

## Privacy Policy

This Privacy Policy (this “Policy”) discloses the privacy policies for etectRx, Inc. (“Company,” “we,” “us,” or “our”), which owns and operates the mobile app (“App”) for use in connection with Company’s proprietary technology known as “ID-Cap” or “ID-Cap System.”

This Policy describes how Company collects, protects, and uses information we receive from users of the App. This Policy outlines how we deal with any personal data you provide through the App.

This Policy is part of our Terms of Use, which together govern Company’s relationship with you in relation to App. If you do not agree with any portion of this Policy, do not use the App.

PLEASE READ THIS POLICY CAREFULLY BEFORE USING THE APP. THIS POLICY APPLIES ONLY TO INFORMATION COLLECTED THROUGH THE APP AND NOT TO INFORMATION COLLECTED OFFLINE OR THROUGH ANY OTHER MEANS (EVEN IF AFFILIATED WITH COMPANY).

BY ACCEPTING THIS POLICY AND USING THE APP, YOU AGREE TO AND ARE BOUND BY THE TERMS, CONDITIONS, POLICIES AND NOTICES CONTAINED IN THIS POLICY, INCLUDING WITHOUT LIMITATION, CONDUCTING THIS TRANSACTION ELECTRONICALLY AND A CHOICE OF FLORIDA LAW.

COMPANY MAY MODIFY THIS POLICY AT ANY TIME, AT ITS DISCRETION, AND MODIFICATIONS ARE EFFECTIVE UPON BEING POSTED ON THE APP. YOU ARE RESPONSIBLE FOR REVIEWING THIS POLICY PERIODICALLY TO ENSURE THAT YOU ARE AWARE OF ANY CHANGES TO IT BECAUSE YOUR CONTINUED USE OF THE APP WILL MEAN THAT YOU ACCEPT SUCH CHANGES. IF YOU DO NOT AGREE WITH THIS POLICY, OR ANY SUBSEQUENT MODIFICATIONS TO THIS POLICY, YOU MUST NOT ACCESS OR USE THE APP.

1. **Background.** This privacy policy related to the information obtained by us through the mobile App which you may use in connection with your use of the ID-Cap System. The App, in conjunction with the ID-Cap System, performs the following functions: 1) records, displays, and reports ingestion events, 2) allows users to customize reminders for ingestion events and monitor their ingestion history, 3)

communicates ingestion information to User's healthcare providers, including but not limited to their doctors and pharmacists (each, a "Provider"), and 4) enables notifications regarding ingestion events and use of the ID-Cap System to be sent within the App. The ID-Cap System includes a standard hard gelatin or hydroxypropyl methylcellulose capsule with an embedded ingestible wireless sensor that when swallowed by a User transmits a low-power digital message from within User's stomach ultimately to the App.

2. **The Information We Collect.** We may collect personal and other information from you when you provide information to us or whenever you interact with us via the App. There are two kinds of information websites and interactive applications can obtain about you: (A) Anonymous Information and (B) Personally Identifiable Information. This Section details what types of Anonymous Information and Personally Identifiable Information we collect from you when you access or use the App.

(A) **Anonymous Information.** "**Anonymous Information**" is data that does not contain information that identifies an individual, which websites and online services use to administer their sites and provide their products and services. Anonymous Information can include certain personally identifiable information that has been de-identified; that is, information that has been rendered anonymous. It may include such information as your browser or device type, your Internet Protocol (IP) address, or information related to your use of the App, such as the page served, time of request, preceding page viewed, referring web site address, and other similar information, and may include the use of "cookies" or other tracking technologies. Company may from time to time retain third parties to help us collect and aggregate anonymous information about visitors' use of the App. For example, we and our service providers may collect the following:

- **Device Information.** We may collect non-personal information about the computer, mobile device, or other device you use to access the App, such as IP address, geolocation information,

unique device identifiers, browser type, browser language, and other transactional information. Web servers automatically identify your device by its IP address. We do not link IP addresses to any Personally Identifiable Information, even if such information is voluntarily provided by a user or visitor. The App also may gather anonymous “traffic data” that does not personally identify you, but that may be helpful for marketing purposes or for improving the products and services we offer.

