business Partner that referred you to the Platform) and combine that information with information you provide to us directly or that we collect automatically through the Site and/or the Platform.

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;
- Operate, personalize, and improve the Site and/or the Platform, including for analytics purposes;
- Contact you by email, phone or mail 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.

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 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:

- With our affiliates;
- Pursuant to subpoena, court order, governmental inquiry, or other legal process or as otherwise required by law, or to protect our rights or the rights of third parties;
- 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;
- As part of a corporate sale, merger, or acquisition, or other transfer of all or part of our assets, including as part of a bankruptcy proceeding;
- 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.

Some parts of the Platform allow you to participate in public forums or interact with other users ("forum"), such as through online support groups and virtual semi-private group fitness classes. When you participate in these features, the information that you affirmatively provide will be available to other Platform users and/or the general public. Additionally, when you voluntarily elect to participate in a forum, your account information and records will be automatically available to the moderator of the forum.

We may share information that has been de-identified or aggregated without limitation.

Information Nestlé May Obtain

As the operator of this Platform, VHP may collect, use, and share information about you as described in this Privacy Notice. Nestlé, the owner of the Fertilligence™ 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 Platform. For users of the Platform who will be purchasing products through the Fertilligence™ Program, VHP will share certain personally identifiable information that you submit through the Platform and/or this Site, including your name, address email and phone number, with an affiliate of Nestlé for the sole purpose of such affiliate's fulfillment and delivery of products offered through the Fertilligence Program. In addition, VHP may share 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 the Platform, and how these visitors navigate the Site and the Platform, and their respective statistics. This statistical data includes de-identified information on product and service purchases completed on the Platform. Nestlé does not collect, receive or otherwise obtain any personally-identifiable information about Fertilligence users that is provided or submitted to VHP through the Site or Platform by a user or the user's Provider. 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. We do not control the privacy policies of websites that are operated by entities not affiliated with VHP or Nestlé, and they are not covered by this policy. You should review the privacy policies of other websites or apps that you use to learn about their data practices.

The Platform may also include features that are designed to permit interactions that you initiate between the Platform 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 Platform, 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 Platform and their Services. 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.

Analytics

We may work with third parties that collect data about your use of the Site and other sites or apps over time for non-advertising purposes. The Site uses Google Analytics and other third-party services to improve the performance of the Site and for analytics and marketing purposes. For more information about how Google Analytics collects and uses data when you use our Site, visit www.google.com/policies/privacy/partners, and to opt out of Google Analytics, visit tools.google.com/dlpage/gaoptout.

Children’s Privacy

This Site is not intended for, nor targeted to, children under 16, and we do not knowingly or intentionally collect information from children under 16. If we learn that we have received information directly from a child who is under the age of 16, we will delete the information in accordance with applicable law.

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. If you would like to change your contact information, name or any other information you may do so at any time under the settings features on the Platform.

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.

Information for Users Residing in California

This section contains disclosures required by the California Consumer Privacy Act (“CCPA”) and applies only to “personal information” that is subject to the CCPA. Much of the personal information that Fertilligence collects is exempt from the CCPA because it is protected under federal and/or state health information privacy laws. The section below sets forth Fertilligence’s practices and consumers’ rights regarding non-exempt personal information that Fertilligence collects.

Consumers with disabilities may access this notice by emailing privacy@fertilligence.com or calling 1.833.337.8455 (1.833.FERTILL).

Personal Information We Collect, Disclose for a Business Purpose. We collect the categories of personal information about California consumers identified in the chart below. As further set forth in the chart below, in the past 12 months, we have disclosed California consumers’ personal information to third parties for business or commercial purposes.

Categories of Personal Information	Collected in the last 12 months:	Categories of sources from which information is collected:	Business or commercial purposes for collection, use, and sharing:	Disclosed for business purposes to the following categories of third parties:
Personal and online identifiers (such as first and last name, email address, or unique online identifiers)	Yes	Consumers, activity trackers	All purposes listed below.	All categories listed below.
Categories of information described in Section 1798.80(e) of the California Civil Code (such as physical characteristics or description, insurance policy number, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information)	Yes	Consumers	All purposes listed below.	All categories listed below.
Characteristics of protected classifications under California or federal law (such as race or gender)	Yes	Consumers	All purposes listed below.	All categories listed below.
Commercial or transactions information (such as records of personal property or products or services purchased, obtained or considered)	Yes	Consumers	All purposes listed below.	All categories listed below.
Internet or other electronic network activity information (such as browsing history, search history, interactions with a website, email, application, or advertisement)	Yes	Consumers	All purposes listed below.	All categories listed below.
Biometric information (such as call recordings)	Yes	Consumers	All purposes listed below.	All categories listed below.

