

CONTOUR™ DIABETES APP

Privacy Policy

Effective Date: February 2018

Introduction

The protection and security of your personal data are important to Ascensia. This Privacy Policy tells you how we collect, use, share and protect your personal data and, together with the End User Licence Agreement (EULA), applies to your use of the Contour™ Diabetes App (Contour App).

The Contour App has been developed and is operated by Ascensia Diabetes Care Holdings AG (“Ascensia,” “we,” or “us”), Peter Merian-Strasse 90, P.O. Box, 4052 Basel, Switzerland. Ascensia is the controller of your personal data processed via the Contour App pursuant to the Swiss Federal Act on Data Protection of 19 June 1992.

The Contour App is part of the Contour™ Next One and Contour™ Plus One diabetes management services. These services are made available to you via app stores and can be downloaded for free. The Contour App allows you to upload information from your Contour meter to assist you in managing your diabetes. The Contour App is part of a secure cloud-based diabetes management service intended for use by individuals to help them manage their diabetes.

Residents of the European Economic Area and Switzerland: Ascensia relies on the legal basis of consent to process your health-related information for the purpose of providing you with the Contour App and the Contour Cloud Account. You may withdraw your consent at any time by using the “Delete Account” option in the Contour App.

Please read this Privacy Policy before consenting to create a Contour Cloud account.

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1. Using the Contour App

Your use of the Contour App is not conditioned on your consent to share your personal data with Ascensia. You may use the Contour App as a “Guest” without creating a Contour Cloud account, and if you do so, your information will be stored locally on your smartphone. Ascensia will not process or have access to your personal data, and you may only be able to store limited information about your

glucose readings, depending on the amount of data that you can store on your smartphone. If you use the Contour App as a Guest, you will not be able to access your personal data from other mobile devices and your data will not be backed up to the Contour Cloud and cannot be restored.

When you first open the Contour App, you will be asked to select your country and language so that we can provide you with the correct version of this Privacy Policy and the EULA. You will also be asked to accept and consent to these terms and conditions before being able to use the Contour App. By selecting "Get Started" you will have the choice of using the Contour App as a Guest or to create a Contour Cloud account.

2. Creating a Contour Cloud Account

If you choose to register for a Contour Cloud account, your personal data will be backed up to the cloud. You will be able to access the data stored in your Contour Cloud account, including your blood glucose readings, on multiple devices. Creating a Contour Cloud account will ensure that the Contour Next/Plus One meter you pair to the Contour App can sync information and settings, such as Target Ranges.

If you choose to create a Contour Cloud account you will be asked to consent to the processing of your health-related information as described in this Privacy Policy. You can withdraw your consent at any time by deleting your account (see "Contour Cloud Account Deletion" below). Please do not create a Contour Cloud account if you do not wish for your health-related information to be processed by us.

3. Diabetes Management

The Contour App and Contour Cloud services are designed to help you manage your diabetes by automatically syncing and logging your blood glucose results so you can understand how your activities impact upon them. The Contour App and Contour Cloud account require wifi and/or data connectivity for syncing and retrieving your blood glucose (BG) results via your smartphone. The Contour App is compatible with Ascensia Contour Next and Contour Plus One meters only. The Contour App and Contour Cloud services simplify the management of your diabetes but the services are not substitute for medical advice. Ascensia recommends that both guest users of the Contour App and users with a Contour Cloud account seek regular advice from their health care professionals regarding their diabetes. Ascensia does not provide medical advice to users. We recommend that you contact your health care provider or your local emergency services if you suspect you may have a medical emergency. The members of our customer support team are not authorised to provide medical advice relating to the substance, meaning, or possible consequences of any BG results uploaded to the Contour App or Contour Cloud account.

4. Contour App – Personal Data Submission and Collection

Ascensia will process your personal data when you submit it in the following ways:

- **Downloading the Contour App and creating a Contour Cloud account:** When you create a Contour Cloud account, the following information will be stored: your name, gender, email address, date of birth, country, authentication details and other registration information, including your chosen password for a Contour Cloud account. Where a user is under the legal age of majority, we will request and collect the email address of a parent/guardian for verification purposes. The Contour App can be used to capture information about your diabetes management, condition of health and your blood glucose meter. This may include your diabetes type, medications, insulin, food consumption and exercise regime, your hospital address and hospital attendance dates, health care practitioner reports, blood glucose readings, A1c data, and meter model number, serial number and settings.
- **Downloading the Contour App and using it as a Guest only:** When you download the Contour App and use the Contour App as a Guest, we collect your consent to the EULA and Privacy Policy and information about your mobile device. Your email address and health-related information is not collected or stored by Ascensia. We will collect technical information about your mobile device, as described below in "Information About Your Device."

