

## LEXIE PRIVACY POLICY

### 1. Agreement

This privacy policy (the "**Policy**") is intended to inform you of the types of information hearX USA, Inc. ("**we**" or "**us**" or "**hearX**") collects, as well as our policies and practices regarding the collection, use, and disclosure of that information through the web pages at [www.lexiehearing.com/](http://www.lexiehearing.com/) and other landing pages (the "**Site**" and/or "Platform") and the Lexie Hearing application ("App") available on Android and iOS platforms; and Rewards Program for the Lexie Lumen and Lexie Powered by Bose hearing aids (collectively the "Rewards Program/ Rewards"); Lexie Hearing brand and associated trademarks. hearX USA further licenses certain other intellectual property in terms of third-party partnerships and agreements. Any third-party trademarks appearing on this Site/App are the property of their respective owners. We also provide information on how to contact us if you have questions or concerns regarding the use of your information.

Please read this Policy carefully, because by using the Site and/or App, you are acknowledging that you understand and agree to the terms of this Policy, and consent to the types of information and the manner in which we may collect, use and disclose such information. If you do not agree to the terms of this Policy, please do not use the Site or App.

We reserve the right to change the provisions of this Policy at any time. We will alert you that changes have been made by indicating on the Policy the version number. We encourage you to review this Policy from time to time to make sure that you understand how any information you provide will be used. Each time you access the Site or use the App, the most recent version of the Policy will apply. Your continued use of the Site or App following the posting of changes to these terms will mean you accept those changes.

We will ensure that all Personal Information (as defined below) that we collect and maintain will be:

- processed lawfully, fairly, and in a transparent manner;
- collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- adequate, relevant, and limited to what is necessary;
- accurate and kept up to date; and
- processed in a manner that ensures appropriate security of the Personal Information, including protection against unauthorized or lawful processing and against accidental loss, destruction, or damage.

In certain situations, we may be considered a Business Associate as defined by HIPAA (the federal Health Insurance Portability and Accountability Act) of certain Covered Entities (as also defined in HIPAA), and as such, we may have certain federal, state and contractual restrictions on how we can use your Protected Health Information ("PHI"). When acting as a Business Associate, we may only use or disclose your PHI or Personal Information as

required by law or as permitted by the Business Associate Agreement (“BAA”) that we have in place with a specific Covered Entity.

Please be aware that when you give other individuals access to your PHI or Personal Information, they may be able to use, reproduce, distribute, display, transmit, and/or communicate the data to others and the public. We shall not have any responsibility for access, use, or disclosure of your PHI or Personal Information by people you are authorized to have access to your user account. You are responsible to choose (and keep confidential) your Profile details for the Platform and securely logging in and out of your account in order to protect your PHI.

## **2. Information we collect**

### **2.1. Personal Information You Provide to Us**

When you register for and access or use the Platform and/or App, we collect personal information, including your name, email address, year of birth, phone number, password, gender, location, and other demographic information (such as any answers to questions posed in the App which you respond to in order to access the Service, including your response to Red Flag questions) and any other information that you may provide while accessing or using the Platform. All are collectively referred to as “**Personal Information**”.

We only have access to and collect Personal Information that you voluntarily give us by filling out our forms, surveys, and answering questions that are part of the Platform, or via email, the Lexie SMS Service, or other direct contact from you via text, social media or Website interaction, phone calls or voice messages.

When you order our products or services, you will need to submit your payment information in order for our service providers to process your payment for those products or services.

If you do not want this information to be shared with our employees, marketing partners, service providers and subcontractors, upon your request, we will not share your information. However, your ability to access and use the Site and/or Platform, and request services, may be limited or interrupted.

### **2.2. Information Collected by Automated Means**

Whenever you use the Site and/or App, view or click on our marketing materials, or visit our social media platforms we and/or our service providers may use a variety of technologies that automatically collect information about how the Site is accessed and used (“**Usage Information**”). Usage Information may include, in part, browser type, operating system, the page viewed, the time, how many users visited the Site, and the website you visited immediately before the Site. This statistical data provides us with information about the use of the Site and/or App, such as how many visitors visit a specific page on the Site, how long they stay on that page, which websites they are coming from and which hyperlinks if any, they “click” on, which part of the Platform are used most, by whom and how.

