

# CUE® HEALTH PRIVACY POLICY

Updated November 10, 2021

## What Does Our Privacy Policy Include?

Cue Health Inc. (“**Cue**”, “**our**”, “**we**”, “**us**”) takes data privacy seriously and we are committed to keeping your personal information safe. We created this Privacy Policy to explain the measures we take to protect your personal information, your rights to your personal information, and to be transparent with how we use and disclose the information you provide to us. If you do not understand any aspects of our Privacy Policy, please feel free to contact us as described at the end of this Privacy Policy. We may update this Privacy Policy from time to time by posting a new version online.

Our Privacy Policy focuses on the information we collect and use when we provide the Cue Health Mobile Application (the “**Cue Health App**”) and related products, applications, and services to assist business customers test, manage, and monitor COVID-19 test results within their organization and to enable individual consumers to undergo and receive results from a COVID-19 test (collectively, the “**Services**”) as well as information we collect directly through our website and other interactions. The Cue Health App is used to provide customers with test instructions and to display the results obtained from the Cue Health Monitoring System used with a Cue Test Cartridge and a Cue Sample Wand for collection of the test specimen (collectively called a “**Cue Test**”). If you are an individual consumer, you must download and install the Cue Health App onto a compatible mobile smart device that you own or are authorized to use in order to receive your COVID-19 test results, and you must connect your mobile smart device to the Cue Cartridge Reader via Bluetooth® connection.

Our Policy focuses on Personal Information – information that is about an identifiable individual, such as contact information (e.g., name, address, email address, date of birth), health information, including COVID-19 test results, and any other information that is or can be used alone or in combination with other information to identify an individual (collectively, “**Personal Information**”). When we use the term “**De-Identified Information**”, we mean information that has been aggregated, de-identified and/or anonymized such that it is no longer identifiable. Please read this policy carefully to understand how we treat personal information.

Our Cue Health App and website may also contain links to third party sites that are not owned or controlled by Cue. We are not responsible for the privacy practices of such other sites. Cue does not share Personal Information with those other sites or services without your consent.

## What Information Do We Collect?

We collect three types of information: (1) information we receive directly from our business customers in order to provide the Cue Health App and Services on their behalf, including information about authorized users of the Services and information about test subjects, (2) information that we collect through use of the Cue Health App, including information about test subjects that we collect directly from individual consumers, and (3) information we collect

through our website and other interactions.

Our business customers are organizations across various sectors and industries. We rely on our business customers to comply with applicable privacy laws when collecting, using, or disclosing personal information of employees or other individuals through the Services, including by providing appropriate privacy notices and obtaining appropriate consent to collect, use, and disclose personal information through Cue Health App and Services. If your organization uses our Services, we encourage you to first contact your organization directly and/or review their applicable privacy policy if you have any questions regarding the personal information we process on behalf of your organization.

### **Information We Collect:**

- **Business Customers:**
  - **Account Information.** In order to use the Services, each authorized user at a customer is required to create an account and provide first and last name, email address and a password they create. We also collect Device Information and other information about the authorized user's use of the Cue Health App as set out below. We may also collect additional optional account profile information for the authorized user including phone number, postal code, and province for optimizing the user experience and internal data analytics. We may collect date of birth to confirm the authorized user is the age of majority.
  - **Test Subject Data:** The authorized user of the Cue Health App for an organization must create a separate profile for each test subject. To create a profile, we collect sample ID (or, alternatively, first name) and the test subject's Cue COVID-19 test results which are stored under the applicable profile. If provided by the authorized user, we may also collect optional profile information for each test data subject such as postal code, province, photo, date of birth and role/relationship with customer for optimizing the user experience and internal data analytics. Test subjects are not required to download or use the Cue Health App.
  - **Notifications:** We may obtain consent to send reminders, alerts and notices about the Services to authorized users by push notification and/or SMS text messages. For information on how to withdraw your consent, see "What Choices Do I Have?" below.
- **Individual Consumers:**
  - **Account Information.** In order to perform a COVID-19 test and receive your test result, individual consumers are required to download and install the Cue Health App and create an account. To create an account, we collect email address and a password created by the consumer.
  - **Profile Data.** You will be required to create a profile for yourself and for each

individual who is tested through your Cue Health App account. To create a profile, we collect username and the test subject's Cue COVID-19 test results which are stored under the applicable profile. You are not required to provide us with your real name, and you can use any username you choose. However, if you require proof of a negative COVID-19 test for travel or other verification purposes related to current or potential other supplementary products, you will be required to provide your full name at that time so that we can provide you with proof of the test results. We may also collect additional information such as phone number, date of birth, province of resident, photo related to additional services. If you choose to provide this optional information, we use it for only to the extent necessary to provide the services or as required by applicable laws or regulations. If you are providing information about a third party, we rely on you to ensure you have the consent of the third party to provide the information to us and, in the case of the minor, to confirm that you are the parent or legal guardian of the minor.