- **Cookie and Web Beacon Information.** As is the case with many websites and web-based applications, the App may use a technology called “cookies,” which are small data files that are downloaded onto your computer or mobile device. We use cookies to tailor your visits to the App to your individual preferences, authenticate your access, manage your specified preferences, display relevant information and/or provide specific technical support. We also may use cookies to gauge App usage, conduct research and diagnostics to improve services and content provided to you, and help us analyze performance of the App. When you access the App, we also may use web beacons (also known as pixel tags or clear GIFs), which are unique identifiers and allow us to capture certain additional types of information about your activities and use of the App over time, such as which web pages you choose to visit. We also may contract with third-party service providers who assign cookies and/or web beacons to conduct tracking and analytics for us and collect information about your use of the App over time. We may combine such information about your use of the App as well as your visits and usage of other services available on the Internet with Personally Identifiable Information (as defined below) that we or our third-party providers collect about you, such as your user ID, name, email address, and mailing address. Although most web browsers automatically accept cookies, you can change your browser to prevent cookies or notify you whenever you are sent a cookie. However, if you disable or block cookies on your browser, certain features on the App may not work correctly.

**(B) Personally Identifiable Information.** “**Personally Identifiable Information**” is any information that personally identifies you, such as your name, email address, billing address, shipping address, credit card information, or your telephone number. You provide your Personally Identifiable Information to us in a variety of ways when you interact with the App. Sometimes this personal information is needed when you register for participation in certain features of the App, subscribe to our email communications, comment on blogs, or when you contact us. For example, you may be asked to provide the following information:

- **Information from Your Use of the App.** Use of the App will result in the collection and transmission of certain data related to your ingestion events through the use of the ID-Cap System, including the time at which the ingestible sensor is ingested, possibly the type or dose of medication that a patient may co-ingest with the ingestible sensor, historical data regarding ingestion patterns or ingestion events, custom reminders created by you or your Provider, and other communications that may be exchanged between you and your Provider through the App.
- **Communications.** We may offer users of the App the opportunity to sign up to receive email notices, promotions, and other communications from us. In order to sign up for these communications, we may ask for your contact information, such as name, email address, and zip code. We also may offer the opportunity for you to receive other communications that we think may be of interest to you.

3. **Third Parties that may Receive the Information We Gather.** The App acts as a conduit to transmit your ingestion event information to Providers as well as any messages sent through the App or information collected via the App. The Company does not disclose your information to any third party, other than Providers, unless you have given your express written consent.

4. **How we use Gathered Information.** In addition to the uses described above, the information you share with us may be used as follows:

(A) **Anonymous Information.** Anonymous Information is used internally for administration of the App, troubleshooting, and to help improve the quality of the App and their design. We also use Anonymous Information to help analyze trends and statistics, protect the security and integrity of the App. We may share such aggregated, Anonymous Information with existing and prospective business partners and advertisers. We may also use cookies to collect information over time from the pages you access or visit. This information may be combined with Personally Identifiable Information (such as demographic and usage information) from our records and other sources. Such information about your use of the App will become part of your profile as maintained by Company. We also may use Google Analytics, a service provided by Google, Inc., to gather information about how you and other users engage with the App. For more information about Google Analytics, please visit [www.google.com/policies/privacy/partners](http://www.google.com/policies/privacy/partners). We may also use and disclose Anonymous Information as you have authorized, either to the Company or to third parties, such as Providers or drug manufacturers.

(B) **Personally Identifiable Information.** Personally Identifiable Information collected by Company may be used for purposes including administration of the App, account registration and maintenance, communications with you, and communications with Providers.

Some browsers have a “do not track” feature that lets you indicate that you do not wish to have your online activities tracked. These features are not yet uniform, so we do not currently respond to such features or signals. Therefore, if you select or turn on a “do not track” feature in your web browser or block or delete tracking cookies, Company and its third-party providers may continue collecting information about your online activities as described in this Policy.

We may also disclose Personally Identifiable Information if we are required to do so by law or we in good faith believe that such action is necessary to (a) comply with the law or with legal process; (b) protect

and defend our rights and property; (c) protect against misuse or unauthorized use of the App; or (d) protect the personal safety or property of our users or the public. Please note we may not provide you with notice prior to disclosure in such cases.

We may also use and disclose Personally Identifiable Information as you have authorized, either to the Company or to third parties, such as Providers, pharmaceutical manufacturers, or health care organizations.

**3. OPT-OUT.** By use of the App, you permit Company to use or disclosure your information as described herein. To opt-out of further use and disclosure, you must discontinue use of the App. Discontinuation of use of the App will not necessarily result in no further use by Company of your Anonymous Data already provided before your discontinuation.

**5. SECURITY.** Security of information communicated by or to us over the Internet is of utmost concern to us; however, no data transmission over the Internet can be guaranteed to be 100% secure. The App incorporates reasonable safeguards to protect the security, integrity and privacy of the personal information we collect via the App. We have put in place reasonable precautions to protect information from loss, misuse, and alteration. Please do not use email to communicate information to us that you consider confidential. While we strive to protect your personal information, Company cannot ensure or warrant the security of any information you transmit to us or through the App.

