

# Privacy Policy

Effective as of April 10, 2020.

This Privacy Policy describes how Lightning MD (collectively "**Lightning MD**," "**we**", "**us**" or "**our**") handle personal information that we collect through our websites and other digital properties that link to this Privacy Policy (collectively, the "**Service**"), through social media, in connection with our marketing activities, and through other activities described in this Privacy Policy.

## Personal information we process for our customers

Lightning MD provides a web-based software platform that businesses use to manage healthcare business processes and provide other healthcare business services. We may collect and process personal information in our role as a processor on behalf of our customers, including when customers use our services to: (i) host and/or share content and collect analytics; (ii) send electronic communications, including live and recorded videos, SMS messages and emails, to other individuals; or (iii) otherwise collect, use, share, disclose or process personal information via our Service.

If you are using with the Service because you are an authorized user of one of our customers, or because you are interacting with a user of our Service, the personal information we may collect, receive, process, and store may include name, phone number, job title, employer name, mailing address, email addresses, credential data, health care information, other profile data and other information identifiable to you; your search queries and viewing history; information related to your microapp viewing behavior and activities; location data, and automatically collected information such as IP addresses and the type of device or operating system. Customer's users can also upload content to the Service, which may include your personal information, and share such content with other users or with the public.

We have no direct relationship with the people whose personal information we collect for customers while providing the Service to them. All such information is owned and controlled by our customers, who are the data controllers for such information with respect to data protection laws. Our use of this information is restricted by our agreements with those customers. We are not responsible for and do not control customers' privacy and data security practices, which differ from those in this Privacy Policy. This Privacy Policy does not apply to any information we receive from or on behalf of our customers or their agents. If your personal information was submitted to us by, or on behalf of, a Lightning MD customer and you wish to exercise any rights you may have under applicable data protection laws, please inquire with the applicable customer directly.

## Personal information we collect

**Information you provide to us.** Personal information you may provide to us through the Service or otherwise includes:

- **Contact data**, such as your first and last name, and email and physical addresses.
- **Profile data**, such as your username and password that you set to establish an online account with us, and any other information that you add to your account profile.
- **Communications** that we exchange, including when you contact us with questions, feedback, or otherwise.
- **Marketing data**, such as your preferences for receiving communications about our products and services, and details about how you engage with our communications.
- **Payment data.** If you use an online patient payment option to pay for the Service, your transaction will be processed by Stripe, Inc., and the information you provide to Stripe is subject

to its privacy policy. Your credit card number and billing information will not be accessible by Lightning MD.

- **Other information** that we may collect which is not specifically listed here, which we will use as described in this Privacy Policy or as otherwise disclosed at the time of collection.

**Third party sources.** We obtain personal information from other sources, such as:

- **Data providers**, such as information services and data licensors that provide demographic and other information.
- **Public sources**, such as social media platforms.

**Automatic data collection.** We, our service providers, and our business partners may automatically log information about you, your computer or mobile device, and your activity over time on our sites and other sites and online services. This information may include:

- **Device data**, such as your computer or mobile device operating system type and version number, manufacturer and model, browser type, screen resolution, IP address, IP address, unique identifiers, the website you visited before browsing to our website, and general location information such as city, state or geographic area.
- **Online activity data**, such as pages or screens you viewed, how long you spent on a page or screen, navigation paths between pages or screens, information about your activity on a page or screen, access times, and duration of access.

**Cookies.** Some of our automatic data collection is facilitated by cookies and similar technologies. A cookie is a small amount of data, which often includes an anonymous unique identifier that is sent to your browser from a website's computers and stored on your computer's hard drive. We do link the information we store in cookies to personal information you submit while on our website.

We use both "session" cookies and "persistent" cookies. A session ID cookie will get removed automatically when you close your web browser. We may use session cookies to make it easier for you to navigate our website. A persistent cookie remains on your hard drive for an extended period of time. We may also set a persistent cookie to store your passwords, so you don't have to enter it more than once if you so choose.

If you reject cookies, you may still use our website, but your ability to use some areas of our site, such as contests or surveys, will be limited.

**3rd Party Tracking.** Third parties, such as tracking services that use cookies and other tracking technologies to track non-personally identifiable information about visitors to our site also place cookies on our website. Third parties' cookies may be session ID cookies or persistent cookies. The use of cookies by third parties, including any tracking utility company, is not covered by our privacy policy. We do not have access or control over these cookies.

**Behavioral Targeting / Re-Targeting.** We may partner with third party ad networks to either display advertising on our website or to manage our advertising on other sites. These partners use cookies and other tracking technologies to collect information about your activities on this and other websites to provide you targeted advertising based upon your interests.

**Referrals.** If you choose to use our referral service to tell someone else about our Service, we may ask you for the name or email address of the person you are referring to us. We will use that information to contact the person referred.

## How we use your personal information

We use your personal information for the following purposes or as otherwise described at the time we collect it:

**Service delivery.** We use your personal information to:

- provide, operate and improve the Service and our business;
- establish and maintain your user profile on the Service;
- enable security features of the Service, such as by sending you security codes via email or SMS;
- communicate with you about the Service, including by sending announcements, updates, security alerts, and support and administrative messages;
- understand your needs and interests, and personalize your experience with the Service and our communications; and
- provide support for the Service, respond to your requests, questions and feedback.

**Research and development.** We may use your personal information for research and development purposes, including to analyze and improve the Service and our business. As part of these activities, we may create aggregated, de-identified or other anonymous data from personal information we collect. We make personal information into anonymous data by removing information that makes the data personally identifiable to you. We may use this anonymous data and share it with third parties for our lawful business purposes, including to analyze and improve the Service and promote our business.