- **Access to Mobile Device System Services:** Depending on your mobile device operating system, the Contour App may automatically access, or you may be asked to allow access to, certain system services on your device, such as camera, photos, contact list and location. Access to these system services allows the Contour App to function properly, and by allowing access to these system services it will not result in Ascensia having access to, collecting or storing any information relating to such system services. You can manage the Contour App's access to these system services in your mobile device/the Contour App's settings.
- **Emergency Contact:** You may choose to include emergency contact information of someone you would want contacted in case of an emergency. The information about your emergency contact is only stored locally on your smartphone and is not collected or stored by us in your Contour Cloud account.
- **Customer Services:** If you contact us about the Contour App, your Contour Cloud account or for any other reason relating to customer services, we will keep a record of that contact. You may provide us with personal data by completing forms by e-mail as part of an order for products or services, where you have enquiries or requests or when you report a problem with the Contour App and similar situations where you choose to give us your information.
- **Information About Your Device:** We do not collect location data about your device. When you use the Contour App, we will automatically receive technical information, including the type of mobile device you use, a unique device identifier (such as your device IMEI number, MAC address of the device's wireless network interface, or the mobile phone number used by the device), mobile network information, your mobile operating system and software version number, IP address, the type of mobile browser you use, the country and language code and time zone setting. We will also collect information about your use of the Contour App, such as any meter errors, log files and administration data so that we can ensure good operation of the Contour App.

5. The Reasons For Processing Your Personal Data

We process your personal data, including health-related information, in the following ways:

- with your consent to provide you with the Contour App and its services, functionalities, and to notify you of any changes
 - to permit you to send reports of your blood sugar, as described in "Using the Contour App to Send Reports" section below
 - to connect to other apps, where available, as described in the "Third Party App Connections" section below
 - to present information to you about your blood glucose testing and measurements to help you understand patterns and trends relating to your diabetes so that you may better manage your diabetes, the "My Patterns" notifications and related functions and settings
 - to allow you to participate in interactive features of the Contour App, when you choose to do so
 - to provide you with cloud services if you choose to set up a Contour Cloud account
 - to respond to any request we may receive from you, such as requests for Contour App or Contour Cloud account support
 - if you are a parent or guardian, to enable you to create a Contour Cloud account for use by your child, and to allow you to manage their use of the Contour Cloud account.
- for purposes related to public health related to medical devices, to conduct research and for our legitimate business interests including for statistical purposes to
 - continue to develop, test and improve the Contour App and Contour Cloud services, including to offer new functionality and features
 - better understand how you interact with the Contour App, including its functionality and features, as well as ensure that content is presented in the most effective manner
 - help us fix any issues with the Contour App or Contour Cloud services, including where we respond to your questions or respond to your request for support, maintenance, troubleshooting, or other performance issues
 - conduct data analysis, testing and research, including for statistical purposes
 - develop and implement security tools and mechanisms as part of our efforts to keep the Contour App safe and secure

- issue a safety notice or corrective action related to the Contour App, our meters or your Contour Cloud account whenever necessary.
- for our legitimate business purposes relating to direct marketing, and where required, consent to:
 - invite you to participate in surveys or opinion groups or other promotional and marketing activities related to the operation and your use of the Contour App, the Contour Cloud account or concerning our products and services, including in conjunction with selected third parties
 - measure and understand the effectiveness of advertising we may serve and to deliver relevant advertising
 - make suggestions and recommendations about products or services that may interest you, including to receive such information from your local Ascensia company, as described in the “Marketing” section below.
- Where required by law, including legal requirements relating to the safety of medical devices.