**6. DISCLOSURE OF INFORMATION THROUGH BUSINESS TRANSFERS.** As we continue to develop our business, we may buy, merge, or partner with other companies or businesses, and in so doing, acquire customer or user information. In such transactions, user information may be among the transferred assets. Similarly, in the event that a portion or substantially all of Company assets are sold or transferred to a third party, customer or user information (including Personally Identifiable Information) would likely be one of the transferred business assets.

7. **OUR COMMITMENT TO CHILDREN'S PRIVACY.** Protecting the privacy of children is very important to us. We do not collect or maintain information obtained through the App from those we actually know are under 13, no part of the App is structured to attract anyone under 13, and we do not knowingly collect or use the personal information of minors for marketing purposes. Please note that if you are under 18, you may not access or use the App.

8. **EXTERNAL LINKS.** The App may provide links to various websites that we do not control. When you click on one of these links, you will be transferred out of the App and connected to the website of the organization or company that you selected. We are not responsible for the nature, quality, or accuracy of the content or opinions expressed on such websites, or of the services provided through such websites. Such websites are not investigated, monitored, or checked for quality, accuracy, or completeness by us. Inclusion of any linked website on the App does not imply or express an approval or endorsement of the linked website by us, or of any of the content, opinions, products, or services provided on these websites. Even if an affiliation exists between the App and a third-party website or application, we exercise no control over linked sites. Each of these linked sites maintains its own independent privacy and data collection policies and procedures. While Company expects its partners and affiliates to respect the privacy of our users, Company cannot be responsible for the actions of third parties. If you visit a website or application that is linked to from the App, we encourage you to consult that website's or application's privacy policy before providing any personal information and whenever interacting with any website or application.

9. **CONSENT; GOVERNING LAW AND VENUE.** The App is controlled, operated, and administered entirely within the United States; provided, from time to time, User Data may be transmitted to or accessed from jurisdictions outside of the United States. This Policy and the use of the App are governed by the laws of the State of Florida, without giving effect to its conflicts of law rules. Any claim related to the App or this Policy shall be brought exclusively in a court of competent jurisdiction located in the State

of Florida, within one year after the claim arises. Users of the App consent to the exclusive jurisdiction and venue of such courts as the most convenient and appropriate for the resolution of disputes concerning this Policy. This Policy and the notices outlined herein are not intended to and do not create any contractual or other legal rights in or on behalf of any third party.

**10. SPECIAL NOTICE TO CALIFORNIA RESIDENTS.** Under the California Civil Code, residents of the State of California that have provided any Personally Identifiable Information to Company have the right to request a list of all third parties to which Company has disclosed Personally Identifiable Information during the preceding year for direct marketing purposes. Alternatively, the law provides that if Company has a privacy policy that gives either an opt-out or opt-in choice for use of Personally Identifiable Information by third parties (such as advertisers or affiliated companies) for marketing purposes, Company may instead provide you with information on how to exercise your disclosure choice options free of charge. Company qualifies for the alternative option and has adopted a policy of not disclosing the personal information of customers to third parties for the third parties' direct marketing purposes if the customer has exercised an option that prevents that information from being disclosed to third parties for those purposes. It has established this Policy that provides you with details on how you may either opt-out of the use of your Personally Identifiable Information by third parties for direct marketing purposes. If you are a California resident and would like to request information about how to exercise your third party disclosure choices, please send a request to [support@etectRx.com](mailto:support@etectRx.com) with a preference on how our response to your request should be sent.

**11. SPECIAL NOTICE TO NON-U.S. USERS.** If you are located outside the United States of America and are visiting the App, you should be aware that your personal information will be transferred to the United States of America, the laws of which may be deemed by your country to have inadequate data protection. If you are located in a country outside the United States of America and voluntarily submit personal information to us, you thereby consent to the general use of such information as provided in this Privacy

Policy and to the transfer of that information to, and/or storage of that information in, the United States of America.

**12. ACCOUNT REVISIONS, REVOKING & DELETING PERSONAL INFORMATION.** We welcome your questions, comments and all feedback pertaining to your privacy or any other issue with regard to the App. You may contact us at [support@etectRx.com](mailto:support@etectRx.com).

**13. Miscellaneous.**

Any headings contained herein are for directory purposes only, do not constitute a part of this Policy, and shall not be employed in interpreting this Policy.

*Last updated and effective as of March 6, 2020.*