- **COVID-19 Test Result Data:** When you run a Cue Test, the Cue Health App will display the test results automatically on your compatible mobile smart device via BLUETOOTH® connection.
- **Notifications:** We may obtain your consent to send you reminders, alerts and notices about the Cue Health App and Services by push notification and/or SMS text messages, such as a notice when your test result is available. For information on how to withdraw your consent, see What Choices Do I Have? below.
- **Business Customers and Individual Consumers**
  - **Purchase Products:** If you place an order for Cue Test Cartridges or Cue Sample Wands through a Cue representative or through the **App or Website]**, we (or our authorized third-party payment processor) will collect information such as your first and last name, email address, shipping address, and your payment information (including billing address, credit card number, expiry date and CVV/CVC code), which is stored separately from data related to the use of the Cue Health App or Services. We use this information to process your payment and deliver your order. We require your phone number in the event we need to contact you about your order.
  - **Customer Support Data:** When you use the Cue Health App to request information from us, contact customer support, or otherwise communicate with us, you provide additional information to us which we use to respond to your request or inquiry.
  - **Device and Browsing Information:** In order to administer and receive the results of a Cue COVID-19 Test, you are required to download and install the Cue Health App and connect your mobile smart device to the Cue Cartridge Reader through

your device's Bluetooth connection. We collect technical information when you use the Cue Health App or other Services, or visit our website. This includes information such as the type of computer or mobile device you use, your device operating characteristics, a unique device identifier such as IP address, and other information about your session including average time spent on our website or the Cue Health App and date and time of your use. We use this information to improve the quality of our service, including for storing user preferences and determining appropriate settings for your device, and tracking user activity and trends in order to help us understand and improve the Cue Health App, Services and our website. In addition, the Cue Health App generates run time data (Cue Cartridge Reader Serial Number, Cue Cartridge Reader Status Data such as battery level, Cartridge Serial Number, and date and time of the Cue Test).

- **Geolocation Information:** When you create an account on the Cue Health App, we ask your permission to obtain your geolocation information each time a test is uploaded to the Cue Health App. We collect this information on an optional basis to help our business customers understand testing results across multiple testing locations. If you are an individual consumer, we use this geolocation data to ensure our Website and Cue Health App can be used on your device, to personalize and tailor your experience on the Cue Health App and Website, and to improve the functionality of the Cue Products and Services by understanding general usage traffic and trends. You can always remove our access to location data in your mobile device settings.
- **Marketing Information:** We may collect and use your email address to send you marketing communications about our products and services. You can unsubscribe from marketing emails at any time by clicking the "unsubscribe" link included at the bottom of our emails or by contacting us as set out below. Please note that you may continue to receive certain transactional or account-related communications from us. If you signed-up to receive marketing communications from one of our business customers and now wish to unsubscribe, please contact the customer directly.

### **How Do We Use and Share Personal Information?**

We may use Personal Information for the following purposes (subject to applicable legal restrictions):

- To provide COVID-19 test results to individual consumers who use the Cue Health App
- To provide the Services on behalf of our customers, including to provide COVID-19 testing and to analyze COVID-19 testing results across customer locations (if requested)
- To communicate with our business customers and individual consumers, provide updates, respond to customer requests, and provide customer support
- To improve and enhance our Services, including developing new products, features, and functionality

- To create De-Identified Data
- For other specific purposes that we provide you with notice of at the time the information is collected
- For compliance purposes, including enforcing our Terms of Use or other legal rights
- For security purposes to protect our Cue Health App and Services

We may share Personal Information in limited circumstances (subject to applicable legal restrictions) as follows:

- To subcontractors, service providers and other third parties we use to provide services that support our business on our behalf (such as storing data, sending communications, performing analytics services) and who are bound by contractual obligations to keep Personal Information confidential and use it only for the purposes for which we disclose it to them. Our service providers may be located in the U.S., Canada, or other foreign jurisdictions.
- As required by applicable law, which can include providing information as required by statute, regulation or in response to a subpoena, court order, legal process, or government request (which may include lawful access by foreign courts, law enforcement or other government and national security authorities in those jurisdictions in which we or our service providers operate).
- To report, either directly or indirectly, to the U.S. Food and Drug Administration and/or Health Canada adverse events related to medical device problems where required by applicable law.
- In connection with a prospective or completed merger, sale, or other asset transfers in connection with a corporate transaction, in which we are acquired by or merge with another company.
- As otherwise permitted or required by law.