Usage Information also includes error messages and crash analytics. Usage Information helps us to keep the Site and/or App user friendly and to provide visitors with readily accessible and helpful information. We may also use your Usage Information to troubleshoot issues with access or use of our Site and/or App. Usage Information is generally non-identifying, but if we associate it with you as a specific and identifiable person, we treat it as Personal Information.

We believe that such technology usage is fair, lawful, and proportional to the legitimate interest and needs of our business and that our methodology fairly addresses each user's legitimate rights and expectations in view of the context and purpose for the collection and use of the information collected.

The personal information provided in the Platform, including your usage of the hearing aids, Apps, Rewards program, hearing check results, hearing aid settings, and usage data are all stored by us and can be accessed by members of the Hearing Hub *only* in order to assist you in the use, maintenance or operation of the Platform or devices.

If you choose to access and use the Hearing Test on the Site, any screening data can be synced back to us in an anonymized form. If you choose to add personal data to such a result by leaving your contact details or enquiring with us or interacting via the Hearing Test with one of our Hearing Hub™ members, then the test results may be made available to us too. The information saved by this service includes your results and answers to all pre-test questions, your contact details (if provided), and any personal information provided (if provided).

### 2.3. **Cookie Use**

When you visit the website, we may use "cookies" which are small files stored as text on your computer or device. In some countries, we are not permitted to send cookies to the browser of a user without the prior consent of the affected user. In this case, we will seek such consent. The remainder of this section assumes that either the use of cookies is not restricted by applicable law, or if it is restricted that the individual has explicitly consented to the use of the cookies.

These "cookies" and other similar technologies like pixels, web beacons (also known as "clear GIFs") and local storage may be used to collect information about how you use the Services and provide features to you.

If a visitor does not want information collected through the use of cookies, most browsers allow the visitor to reject cookies. Please note that if you use your browser settings to modify or block all cookies, you may not be able to access parts of the Services and your user experience may be severely degraded. We may share non-Personal Information obtained via cookies with our advertisers and affiliates.

Information provided by these cookies are essential to help us provide the Services in a manner that is adapted to each user's specific needs. We believe that such means are fair, lawful, and proportional to the legitimate interest and needs of our business and that our methodology fairly addresses each user's legitimate rights and expectations in view of the context and purpose for the collection and use of the information collected.

### **3. How Do We Use Your Information?**

We will use your information to respond to you regarding the reason you contacted us. We will also use your information as follows:

- Registration and Profile Creation – A user may need to complete a registration form and create an account or profile with us in order to use certain aspects of our Site and/or App. During registration, a user is required to give certain information. This information is used to contact you about the products/services on our Site and/or App in which you have expressed interest or subscribed to and allow you to easily update your account information.
- Customer Service – Once you purchase a device or service from us, we may contact you via phone call, email, text or App notifications in the future to tell you about changes to our services, or changes to this Policy, support you, ask you to provide feedback, or to sell you products or services in the future.
- Sales and Marketing – if you request to be called back, leave an enquiry on our Site or social media platforms, leave your details in one of our online tools or hearing tests, request to be called or contacted, or abandon your cart, we and/or our marketing partners may contact you via text, email, email campaigns, phone call(s) or social media platforms. By signing up and providing consent on our website, you may receive our newsletters.

If at any time you wish that we cease communication with you, please notify us using the contact information provided below in the "Contact Us" section.

### **4. Do We Share Your Information?**

Except as provided herein, we will not trade, rent, share or sell your Personal Information to third parties. Please note that your information may be shared with our marketing partners to contact you for marketing purposes. If you do not want this information to be shared with our marketing partners, upon your request, we will not share your information.