For reasons of public interest in the area of public health relating to medical devices, to conduct scientific research and/or for our legitimate business purposes, Ascensia may use, analyse and disclose statistical, aggregated, anonymised or de-identified/pseudonymised information (this is information with which Ascensia will not identify you individually and cannot reasonably be used to identify you) to: our local Ascensia affiliates, third party researchers or to governmental or regulatory authorities with oversight for medical devices and/or national authorities with responsibility for medical reimbursement and funding. We do this for the purposes of:

- determining and improving the effectiveness of diabetes management techniques, therapies, treatments and costs;
- researching and evaluating how the Contour App and the Contour Cloud account services are provided and used including in relation to marketing strategies;
- evaluating the performance, impact and experience of the Contour App and Contour Cloud account on users (including based on user demographics, such as geography);
- evaluating the performance and interface of the Contour App with blood glucose meters;
- enhancing the functionality and features of the Contour App and the Contour Cloud account services;
- testing and validating Contour App upgrades and improvement, including in relation to our medical devices, such as our diabetes meters and test strips;
- Ascensia’s operating and business strategy for research and development, distribution and business efficiencies and operations; and
- scientific research, statistical purposes and analysis, relating to diabetes, including publishing articles in medical and/or peer-reviewed publications and journals.

For reasons of public interest in the area of public health relating to medical devices and and/or for our legitimate business purposes, Ascensia may also collect and use technical information about your smartphone, mobile devices and related software, hardware and peripherals that are internet-based or wireless to improve our products and services and to provide with you the various functionalities of the Contour App.

YOU AGREE THAT, BY CREATING A CONTOUR CLOUD ACCOUNT AND BY ACCEPTING THIS PRIVACY POLICY, YOU CONSENT TO THE PROCESSING OF YOUR SENSITIVE HEALTH-RELATED INFORMATION, AS DESCRIBED IN THIS POLICY.

6. Marketing

We may contact you to tell you about products and services that we feel may be of interest to you or that are similar to those that you have already purchased or enquired about.

You may also be contacted by your local Ascensia company, a distributor of Ascensia products, or one of our selected partners, in each case, where you have consented to receive these communications.

You may opt out of receiving our marketing communications at any time by contacting us at privacy@ascensia.com or by using the unsubscribe link in any of our communications.

We will continue to contact you for non-marketing related purposes where we need to send you information about the Contour App, your Contour Cloud account or where we need to issue a field corrective or safety notice. We may send information to you via Contour App notifications, reminders or alerts to inform you of new developments. You can manage push notifications in your mobile device settings.

7. Sharing Your Personal data

We do not rent or sell your personal data to anyone. Ascensia may share your information with:

- your local Ascensia company and Ascensia Diabetes Care US Inc. for purposes consistent with this Privacy Policy. The details of your local Ascensia company are listed on our website at <http://diabetes.ascensia.com/en/contact-us>;
- our service providers involved in the development, troubleshooting or fixes relating to support, testing and maintenance of the Contour App and Contour Cloud services;
- distributors of our products, if you live in a country where we use a distributor;
- our selected partners where you have chosen to participate in surveys, opinion groups or other marketing-related initiatives relating to your use of our products and services, including the Contour App or your Contour Cloud account; or
- a prospective seller or buyer in the event of a sale or purchase of any Ascensia business or asset so that the buyer can continue to provide you with information and services.

We may share your personal data with our distributors, business partners, or service providers, including for marketing purposes or where you have chosen to share your personal data through various features and functionality provided via the Contour App. In each case, we will only share your personal data with third parties so that we may provide, maintain, host and support the Contour App and Contour Cloud accounts.

We may disclose your personal data where required to respond to authorized requests from government authorities or where required by law, including for national security. Where we are required by law, we may also disclose your personal data where it is necessary to enforce or apply our EULA, this Privacy Policy or other agreements, to investigate or protect the rights, property or safety of Ascensia and our group companies, our products and services and our customers, distributors or business partners or to prevent or take action regarding illegal activities or fraud, situations involving potential threats to the safety of any person or as evidence in litigation. Your personal data may be subject to foreign laws and may be accessible by foreign governments, courts, law enforcement and regulatory agencies.

8. Using the Contour App to Send Reports

The Contour App may allow you to create a blood sugar report based on the information stored in your Contour Cloud account. You may use the Contour App's functions to send a report by email to third parties such as a doctor, medical provider or other person of your choice. If you do choose to share your personal data with anybody, please do take care and make sure your personal data is only shared with intended people.

Please note that any sharing of your personal data is wholly at your own risk and Ascensia is not responsible for securing or protecting the information that you choose to send to other persons via the Contour App. You should be aware that there are risks involved in sharing information over the internet, including the potential for such information to be intercepted by unauthorised third parties. We recommend that you exercise caution when choosing to share your personal data.

9. My Patterns

The Contour App may allow you to receive information about various blood glucose patterns and statistics to help you better manage your diabetes. These patterns relate to high and/or low levels of blood sugar, based on times of day, meal markers or days of the week. The "My Patterns"

functionality will detect your blood glucose testing patterns and may suggest changes to improve testing times or frequency.

