



Website Privacy Policy

Last Modified: June 22, 2020

Effective Date: June 15, 2020

Virtually Better, Inc. (“**VBI**”) provides this website, <https://www.virtuallybetter.com/> and software applications (collectively, the “**Products**”) for your use. The Website provides you, the “**User**,” a portal to VBI’s products and services including web-based, desktop, laptop, or mobile device software solutions for virtual reality, multisensory platform deployment, and web-based behavioral assessment tools such as the OC-GO software product (such programs and products being collectively referred to here as the “**Products**”).

This VBI Privacy Policy (“**Privacy Policy**”), along with VBI’s applicable Terms of Use and all other applicable rules and policies constitutes one agreement (“**Agreement**”) between you and VBI (“**we**, or “**us**”). The Agreement governs your access to and use of the Website and our Products. All capitalized terms used in this Privacy Policy that are not defined in this Privacy Policy shall have the meaning given to them in the applicable Terms of Use.

This Privacy Policy applies to any information about you that we may collect from you or that you may provide when you visit our Website or use our Products. In addition, our handling of personally identifiable data relating to your physical and behavioral health (“**Health Data**”) is addressed in the “Health Data Privacy Section” below.

Purpose

This Privacy Policy identifies and describes the way VBI uses and protects the information we collect about our customers and Users of our Website (“**Personal Information**”). All uses of VBI’s Website are subject to this Privacy Policy.

This Privacy Policy does not apply to information collected by:

- Us offline or through any other means, including on any other website operated by us or any third party, including our affiliates and subsidiaries, if any; or
- Any third party, including through any application or content (including advertising) that may link to or be accessible from or on the Website.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it.

If you do not agree with our policies and practices, your choice is not to use our Website. By accessing or using this Website, and our Products, you agree to this Privacy Policy. This policy may change from time to time (see the section Changes to our Privacy Policy below). Your continued use of this Website or our Products after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

The Information We Collect, How We Collect It, And How We Use It

We may collect different types of personal and other information based on your use of our Website and our business relationship with you. Personal Information may include:

- *Contact Information* that allows us to communicate with you — including your name, address, telephone number, and e-mail address;
- *Performance, VBI Website Usage, Viewing and other Technical Information* about your use of our network, services, products or websites;
- *Health Data*. The uses of your Health Data are discussed in the Health Data Privacy Notice.

We collect information in three primary ways:

- You give it to us;
- We collect it automatically when you visit the Website;



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- We obtain it from other sources, such as your healthcare provider.

We may use the information we collect in a variety of ways, including to:

- Provide you with the best customer experience possible;
- Provide the services you purchase, and to respond to your questions;
- Communicate with you regarding service updates, offers, and promotions as permitted;
- Deliver customized content and advertising that may be of interest to you as permitted;
- Address network integrity and security issues;
- Investigate, prevent or take action regarding, for example, illegal activities and violations of our terms of use;
- Improve our level of service;
- Provide notifications on the latest site features; and
- For Health Data, other uses described in the Health Data Privacy Notice.

Online Activity Tracking

We collect information about your activity on the Website for a number of purposes using technologies such as cookies, Flash cookies, Web beacons, widgets and server log files. To limit the use of Flash cookies from our Website, simply right-click on our site and adjust the Adobe Flash Player settings bar under "Local Storage" to your desired setting.

Since cookies are now used as industry standard, most Web browsers automatically accept cookies, but you can usually change your browser to decline them. If you prefer not to enable cookies, you may choose to disable them; however, please note that certain features of our products and services will not be available to you once cookies are disabled.

We may market products and services to you on the Website as permitted by law and our policies. Our non-affiliated third party partners may use that information, as well as other information they or we may have, to help tailor the ads you see on our sites to you and to help make decisions about treatment options and other products. We will obtain your permission as necessary.

We may use your IP address and information about the site pages you visit to gather broad demographic information, as well as information about your interests and behaviors, to gain a better understanding of our customers and Users. For example, information may be used to analyze and improve our site design and functionality.

Information Sharing

We do not sell your Personal Information to anyone for any purpose without your consent.

Sharing With VBI Affiliates: Subject to applicable legal and our policy restrictions, VBI and its corporate affiliates may share your Personal Information among themselves to make sure your experience with our Products and services is as seamless as possible and that you have the full benefit of VBI services.

Sharing With Your Professional Behavioral Health Specialist: Subject to applicable legal and our policy restrictions, we may share your Personal Information with your healthcare provider or other non-affiliate third parties that perform behavioral health services on your behalf, and only as necessary for them to perform those services.

Sharing With Non-Affiliate Third Parties: Subject to applicable legal and our policy restrictions, we may share your Personal Information with non-affiliated third parties that perform services on your or our behalf, and only as necessary for them to perform those services. Such related services may include, without limitation, software maintenance services, database management, fulfillment, web analytics, and



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improvement of the features or functionality; or to assist us in analyzing how our Products and services are being used. We require those non-affiliate third parties to protect any Personal Information they may receive in a manner consistent with our policies.