Except as provided herein, unless you ask or provide your consent to do so, we will not share your Personal Information with any third party outside of our organization, except as necessary with our service providers and subcontractors in order to troubleshoot issues you may have with our Site, the App or your account, or provide assistance with communication with you by sending emails, analyzing data, providing marketing assistance, processing payments and providing customer service. Only employees, service providers, and subcontractors who need your Personal Information to perform a specific job are granted

access to Personal Information. The computers/servers in which we store Personal Information are kept in a secure environment.

We will disclose Personal Information when we believe in good faith that such disclosures:

- are required by law, including, for example, to comply with a court order or subpoena, or
- will help to enforce our policies; protect your safety or security, including the safety and security of property that belongs to you; and/or protect the safety and security of our Site, the Platform us, our employees, our service providers, our subcontractors, other third parties, or equipment that belongs to us, our service providers, or our subcontractors. Disclosures in this limited scenario would be made to a court of law, law enforcement, or other public or government authority.

We may use non-identifiable anonymous data that is based on users' access or use of the Site and/or App that may be used by us to improve the Site and/or the App. We may also use anonymized data based on your use of the Platform, including de-identified health data, and combine such de-identified data with data or other anonymous data ("Aggregate Data").

Aggregate Data may include information that describes the habits, usage patterns, survey responses and/or demographic information of users as a group but does not identify any particular users. We may provide anonymized data and Aggregate Data to our third-party collaborators, partners, subsidiaries, joint ventures, or other companies under common control, who are required to honor these terms of the Privacy Policy.

We do not maintain responsibility for the manner in which third parties, including without limitation, social networks, other partners, and advertisers, use or further disclose Personal Information collected from you in accordance with this Privacy Policy after we have disclosed such information to those third parties. If you do not want us to use or disclose Personal Information collected about you in the manners identified in this Privacy Policies, you may not use the Lexie SMS Service or Platforms or App.

## 5. **Your Access to and Control Over Your Information**

We offer you choices regarding the collection, use, and sharing of your Personal Information. Our Site and Platform do not currently respond to browser-based do-not-track signals. You can choose to have your computer warn you each time a cookie is being set, or you can choose to turn off all cookies. You do this through your browser settings. Each browser is different, so look at your browser's *Help* menu to learn the proper way to modify your browser's cookies setting.

If you disable cookies, some features may be disabled that make your site experience more efficient and some of our services may not function properly.

When you receive promotional communications from us, you may indicate a preference to stop receiving further promotional communications from us and you will have the

opportunity to "opt out" by following the opt-out or unsubscribe instructions provided in the promotional SMS or email you receive, or by contacting us directly.

You may do the following at any time by contacting us via the email address or phone number provided on our Site:

- See what data we have about you; if any.
- Change or correct any contact information we have about you.
- Have us delete any data we have about you.

We do not charge for these services. Your request will be processed within 30 (thirty) days of the date on which we receive it.

If you do not want your information to be shared with our employees, service providers, marketing partners and subcontractors, upon your request, we will not share your information. However, your ability to access and use the Site and the App may be limited or interrupted.

If you request that your account or data be deleted, your access to the Services and your value from the Rewards program will immediately cease and you will lose all accumulated points up until that point, and the points will become worthless and unable to be redeemed for any value. Please note that deleting your account or data will not cancel your Subscription (if applicable). To cancel your subscription you will be required to follow the instructions set out in our Returns Policy.

You may request the deletion of your Personal Information by contacting us at [sales@lexiehearing.com](mailto:sales@lexiehearing.com), but please note that we may be required (by law or otherwise) to keep this information and not delete it (or to keep this information for a certain time, in which case we will comply with your deletion request, only after we have fulfilled such requirements). When we delete Personal Information, it will be deleted from the active database, but may remain in our archives.

## **6. What Steps Do We Take to Protect Your Information?**

We take measures designed to protect your Personal Information in an effort to prevent the loss, misuse, and unauthorized access, disclosure, alteration, and destruction. We provide physical, electronic, and procedural safeguards to protect the Personal Information we process and maintain.

