

ZYTO LINK PRIVACY POLICY

Updated May 2023

Introduction

ZYTO Technologies, Inc. (“ZYTO” “Company,” “we,” or “us”) respect your privacy and are committed to protecting it through our compliance with this policy.

ZYTO collects and maintains only the information our clients actively provide to us pursuant to entering into a contract for our services. We do not sell information to third parties.

This policy describes the types of information we may collect from you or that you may provide when you visit the website ZYTO.com (our “Website”) or when you download, install, access, or use the ZYTO Link app (our “App”), together with our practices for collecting, using, maintaining, protecting, and disclosing that information. The Website, the App, and all similar services offered by the Company now or in the future including software and/or devices used in connection with the same, are referred to herein, collectively, as the “ZYTO Service”.

This policy applies to information we collect in connection with the ZYTO Service, which specifically includes information collected via the App and Website. This policy does not apply to information we collect offline or through other means.

Although ZYTO is a company focused on health and wellness, we are not a “covered entity” under the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (together with its related regulations and amendments, “HIPAA”). Moreover, HIPAA does not necessarily apply to an entity or person simply because there is health information involved. Accordingly, we expect that HIPAA does not apply to your transactions or communications with the Company.

The ZYTO Services are not a medical device and do not involve the provision of medical advice by ZYTO. The ZYTO Services are not intended to diagnose, treat, cure, or prevent any disease or medical condition. The ZYTO Services are for informational purposes only and cannot replace the services of physicians or medical professionals.

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, you must not use the ZYTO Service. By accessing or using the ZYTO Service, you agree to this privacy policy. This policy may change from time to time (see Changes to our Privacy Policy). Your continued use of the ZYTO Service after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

Children Under the Age of 18

Our Website is not intended for use by children under 18 years of age. No one under age 18 may provide any information to the Website without verification of parental consent. If you are under 18, do not use or provide any information on this Website or through any of its features. If we learn we have collected or received personal information from a child under 18 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 18, please contact us.

What We Collect and How We Collect It

We collect several types of information from and about users of the ZYTO Service which information may be linked with your devices. This may include information:

- By which you may be personally identified, such as name, demographic information (e.g., age, gender, height, weight), postal address, e-mail address, telephone number, or any other identifier by which you may be contacted online or offline (your “identifying information”);
- Relating to your health and wellness:
 - **Biometric data.** When the ZYTO Service is in use, we capture, but do not store, images and video through supported mobile device cameras for the purpose of extracting and analyzing the following:
 - Facial blood flow
 - Facial landmarks and features
 - **Wellness data and measurements.** Biometric data is used to provide heart rate, breathing rate, heart rate variability, stress index, general wellness score, or other similar derived data, and this data is used in conjunction with the ZYTO scanning algorithm to individualize your results.
- Which has been de-identified and aggregated with data from other users of the ZYTO Service;
- Which allows you to log-in to the ZYTO Service, together with photographic or video images which you may upload thereto;
- Which is about you but individually does not identify you, such as your interests, user habits on the ZYTO Service, and/or location via mobile phone GPS; and

We collect this information:

- Directly from you when you provide it to us;
- Automatically as you navigate through the Website or App. Information collected automatically may include usage details, IP addresses, and information collected through cookies, web beacons, and other tracking technologies; and
- From certain third parties; for example, our business partners.

Information You Provide to Us

The information we collect on or through the ZYTO Service may include:

- Information that you provide by filling in forms on the ZYTO Service. This includes information provided at the time of registration/subscription or requesting further services. We may also ask you for information when you report a problem with the ZYTO Service.
- Records and copies of your correspondence (including email addresses) if you contact us, together with any attachments or other information you may provide.

- Your responses to surveys that we might ask you to complete for research purposes.
- Your interactions with the Company's social media pages.
- Your search queries on the App or the Website.

Information We Collect Through Automatic Data Collection and Tracking Technologies

As you navigate through and interact with the ZYTO Service, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, including:

- Usage Details. When you access and use the ZYTO Service, we may automatically collect certain details of your access to and use of the ZYTO Service, including traffic data, location data, logs, and other communication data and the resources that you access and use on or through the ZYTO Service.
- Device Information. We may collect information about your mobile device and internet connection, including the device's unique device identifier, IP address, operating system, browser type, mobile network information, and the device's telephone number.
- Stored Information and Files. The ZYTO Service also may access metadata and other information associated with other files stored on your device.

The information we collect automatically helps us to improve the ZYTO Service and to deliver a better and more personalized service, including by enabling us to:

- Estimate our audience size and usage patterns.
- Store information about your preferences, allowing us to customize the ZYTO Service according to your individual interests.
- Recognize you when you return to the ZYTO Service.