In Other Circumstances: We may provide Personal Information to non-affiliate third parties for other purposes such as:

- Complying with court orders, requests by government agencies and law enforcement officials and other legal process, or exercising our legal rights to defend against legal claims;
- Enforcing our terms of use, agreements and rights;
- Obtaining payment for products and services, including the transfer or sale of delinquent accounts to third parties for collection; and
- Transferring business assets, such as in connection with a merger, acquisition, reorganization, sale of assets, or bankruptcy.
- Other purposes described in the Health Data related to a User's Health Data.

Please note that if the Website features a bulletin board, chat room, comment posting, or other public communication service, forum, or similar offering, any of the information that you share will be visible to other Users. The information that you make available can be read, used, and collected by other Users to send you unsolicited messages outside of VBI products and services. VBI is not responsible for the manner in which Personal Information that you decide to share will be used by other persons.

Anonymous & Aggregate Information

We collect some information on an anonymous basis. We also may anonymize the Personal Information we collect about you.

We obtain aggregate data by combining anonymous data that meet certain criteria into groups. When we employ non-affiliate third parties to anonymize or aggregate data on our behalf, as stated above, we require those non-affiliate third parties to protect any Personal Information they may receive in a manner consistent with this policy. We may share aggregate or anonymous information in various formats with trusted third parties, and may work with those entities to do research and provide products and services, as permitted by laws and our policies.

Our Online Privacy Policy for Children

Our products and services are not designed to attract children under the age of 13. We do not knowingly collect personally identifying information from anyone under the age of 13 unless we first obtain permission from that child's parent or legal guardian.

Safeguarding Your Information: Our Policy on Data Protection and Security

We maintain information about you in our business records while you are a User or until it is no longer needed for business, tax, or legal purposes. We have implemented encryption or other appropriate security controls to protect Personal Information when stored or transmitted by VBI. Your information may be transferred to and maintained on computers and servers located outside of your state, province, country, or other governmental jurisdiction where the privacy laws may not be as protective as those in your jurisdiction. If you are located outside the United States and choose to provide information to us, VBI transfers Personal Information to the United States and processes it there. Your consent to this Privacy Policy followed by your submission of such information represents your agreement to that transfer.

How We Communicate with You



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We believe that choice in how and when we communicate with you is an important part of the User experience. We offer several ways for you to update your contact information, change your preferences, or opt out of receiving future communications:

- ❑ If you have an online account on our Website, you may be able to log on and update or change your contact or account information. Check the site for further information.
- ❑ You may unsubscribe to any of our online e-mail updates by following the unsubscribe instructions in the body of any email message.

Third Parties and Links

If you provide Personal Information to a third party via our website or any offer made available to you by VBI, you understand that VBI is not responsible for such third parties' use or misuse of your Personal Information. You should review the privacy and information sharing practices of such third parties.

Additionally, VBI may offer links to or from the Website it controls to other sites among VBI affiliates as well as to sites operated by third parties, as permitted by law and our policies, so that you can conveniently visit our vendors and advertisers or locate other content likely to be of interest.

We are not responsible for the content, practices or policies of sites operated by third parties and urge you to inquire about them before providing any personally identifiable information. You further acknowledge and agree that VBI shall not be responsible or liable, directly or indirectly, for any damage or loss caused or alleged to be caused by or in connection with use of or reliance on any such content, goods or services available on or through any such site or resource.

Consent and Acceptance of Privacy Policy

By using VBI products and services, including its websites, you signify your agreement to this Privacy Policy. VBI reserves the right to change this Privacy Policy at any time. All matters relating to this Privacy Policy, the Agreement, and the VBI websites are governed by the laws of the State of Georgia in the United States irrespective of its conflicts of law provisions. Actions against VBI must be brought in federal or state court in Fulton County, Georgia, and you consent to personal jurisdiction and venue in such court.

VBI will use, share, and disclose all Personal Information and other User information in accordance with the Privacy Policy in effect at the time the information is collected. Please review the Privacy Policy published on the VBI website regularly so that you are always aware of what information we collect, how we use it and under what circumstances we may disclose it. Continued use of a VBI product or service, including its website, following changes to the Privacy Policy will mean that you accept the changes.

California Privacy Rights/Other State Laws

To the extent applicable to VBI and its Products, California Civil Code Section 1798.83 entitles California customers and Users to request information concerning whether a business has disclosed Personal Information to any third parties for the third parties' direct marketing purposes. California customers or Users who wish to request further information about our compliance with this law or have questions or concerns about our privacy practices and policies may contact our Privacy Officer at contracts+privacyofficer@virtuallybetter.com or write us at Privacy Officer, 2440 Lawrenceville Hwy, Suite 200, Decatur, Georgia 30033.

Health Data Privacy

You may provide us with certain personally identifiable information about your physical and/or behavioral health, such as your name, address, phone number, e-mail address, your health care providers, your payors of health care services, and information about your condition and treatment ("**Health Data**"). Health Data may also include information on medical conditions; medications; clinical data from lab tests, exams, and



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vaccinations; health profile information such as height, weight, smoking status and other health data used to assess and manage certain behavioral health disorders. Such Health Data may be obtained from you when you register as well as from your authorized healthcare providers, payors and others.