By using this function, you can set up reminders in the Contour App about when to test or retest your blood sugar levels or follow links to helpful information so that you may better manage your diabetes.

10. Third Party App Connections

The Contour App may allow you to create a connection between your Cloud Account and mobile applications offered by third parties (“Third Party App”). If you choose to connect with a Third Party App, you will be asked to consent to the sharing of the personal information stored in your Cloud Account, which may include health-related information. Your personal information will only be shared with a Third Party App when you direct us to make the connection. The amount of personal information from your Contour Cloud Account that is shared with the third party may vary depending on the Third Party App, and may include your blood glucose reading value, measurement date and time, target blood glucose ranges by meal marker, your meal markers and meal type, and whether your reading was taken via your meter or manually.

You can find the list of Third Party Apps which are available for you to voluntarily connect to under Settings “Connected Apps”. The Connected Apps function lists any Third Party Apps you have chosen to connect with and list Third Party Apps that you may choose to connect to. You can revoke your consent to share your personal information with any Third Party App at any time by clicking on the icon for the connected Third Party App icon and choosing to disconnect.

Please note that if you choose to create a connection with a Third Party App, the personal information that you share will be processed in accordance with, and governed by, the third party’s privacy policy and terms and conditions. Ascensia does not accept any responsibility or liability for these policies. Please check these policies before you connect with any Third Party App.

11. Storing Your Personal data

Residents of the United States and Canada: Personal data in your Contour Cloud account will be stored on servers located in the United States with our cloud service provider who is our data processor for the hosting of Contour Cloud accounts.

Residents of the European Economic Area (EEA) or Switzerland: Personal data in your Contour Cloud account will be stored on servers located in the United Kingdom. In exceptional cases, your personal data may be transferred to Ascensia Diabetes Care US Inc. in the United States to administer and provide you with support and technical services for your Contour Cloud account. Your personal data may also be processed by Ascensia staff operating outside EEA and Switzerland or by one of our service providers that has assisted with development of the Contour App, to support, troubleshoot and maintain the Contour App or to provide the Contour Cloud account services. The United States may have different levels of privacy protection than those that apply in your country.

We have implemented appropriate safeguards to protect your personal data when it is transferred, including the execution of data transfer agreements with recipients of the information. For access to copies of these agreements please contact Ascensia by email at privacy@ascensia.com or by mail at Ascensia Diabetes Care Holdings AG, Peter Merian-Strasse 90, P.O. Box, 4052 Basel, Switzerland. We will process any request in line with any local laws and our policies and procedures.

12. Keeping Your Personal Data Secure

Ascensia implements appropriate administrative, technical and physical safeguards to protect the confidentiality, integrity and availability of your personal data. We will use strict procedures and security features, including cryptographic techniques, and take all steps reasonably necessary to ensure your personal data is processed securely and in accordance with this Privacy Policy.

You are responsible for protecting against unauthorised access to the Contour App and your Contour Cloud account. Ascensia recommends that you use strong password security, by using a mix of

letters, numbers and symbols, and a different password for your Contour Cloud account than you use for any other accounts that you may have. You must keep your account information password confidential and not share it with anyone. Ascensia is not responsible for any lost, stolen or compromised passwords or for any access to your Contour Cloud account from unauthorised users where caused by you. If you think your account has been compromised, please contact us as soon as possible at privacy@ascensia.com.

Please note that the transmission of information via the internet is not completely secure. Although Ascensia will do its best to protect your personal data, we cannot guarantee the security of your information transmitted to the Contour App and any transmission is at your own risk.

13. Data Storage

Residents of the European Economic Area (EEA) or Switzerland: Ascensia will continue to store your personal data while you have an active Contour Cloud account. The section on “Contour Cloud Account Deletion”, below, explains how you can delete your Contour Cloud account and what happens to your personal data once your account has been deleted.

14. Contour Cloud Account Deletion

If you would like to delete your Contour Cloud account, you may do so by using the “Delete Account” option in the Contour App or contacting us at privacy@ascensia.com. Please be aware that if you delete your account we will retain aggregated and de-identified information and we may need to retain certain personal data as required by law. Where we are not otherwise subject to a legal requirement to retain records, we will retain de-identified/pseudonomized data for no longer than is necessary for the purposes for which the data was retained or for which it is to be further processed.