Please be aware, however, that despite our efforts, no security measures are perfect or impenetrable and no method of data transmission can be guaranteed against any interception or other types of misuse. To protect the confidentiality of Personal Information maintained in your account, you must keep your password confidential and not disclose it to any other person. You are responsible for all uses of the Site and App by any person using

your password. Please advise us immediately if you believe your password has been misused.

If you have reason to believe that your interaction with us is no longer secure, if you feel that the security of any account you might have with us might have been compromised, or if you suspect that someone else is using your account, please contact us immediately using the contact information provided below in the "Contact Us" Section.

#### **7. Does This Policy Apply to Other Websites Linked to Or from the Site?**

The Site or Platform may contain links to other websites. Any Personal Information you provide on linked pages or sites is provided directly to that third party and is subject to that third party's privacy policy. This Policy does not apply to such linked sites, and we are not responsible for the content or privacy and security practices and policies of these websites or any other sites that are linked to or from the Site and/or the App. We encourage you to learn about their privacy and security practices and policies before providing them with Personal Information.

#### **8. Do We Collect Information from Persons Under the Age of 18?**

The Site and the App are not intended for use by persons under the age of 18, and hearX does not knowingly collect or use any Personal Information from such persons. If we become aware that we have unknowingly collected Personal Information from a person under the age of 18, we will make commercially reasonable efforts to delete such Personal Information from our database.

#### **9. What if I am a resident of California?**

California requires operators of websites or similar services to make certain disclosures to users who reside in California regarding their rights, specifically:

##### **9.1. Shine the Light**

For clarity, except as provided herein, we will not trade, rent, share or sell your Personal Information to third parties unless you ask or authorize us to do so. However, if we disclose Personal Information that is primarily used for personal, family, or household purposes of a California user to a third party for said third party's direct marketing purposes, we will identify such third party along with the type of personal data disclosed, upon your request.

For further clarification, please refer to the "Contact Us" section below. Under California law, businesses are only required to respond to a user's request once during any calendar year.

##### **9.2. Do-Not-Track**

Some browsers give individuals the ability to communicate that they wish not to be tracked while browsing on the Internet. California law requires that we disclose to users how we treat do-not-track requests. The Internet industry has not yet agreed on a definition of what "Do Not Track" means, how compliance with "Do-Not-Track" would be measured or

evaluated, or a common approach to responding to a "Do-Not-Track" signal. We have not yet developed features that would recognize or respond to browser-initiated "Do-Not-Track" signals in response to California law. In the meantime, there are technical means to prevent some of the trackings. See Section "Your Access to and Control Over Your Information".

## **10. Feedback**

If you provide feedback to us, we may use and disclose such feedback for any purpose, provided we do not associate such feedback with your Personal Information. We will collect any information contained in such feedback and will treat the Personal Information in it in accordance with this Privacy Policy.

You agree that any such comments and any email we receive becomes our property. We may use feedback for marketing purposes or to add to or modify our services without paying any royalties or other compensation to you.

## **11. Security**

We are committed to protecting the security of your Personal Information. We use a variety of industry-standard security technologies and procedures to help protect your Personal Information from unauthorized access, use, or disclosure. Even though we have taken significant steps to protect your Personal Information, no company, including us, can fully eliminate security risks associated with Personal Information.

## **12. Miscellaneous**

This Policy and the privacy practices of hearX will be subject exclusively to the laws of the United States. Please note that hearX servers are located in the United States. hearX makes no representation that this Policy and our practices comply with the laws of any other country or jurisdiction.

Users of the Site and/or App who reside outside the United States do so on their own initiative and are responsible for compliance with local laws, if and to the extent local laws are applicable. If you reside outside of the United States, by using the Site and/or App, you consent to the transfer, processing, and use of your information outside of your country.

If we become involved in a merger, acquisition, or any form of sale of some or all of our assets, the Site, our Platform, and your information as collected, processed, and maintained through our Platform may be included in the assets sold or transferred to the acquirer. You agree that we may transfer or assign the information we have collected about you in connection with any such event.

In the event of bankruptcy, insolvency, reorganization, receivership, or assignment for the benefit of creditors, we may not be able to control how your personal information is treated, transferred, or used.