The technologies we use for this automatic data collection may include:

- Cookies (or browser cookies). A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting, you may be unable to access certain parts of the ZYTO Service. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to the ZYTO Service.
- Flash Cookies. Certain features of the ZYTO Service may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from, and on the ZYTO Service. Flash cookies are not managed by the same browser settings as are used for browser cookies. For information about managing your privacy and security settings for Flash cookies, see Choices About How We Use and Disclose Your Information.
- Web Beacons. Pages of our the ZYTO Service, and our e-mails, may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit the Company, for example, to count users who have visited

those pages or opened an email and for other related website statistics (e.g., recording the popularity of certain website content and verifying system and server integrity).

How We Use Your Information

We have not, and will not, sell your personal information.

We use information that we collect about you or that you provide to us, including any personal information:

- To present the ZYTO Service and its various functions to you and to other users.
- To develop new features and options.
- To respond to your questions, comments, or feedback regarding the ZYTO Service.
- To provide you with information, products, or services that you request from us.
- To tailor your experience with the ZYTO Service to your preferred settings.
- To fulfill any other purpose for which you provide it.
- To provide you with notices about your account, including expiration and renewal notices (as applicable).
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- To notify you about changes to the ZYTO Service or any products or services we offer or provide though it.
- To allow you to participate in interactive features on the ZYTO Service, whether presently existing, planned, or yet to be created.
- To market new or updated products and services, updates to our App or Website, or announcements about upcoming events.
- In any other way we may describe when you provide the information.
- For any other purpose with your consent.

In addition to using your information, we may retain your information for as long as we deem it to be necessary or desirable. We may also dispose of or delete such information at any time.

Disclosure of Your Information

We may analyze, use, disclose, and/or sell aggregated information about our users, and information that does not identify any individual, without restriction. Among other purposes, this aggregated information will be used to provide certain features in the ZYTO Service and to provide predictive analytics with respect to users of the ZYTO Service.

We may disclose personal information that we collect or you provide as described in this privacy policy:

- To our subsidiaries, affiliates, or successors to our business to aid in providing services to you.
- To contractors, service providers, and other third parties we use to support our business.

- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of ZYTO's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by ZYTO about the ZYTO Service users is among the assets transferred.
- To fulfill the purpose for which you provide it.
- For any other purpose disclosed by us or to which you consent.

We may also disclose your personal information:

- To comply with any court order, law, or legal process, including to respond to any government or regulatory request.
- To enforce or apply: (i) our rights arising from any contracts entered into between you and us, including our terms of use found at <https://zyto.com/link-terms-of-use>, and other agreements, including for billing and collection purposes.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of ZYTO, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

Choices About How We Use and Disclose Your Information

We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- Tracking Technologies. You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies, please note that some parts of this site may then be inaccessible or not function properly.
- Promotion by the Company. If you do not want us to use your contact information to promote our own or third parties' products or services, you can opt-out by sending us an email stating your request to marketing@ZYTO.com.
- Targeted Advertising by the Company. If you do not want us to use information that we collect or that you provide to us to deliver advertisements according to our advertisers' target-audience preferences, you can opt-out by sending us an email stating your request to marketing@ZYTO.com.

Certain features in the App and/or the Website may also allow you to opt-out of the foregoing information disclosures. However, some parts of the ZYTO Service may become inaccessible or not function properly if you opt-out of certain information sharing. Even if you opt out of certain types of email communication, we may still send you service-related communications or other important correspondence.

Accessing and Correcting Your Information

You can review and change your personal information by logging into the App or the Website and visiting your account profile page.

You may also send us an email at accountservices@ZYTO.com to request access to, correct or delete any personal information that you have provided to us. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

Proper access and use of information provided on the App or the Website is governed by our Terms of Use found at <https://zyto.com/link-terms-of-use>.

Applicable Law and Jurisdiction

This Privacy Policy, and our collection, use, and disclosure of your information, is governed by U.S. law. Additionally, your information is stored in the United States regardless of where you may reside.

Data Security

We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure.

Wherever we collect sensitive information (such as credit card data), that information is encrypted and transmitted to us in a secure way. You can verify this by looking for a closed lock icon at the bottom of your Web browser, or looking for “https” at the beginning of the address of the web page.

While we use encryption to protect sensitive information transmitted online, we also protect your information offline. Only employees who need the information to perform a specific job (for example, billing or customer service) are granted access to personally identifiable information. The computers/servers in which we store your information are kept in a secure environment.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of the ZYTO Service, you are responsible for keeping this password confidential. We encourage you not to share your password with anyone, and to use caution at all times.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to the ZYTO Service. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the App or the Website. If you have reason to believe that your personal information has been compromised, please contact us.

Changes to Our Privacy Policy

It is our policy to post any changes we make to our privacy policy on this page. If we make material changes to how we treat our users’ personal information, we will notify you by email to the primary email address specified in your account and/or through a notice on the App or the Website home page. The date the privacy policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and for periodically visiting the ZYTO Service and this privacy policy to check for any changes.

Contact Information

To ask questions or comment about this privacy policy and our privacy practices, or to register a complaint or concern, please contact us using either of the methods below:

legal@ZYTO.com

1172 West 700 North, Ste. 300
Lindon, UT 84042
Attn: General Counsel