Once your Contour Cloud account and any associated personal data has been deleted, you will no longer have access to the account and deletion of your account may be irreversible. You may not therefore be able to reactivate your Contour Cloud account or retrieve any personal data, including health related information. You may want to download and save any required information before deleting your account or requesting that we delete your account.

If you have chosen to share your Contour Cloud account information with a third party such as your healthcare provider or other person and you delete your account, those persons will no longer be able to view your account information, including information about your BG readings.

Ascensia reserves the right to delete Contour Cloud accounts that remain inactive for an extended period of time . Where a Contour Cloud account remains inactive, we will notify you in advance so that you have an opportunity to ensure your account stays current and available for your use.

15. Exercising Your Rights

If you need to update your information you can do this through the Contour App. If you are unable to access that information for any reason, you can notify Ascensia of any changes to (or errors in) your information and we will update it for you by submitting a written request for changes using the contact information provided below.

Residents of the European Economic Area (EEA) or Switzerland: You may have the right to: (a) access the personal data we hold about you; (b) request we correct any inaccurate personal data we hold about you; (c) request we delete any personal data we hold about you; (d) restrict the processing of personal data we hold about you; (e) object to the processing of personal data we hold about you; and/or (f) receive any personal data we hold about you in a structured and commonly used machine-readable format or have such personal information transmitted to another company.

We may ask you for additional information to confirm your identity and for security purposes, before disclosing information requested to you.

Where you have been asked to consent to the processing of your personal data, we will provide you with an opportunity to withdraw your consent. You can withdraw consent, such as by contacting us using our contacts details below. In each case you will be given information about how to withdraw consent. Any withdrawal of consent will not affect the lawfulness of the processing based on your consent before the withdrawal. Please also note that where you withdraw consent, we will only stop processing your personal data that relates to the withdrawal of consent.

To exercise any of your rights in connection with your personal data, please contact Ascensia by email at privacy@ascensia.com or by mail to Ascensia Diabetes Care Holdings AG, Peter Merian-Strasse 90, P.O. Box, 4052 Basel, Switzerland. We will process any request in line with any local laws and our policies and procedures. If you are located in the EEA, you have the right to lodge a complaint about how we process your personal data with the supervisory authority in your country.

16. Do Not Track

We do not collect personal data about your online activities over time and across third-party websites or online services. We also do not allow third parties to collect personal data about your online activities over time and across other websites or online services when you use the Contour App. We do not respond to browser "Do Not Track" signals.

17. Children

We will not collect or use the personal data of anyone we know to be under the legal age of majority without the prior affirmative, verifiable consent of his or her parent/guardian. We employ reasonable technological safeguards to prevent children from registering to use the Contour App where personal data may be collected. We collect only as much information from children as is reasonably necessary to use the Contour App and to create and use a Contour Cloud account. At the point of registration, where a user's date of birth indicates that they are under the legal age of majority we will ask for the contact email address of their parent/guardian. The parent/guardian will be sent an email requesting that they visit a web page to approve the creation of a Contour Cloud account and click to accept this Privacy Policy. A Contour Cloud account can only be registered once the parent/guardian has taken these steps. A parent/guardian has the right, upon request, to view the information provided by their child and/or to require that it be deleted. If you are a parent/guardian with any concerns regarding your child's personal data in connection with the Contour App, please contact Ascensia at privacy@ascensia.com or by mail to Ascensia Diabetes Care Holdings AG, Peter Merian-Strasse 90, P.O. Box, 4052 Basel, Switzerland.

If you are located in the United States and have questions about Ascensia and the Children's Online Privacy Protection Act, you may also contact our U.S.-based subsidiary directly at Ascensia Diabetes Care US Inc., 5 Wood Hollow Rd, Parsippany, NJ 07054 USA or via telephone at +1 (862) 225-2902. Please be aware that if you contact our US subsidiary, we will keep a separate record of that contact.

18. Changes to this Privacy Policy

Any changes to this Privacy Policy in the future will be posted on this page and, at our discretion, provided to you by e-mail or via a push notification on the Contour App.

19. Contact Us

Questions, comments and requests regarding this Privacy Policy are welcomed and should be addressed to the Data Protection Officer at privacy@ascensia.com or to Ascensia Diabetes Care Holdings AG, Peter Merian-Strasse 90, P.O. Box, 4052 Basel, Switzerland. If you contact us, we will do our utmost to address any concerns you may have about our processing of your personal data.