### 13. Contact Us

If you have any questions about this Policy, please contact us via email at: [support@lexiehearing.com](mailto:support@lexiehearing.com) or go to our support page. To exercise any of your rights in this Privacy Policy please contact us in writing, via email or postal mail as indicated above, so that we may consider your request under applicable law. Please be aware that your request will not be accepted for review unless you provide the following:

- The name, phone number, pseudonym, email address, or other identifiers that you have used to use the Site or App, or if you are not a registered user of the service, or have not otherwise previously interacted with us, your first and last name and an address where we can correspond with you.
- State or Country in which you are located.
- A clear description of the information or content you wish to receive or to be deleted or corrected, or the action you wish to be taken; and
- Sufficient information to allow us to locate the content or information to be deleted, removed, or corrected.

For your protection, we may only implement requests with respect to the Personal Information associated with the particular email address that you use to send us your request.

In addition, please note that, depending on the nature of your inquiry, request or complaint, we may need to verify your identity before implementing your request and may require proof of identity, such as in the form of a government-issued ID and proof of geographical address.

We will attempt to comply with your request as soon as reasonably practicable.

### 14. Lexie Hearing SMS Short and Long Code Privacy Policy

The Lexie Hearing SMS Short and Long Code Service ("Lexie SMS Service") and the associated Lexie Hearing website and application(s), available at <https://www.lexiehearing.com> and other landing pages ("Lexie Hearing Platforms") are owned and operated by hearX USA Inc., a Delaware Corporation, doing business as Lexie Hearing ("us" "we" or "our").

This Lexie SMS Service privacy policy (the "SMS Privacy Policy") is intended to inform you of our policies and practices regarding the collection, use, and disclosure of any information you submit to us through the Lexie SMS Service, and forms part of our Lexie Hearing Privacy Policy.

This includes "Personal Information," which is information about you that is personally identifiable such as your name, e-mail address, user ID number, and other non-public information that is associated with the foregoing, as well as "Anonymous Information,"

which is information that is not associated with or linked to your Personal Information and does not permit the identification of individual persons.

#### 14.1. User Consent

By accessing or otherwise using the Lexie SMS Service, you agree to the terms and conditions of this SMS Privacy Policy, the Lexie Hearing Privacy Policy (collectively the "Lexie Privacy Policies"), the SMS Short and Long Code Terms of Service, and the Terms and Conditions.

You expressly consent to the processing of your Personal Information and Anonymous Information according to the Lexie Privacy Policies. Your Personal Information may be processed by us in the state or country where it was collected as well as in other states or countries (including the United States) where laws regarding the processing of Personal Information may be less stringent than the laws in your state or country.

#### 14.2. Children

Children under the age of 18 are not permitted to use the Lexie SMS Service and we do not intentionally collect or maintain Personal Information from those who are under 18 years old. Protecting the privacy of children is very important to us. Thus, if we obtain actual knowledge that a user is under 18, we will take steps to remove that user's Personal Information from our databases. By using the Lexie SMS Service, you are representing that you are at least 18 years old.

#### 14.3. Collection and Use of Information

##### 14.3.1. Personal Information

In general, we collect Personal Information that you submit to us voluntarily through the Lexie SMS Service. We also collect information that you submit on our Lexie Hearing Platforms as set out in the Lexie Hearing Privacy Policy.

When you use the features of the Lexie SMS Service, we will collect any information you voluntarily provide, and we may also request optional information to support your use of the Lexie SMS Service, such as your year of birth, gender, and other demographic information.

When you order our products or services, you will need to submit your credit card or other payment information so that our service providers can process your payment for those products and services.

If you choose to sign up to receive information about products or services that may be of interest to you by email, we will collect your email address and all related information to enable us to provide this information.

#### 14.3.2. Personal Information from Other Sources

We may receive Personal Information about you from other sources with which you have registered, companies which we have partnered with, or other third parties.

We may associate this information with the other Personal Information we have collected about you.

#### 14.3.3. Information Collected by Automated means

Please refer to our Lexie Hearing Privacy Policy for more information on Cookies and information collected via technology.