VBI and its Products do not engage in the practice of any health care field. VBI and its Products are electronic tools used by licensed providers to assess and treat their patients pursuant to the exercise of a provider's independent professional judgment.

Our products may also be used by non-licensed non-healthcare providers for the purposes for which they are designed and in a manner consistent with the design intents, and this does not constitute the practice of a healthcare field.

Our Use and Disclosure of Health Data for Treatment, Payment and Health Care Operations. We may use your Health Data and disclose it to other parties for certain purposes related to the assessment, tracking or treatment of your behavioral health condition ("**Treatment**"), the payment for your medical treatment ("**Payment**"), and our health care operations ("**Operations**").

Treatment means the behavioral assessments or therapies provided to you, such as real-time coaching and supporting the coordination of your care between your providers. Related to your treatment, our Products may also analyze the Health Data that you provide to us or that we have obtained with your permission from your provider to assist your provider in designing treatments and therapies.

Payment means activities related to obtaining reimbursement for the services provided to you.

Operations cover a range of activities that are necessary for our business such as quality review and improvement activities; training programs; legal and financial services; business planning and development; management activities related to privacy practices; customer services; internal grievances; and data aggregation. Your information may be used internally for these purposes.

Authorizations. We may request an authorization for us to disclose your Health Data for research or other purposes other than Treatment, Payment or Operations. For instance, we may seek an authorization if you would like us to share your Health Data for research purposes or with a friend or relative. You may revoke an authorization at any time except to the extent that we have already used or disclosed your information in reliance on your authorization. VBI may want to inform you about related or alternative therapies or other products and services related to your condition. We will tell you and seek your Authorization if any of this information is paid for by a third-party. **We will not sell your information.**

Use and Disclosure of Health Data Without Your Permission. In some situations, we are required or permitted to use or disclose your Health Data without obtaining your consent or authorization. Some of these instances include:

De-Identified Data. We may use or disclose your Health Information if it is in an anonymized statistical or summary form that does not identify you.

To our subcontractors. We may disclose your Health Data to our subcontractors, such as those that assist us with Payment and Operations. We have contracts with each of our subcontractors that require that they protect your information.

As required by law. State, federal and local laws permit or require certain uses and disclosures of Health Data such as to track events. We will only use or disclose your Health Data to the extent the law requires.

To the government for public health activities, health oversight activities and law enforcement. We may be asked or required by law to divulge Health Data to a public health authority such as to track product usage, or for health oversight activities such as government inspections. Police and other law



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enforcement may seek Health Data from us. We may release this information to law enforcement under limited circumstances, for example, when the request is accompanied by a subpoena.

For judicial and administrative proceedings. We may disclose Health Data as required by a court or administrative order, or in some instances pursuant to a subpoena, discovery request or other legal process.

For research purposes. We may be approached by researchers to provide Health Data for research purposes. On some occasions, we may only provide such information with special waivers and permissions from you.

Emergent Situations. To avert a serious threat to health and safety or for disaster relief efforts. We may use or disclose your Health Data to avert a serious and imminent threat to the health and safety of an individual.

Your Rights Regarding Your Health Data. You have certain rights with respect to your Health Data. If we do not agree to a request by you with respect to your Health Data, please consult the Privacy Officer whose contact information is below.

Restrictions. You have the right to request in writing that we do not disclose certain information about you. We do not have to agree to any restriction that you request. To request a restriction, please contact our Privacy Officer whose contact information is at the end of this Notice.

Confidential Communications. You have the right to request in writing that we restrict the way in which we communicate information regarding your health and health care services. We will use reasonable efforts to accommodate your request.

Access. You have the right to inspect and copy most of your Health Data maintained by us. Normally, we will provide you with access within 30 days of your request. We may charge a reasonable copying fee. In certain limited instances, we may deny you access.

Amendment. You have the right to request that we amend your written Health Data. For instance, you can request that we correct an incorrect delivery date in your records. We will generally amend your information within 60 days of your request, and will notify you when we have amended your information. We can deny your request in certain circumstances, such as when we believe that your information is accurate and complete.

Changes to our Privacy Policy

VBI will update our Privacy Policy from time to time in accordance with requirements and updates in practices. To note the version and any changes, you will find in the header of this document the "Effective Date" of the policy, and if any modifications for format, spelling, or minor edits a "Last Modified Date".

Communication With Us

You may write to us directly if you wish to: (a) update or delete your contact information; (b) ask that we not share your Personal Information with third parties; or (c) request that we cease sending you promotional or other information via mail or e-mail. Such written requests should be sent to our Privacy Officer, 2440 Lawrenceville Hwy, Suite 200, Decatur, Georgia 30033. You may also contact us at contracts+privacyofficer@virtuallybetter.com for any inquiry or request regarding our Privacy Policy or the handling of your Personal Information. We will take commercially reasonable steps to implement your opt-out requests promptly, but you may still receive promotional information, as permitted by law and our policies, from us by mail for up to 60 days due to printing and mailing schedules, and up to 10 days for email.