**Marketing and advertising.** We and our third party advertising partners may collect and use your personal information for marketing and advertising purposes:

- **Direct marketing.** We may send you Lightning MD-related or other direct marketing communications as permitted by law, including by email. You may opt-out of our marketing communications as described in the Your Choices section below.
- **Interest-based advertising.** We may contract with third-party advertising companies and social media companies to display ads on our Service and other sites. These companies may use cookies and similar technologies to collect information about you (including the device data, online activity data and/or geolocation data described above) over time across our Service and other sites and services or your interaction with our emails, and use that information to serve ads that they think will interest you. You can learn more about your choices for limiting interest-based advertising, in the Your Choices section below.

**Compliance and protection.** We may use your personal information to:

- comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas or requests from government authorities;
- protect our, your or others' rights, privacy, safety or property (including by making and defending legal claims);
- audit our internal processes for compliance with legal and contractual requirements and internal policies;

- enforce the terms and conditions that govern the Service; and
- prevent, identify, investigate and deter fraudulent, harmful, unauthorized, unethical or illegal activity, including cyberattacks and identity theft.

**Data Aggregation Services & De-identified Data.** To the extent we receive protected health information from customers that are covered entities under HIPAA, we may use such information to provide data aggregation services (as that term is defined by HIPAA) and to create de-identified data in accordance with 45 CFR 164.514(a)-(c) retaining any and all ownership claims relating to the de-identified data Lightning MD creates from protected health information. Lightning MD may use, during and after this agreement, all aggregate non-identifiable information and de-identified data for purposes of enhancing the Service, technical support and other business purposes, all in compliance with the HIPAA Privacy Standards, including without limitation the limited data set and de-identification of information regulations.

## How we share your personal information

We may share your personal information with the following parties and as otherwise described in this Privacy Policy or at the time of collection:

**Affiliates.** Our subsidiaries and other corporate affiliates, for purposes consistent with this Privacy Policy.

**Service providers.** Companies and individuals that provide services on our behalf or help us operate the Service or our business, such as hosting, information technology, customer service, email delivery and website analytics.

**Advertising partners.** Third party advertising companies that collect information about your activity on the Service and other online services to help us advertise our services, and/or use hashed customer lists that we share with them to deliver ads on their platforms to those customers and similar users.

**Professional advisors.** Professional advisors, such as lawyers, auditors, bankers and insurers, where necessary in the course of the professional services that they render to us.

**Authorities and others.** Law enforcement, government authorities, and private parties, as we believe in good faith to be necessary or appropriate for the compliance and protection purposes described above.

**Business transferees.** Relevant participants in business transactions (or potential transactions) involving a corporate divestiture, merger, consolidation, acquisition, reorganization, sale or other disposition of all or any portion of the business or assets of, or equity interests in, Lightning MD or our affiliates (including, in connection with a bankruptcy or similar proceedings).

**Sales of Personal Information.** We will not “sell” your personal information, as that term is defined in the California Consumer Privacy Act of 2018, and have not done so over the last 12 months.

## Your choices

You have the following choices with respect to your personal information.

**Access or update your information.** If you have registered for an account with us, you may review and update certain account information by logging into the account.

**Opt-out of marketing communications.** You may opt out of marketing-related emails by following the opt-out or unsubscribe instructions at the bottom of the email, or by contacting us. You may continue to receive service-related and other non-marketing emails. If you receive other marketing messages from us, you may opt out of receiving further marketing text messages from us by contacting us at [privacy@lightningmd.com](mailto:privacy@lightningmd.com).

**Cookies.** Most browsers let you remove and/or stop accepting cookies from the websites you visit. To do this, follow the instructions in your browser's settings. Many browsers accept cookies by default until you change your settings. If you do not accept cookies, however, you may not be able to use all functionality of the Service and the Service may not work properly. For more information about cookies, including how to see what cookies have been set on your browser and how to manage and delete them, visit [www.allaboutcookies.org](http://www.allaboutcookies.org).

**Do Not Track.** Some Internet browsers may be configured to send "Do Not Track" signals to the online services that you visit. We currently do not respond to "Do Not Track" or similar signals. To find out more about "Do Not Track," please visit <http://www.allaboutdnt.com>.

**Declining to provide information.** We need to collect personal information to provide certain services. If you do not provide the information requested, we may not be able to provide those services.

## Other sites and services

The Service may contain links to websites, mobile applications, and other online services operated by third parties. These links are not an endorsement of, or representation that we are affiliated with, any third party. In addition, our content may be included on web pages or in mobile applications or other online services that are not associated with us. We do not control websites, mobile applications or online services operated by third parties, and we are not responsible for their actions.

## Security

We employ a number of technical, organizational and physical safeguards designed to protect the personal information we collect. However, security risk is inherent in all internet and information technologies and we cannot guarantee the security of your personal information.

## Children

The Service is not intended for use by children under 16 years of age. If we learn that we have collected personal information from a child under 16 without the consent of the child's parent or guardian as required by law, we will delete it.

## Changes to this Privacy Policy

We reserve the right to modify this Privacy Policy at any time. If we make changes to this Privacy Policy, we will notify you by updating the date of this Privacy Policy and posting it on the Service. If required by law we will also provide notification of changes in another way that we believe is reasonably likely to reach you, such as via email or another manner through the Service. Any modifications to this Privacy Policy will be effective upon our posting the modified version (or as otherwise indicated at the time of posting). In all cases, your continued use of the Service after the effective date of any modified Privacy Policy indicates your acceptance of the modified Privacy Policy.

## How to contact us

**Email:** [support@lightningmd.com](mailto:support@lightningmd.com)

**Mail:** Lightning MD, 77564 Country Club Dr Ste 219, Palm Desert, CA 92211