Geolocation information	Yes	Consumers	All purposes listed below.	All categories listed below.
Sensory information (such as audio, electronic, visual, thermal, olfactory, or similar information)	Yes	Consumers	All purposes listed below.	All categories listed below.
Professional or employment-related information	No	All categories listed below.	All purposes listed below.	All categories listed below.
Education information	No	All categories listed below.	All purposes listed below.	All categories listed below.
Inferences drawn from the above information about your predicted characteristics and preferences	Yes	All categories listed below.	All purposes listed below.	All categories listed below.
Other information about you that is linked to the personal information above	No	All categories listed below.	All purposes listed below.	All categories listed below.

Categories of Sources. We collect this personal information from the following categories of sources:

- Consumers;
- Activity trackers that are linked to the Platform;
- Service providers;
- Health care providers;
- Affiliates not under the Fertilligence brand; and
- Business partners of Fertilligence.

Why We Collect, Use, and Share California Information. We use and disclose the personal information we collect for our commercial and business purposes, as further described in this Privacy Notice. These commercial and business purposes include, without limitation:

- Our commercial purposes, including marketing, advertising, and enabling commercial transactions.
- Our business purposes as identified in the CCPA, which include:
 - Auditing related to our interactions with you;
 - Legal compliance;
 - Detecting and protecting against security incidents, fraud, and illegal activity;
 - Debugging;
 - Performing services (for us or our service provider) such as account servicing, processing orders and payments, and analytics;
 - Internal research for technological improvement;
 - Internal operations;
 - Activities to maintain and improve our services; and
 - Other one-time uses.

Recipients of California Personal Information. We sell the categories of personal information designated above to the categories of third parties listed below:

- None

We disclose the categories of personal information designated above to the categories of third parties listed below for business purposes:

- Service providers;

- Affiliates not under the Fertilligence brand;
- Internet service providers;
- Data analytics providers; and
- Operating systems and platforms.

Your Rights Regarding Personal Information. California residents have certain rights with respect to the personal information collected by businesses. If you are a California resident, you may exercise the following rights regarding personal information about you, subject to certain exceptions and limitations:

- The **right to know** the categories and specific pieces of personal information we collect, use, disclose, and sell about you, the categories of sources from which we collected personal information about you, our purposes for collecting or selling personal information about you, the categories of personal information about you that we have either sold or disclosed for a business purpose, and the categories of third parties with which we have shared personal information;
- The **right to request that we delete** the personal information we have collected from you or maintain about you.
- The right to **opt out of our sale(s)** of personal information about you. Please note that if you opt out of certain types of sales, we will be unable to provide you with the services that rely on such sales.
- The **right not to receive discriminatory treatment** for the exercise of the privacy rights conferred by the CCPA.

To exercise any of the above rights, please contact us using the following information and submit the required verifying information, as further described below:

- By phone at 1.833.FERTILL (1.833.337.8455)
- Online at privacy@fertilligence.com

Verification Process and Required Information. Note that we may need to request additional information from you to verify your identity or understand the scope of your request, although you will not be required to create an account with us to submit a request or have it fulfilled. We will require you to provide, at a minimum your first and last name, email, phone number, date of birth, city, state & country.

Authorized Agent. You may designate an authorized agent to make a CCPA request on your behalf by emailing support@fertilligence.com with proof of delegation of authority.

Minors' Right to Opt In. We do not sell the personal information of minors under 16 years of age

The median number of days within which Fertilligence substantively responded to California consumers' requests to know, requests to delete, and requests to opt out in the previous calendar year is 0 days.

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@fertiligence.com or write to us at:

Virtual Health Partners
Attention: Fertiligence Privacy Inquiry
106 East 19th Street
New York, New York 10003