#### 14.4. Use and Disclosure of Information

Except as otherwise stated in this SMS Privacy Policy, we do not sell, trade, rent, or share the Personal Information that we collect with third parties unless you ask or authorize us to do so.

In general, the Personal Information you submit to us is used by us to provide you access to the Lexie SMS Service, to improve the Lexie SMS Service and the Lexie Hearing Platforms, to better tailor the features, performance, and support of the Lexie SMS Service and to offer you additional information, opportunities, promotions and functionality from us, our partners or our advertisers at your request.

We may provide your Personal Information to third-party service providers who work on behalf of or with us to provide some of the services and features of the Lexie SMS Service and the Lexie Platforms and to help us communicate with you. Examples of such services include sending emails, analyzing data, providing marketing assistance, processing payments (including credit card payments), and providing customer service. Our third-party service providers are required to only use such information as necessary to provide the relevant services to us.

We may share some or all of your Personal Information with our third-party partners, those with whom we have a co-branding or promotional relationship, or other third parties about whom you are otherwise notified and do not request to opt-out of such sharing. This Privacy Policy does not cover the use of your personally identifiable information by such third parties.

We do not maintain responsibility for the manner in which third parties, including, without limitation, social networks, other partners, and advertisers, use or further disclose Personal Information collected from you in accordance with the Lexie Privacy Policies after we have disclosed such information to those third parties. If you do not want us to use or disclose Personal Information collected about you in the manners identified in the Lexie Hearing Privacy Policies, you may not use the Lexie SMS Service or Lexie Hearing Platforms.

Your information may be shared with our parent company, subsidiaries, joint ventures, or other companies under common control, who are all required to honor the terms of our Lexie Privacy Policies.

We may disclose your Personal Information if we believe in good faith that such disclosure is necessary to (a) comply with relevant laws or to respond to subpoenas or warrants served on us; or (b) to protect and defend our rights or property, you, or third parties. You hereby consent to us sharing your Personal Information under the circumstances described herein.

**14.5. Your Choices Regarding Your Personal Information**

We offer you choices regarding the collection, use, and sharing of your Personal Information. When you receive promotional communications from us, you may indicate a preference to stop receiving further promotional communications from us and you will have the opportunity to "opt out" by following the opt-out or unsubscribe instructions provided in the promotional SMS or email you receive, or by contacting us directly (please see contact information below).

You may request the deletion of your Personal Information by contacting us at sales@lexiehearing.com, but please note that we may be required (by law or otherwise) to keep this information and not delete it (or to keep this information for a certain time, in which case we will comply with your deletion request, only after we have fulfilled such requirements). When we delete Personal Information, it will be deleted from the active database, but may remain in our archives.

**14.6. Feedback**

If you provide feedback to us, we may use and disclose such feedback for any purpose, provided we do not associate such feedback with your Personal Information. We will collect any information contained in such feedback and will treat the Personal Information in it in accordance with the Lexie Hearing Privacy Policies.

You agree that any such comments and any email we receive becomes our property. We may use feedback for marketing purposes or to add to or modify our services without paying any royalties or other compensation to you.

**14.7. Security**

We are committed to protecting the security of your Personal Information. We use a variety of industry-standard security technologies and procedures to help protect your Personal Information from unauthorized access, use, or disclosure. Even though we have taken significant steps to protect your Personal Information, no company, including us, can fully eliminate security risks associated with Personal Information.

14.8. **Contact and Revisions**

If you have questions or concerns about the Lexie Hearing Privacy Policies, please contact us at: [sales@lexiehearing.com](mailto:sales@lexiehearing.com).

We reserve the right to change the Lexie Hearing Privacy Policies at our discretion and will notify you if we make any substantial changes in the way we use your Personal Information. If you object to any such changes, you must opt out of the Lexie SMS Service and cease use of the Lexie Hearing Platforms.

Continued use of the Lexie SMS Service and/ or the Lexie Hearing Platforms following notice of any such changes shall indicate your acknowledgment of such changes and your agreement to be bound by the terms and conditions of such changes.

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