**De-Identified Information.** We may use and share De-Identified Information created by us without restriction, including to create aggregate data for research, product development or enhancement, or statistical analysis such as to understand testing outcomes.

**Other Uses With Your Consent.** In addition to the sharing described elsewhere in this Policy, we will share Personal Information with companies, organizations, or individuals outside of Cue only when we have consent to do so.

**Children And Minors.** The Cue Health App is intended for adults who are at least age 18 or the age of majority in your jurisdiction of residence (whichever is greater). We do not knowingly directly collect or solicit any information from anyone under the age of majority through our Services without the consent of a parent or legal guardian.

#### **How Do You Access And Update Your Personal Information?**

Subject to limited exceptions under applicable law, you can access, update, and correct inaccuracies in your personal information in our custody and control. You may request access,

updating and corrections of inaccuracies in your personal information in our custody or control by contacting us as set out in the “How Can I Contact You If I Have Questions?” section of the Privacy Policy.

If we receive a request from a test subject or other individual to access or update personal information we maintain on behalf of a customer, we will direct that individual to the relevant customer. We will assist our customers wherever possible in responding to individual access requests.

### **How Is Your Information Protected?**

We use reasonable physical, technical and administrative security measures and safeguards in compliance with industry standards and applicable privacy laws to protect the confidentiality and security of Personal Information. Access to Personal Information will be limited on a need-to-know basis to internally within Cue and any third parties who provide services to us that need to access your personal information for the services. It will also be disclosed if required by law. . However, even with these safeguards, we cannot guarantee, ensure, or warrant the security of any information you transmit to us. There is no guarantee that information may not be accessed, disclosed, altered, or destroyed by breach of any of our physical, technical, or managerial safeguards. It is your responsibility to protect the security of your login information. You should report any security violations or breaches to us by contacting us at support@cuehealth.com or by calling us at 833.CUE.TEST (833-283-8378).

### **Where Will Your Information Be Maintained?**

The Cue Health App is operated and managed on secure cloud-based servers located and operated within the United States. Your Personal Information (including COVID-19 test results) will be transferred to and stored on servers located in Canada. If you reside outside the Canada, you recognize that your information will be subject to U.S. laws, which may be different than required under the laws of any location where you reside.

### **How Long Will Your COVID-19 Test Results Be Retained?**

If you are an individual consumer, we retain your COVID-19 test results on the Cue Health App for **eighteen (18) months, based on the anticipated need to access your test results as it relates to your health record and the projected longevity of the SARS-CoV-2 virus and its variants.** If you wish to retain the test result for a longer period of time, you can print or download a copy to your mobile device for your personal use. If we change our retention period, we will update this Privacy Policy accordingly.

We retain personal information on behalf of our business customers for as long as necessary to provide the Services and in accordance with our contract with the customer.

### **What choices do I have?**

- E-mails. If you have signed-up to receive our email marketing communications, you can unsubscribe any time by clicking the “unsubscribe” link included at the bottom of the newsletter. Please note that you will continue to receive transactional and account

related communications. Alternatively, you can opt-out of receiving our email marketing communications by contacting us at the contact information under “How Can I Contact You If I Have Questions?” section below.

- **Push Notifications.** If you have opted-in to receive push notification on your device, you can opt-out at any time by adjusting the permissions in the settings in your device.
- **Text Messages.** If you have opted-in to receive text messages, you can opt-out at any time by texting “STOP” in response to any text message you receive from us.
- **Location Information.** If you have enabled our access to your device location data, you can remove our permission in the setting for the Cue Health App on your mobile device. You can also choose to share your location only once or when the app is in use.
- **Camera Access.** If you have enabled camera access so that you can take a photo for a profile, you can remove this permission in the setting for the Cue Health App on your mobile smart device.

#### **How Will You Know If This Policy Changes?**

We may change this Privacy Policy from time to time in the future. We will post any revised version of the Privacy Policy on this page and at other places we deem appropriate.

#### **How Can I Contact You If I Have Questions?**

If you have any questions, concerns, complaints, or suggestions regarding our Privacy Policy or about the manner in which we or our service providers treat your personal information, or otherwise need to contact us, please email Vimal Subramanian, Director of Information Security at [privacy@cuehealth.com](mailto:privacy@cuehealth.com), call us at 833.CUE.TEST (833-283-8378), or by regular mail at:

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Attn: Vimal Subramanian, Director, Information Security

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