

PRIVACY STATEMENT

1. Subject-matter

This Privacy Statement is edited by the public limited company incorporated under the laws of Belgium (“société anonyme”/”naamloze vennootschap”) CHANGE ACCELERATOR IN RESPIRATORY CARE, in abbreviated form “CARE”, headquartered at Hendrik van Veldekesingel 150/B122, 3500 Hasselt, BELGIUM, registered with the Crossroad Bank of Enterprises under number 0711.933.577- hereinafter referred to as the “Data Controller” or as “CARE”.

The purpose of this Privacy Statement is to inform the Users and Visitors of the Galenus Health App and of the online interface, of the manner and the conditions under which their data are collected and processed by the Data Controller.

This Privacy Statement is edited and published with a view to complying with all the obligations which are laid upon the Data Controller by EU Regulation n° 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter the « General Data Protection Regulation »).

This Privacy Statement may be subject to future adaptations and variations. Future adaptations will be put online in the Galenus Health App as they become available. The User and Visitor are invited to check and read this Privacy Statement regularly.

2. Statement

The User and the Visitor are informed that, by consulting and accessing the App Galenus Health, their data, including personal data in the meaning of the General Data Protection Regulation, may be processed by CARE, in compliance with the modalities and principles set out in this Privacy Statement.

3. Nature of the collected data and method of collecting

The data provided by the User and/or the Visitor to the Galenus Health App, whether directly or indirectly, and processed by the Company may include:

- identification data such as first name, last name, date of birth, logins and passwords,
- contact data such as place of residence, email address, phone numbers,
- connection data such as domain including dynamic IP address (automatically identified by the Data Controller’s server),
- location data;
- health data and biometric data concerning your airway condition or related condition;
- data relating to family life or living habits.

The data shall be collected by means of forms filled in by the User or the Visitor, or by means of computer-automated processes.

CARE only collects personal data that are strictly necessary to achieve the purposes set in Article 4 of this Statement.

CARE shall pseudonymize data to be used for research purposes and, in particular, health data after their collection.

4. Purposes of the processing

All data- whether personal or not- shall be processed for the following purposes:

- For scientific and statistic research on health data (whether these are carried out by CARE or third parties such as institutional, scientific or commercial partners), i.a. :
 - o Conducting statistical studies,
 - o Conducting clinical and health-economic research in the area of chronic airway conditions (respiratory and cardiovascular diseases and allergic diseases),
 - o Carrying out trials, studies and analyses with a view to developing prophylactic measures and medical, pharmaceutical or paramedical treatments (medicines and drugs, vaccines, medical utensils and devices, etc.), in the above-mentioned domains,
 - o Developing programs, algorithms, predictive tools and devices in the above-mentioned domains,
- For managing the Galenus Health App and its use by the User, i.a. :
 - o Creating and managing the User's personal profile and account and following his/her activity on the Galenus Health App,
 - o Creating a scientific profile of the User and following its evolution,
 - o Monitoring the User's situation,
 - o Identifying and logging the User to the Galenus Health App
 - o Identifying the needs of the User and identifying possible answers to the questions asked,
 - o Sending so-called "push" notifications linked to his/her needs and profile,
 - o Informing the User of the updates and modifications brought to the Galenus Health App
- For enabling contacts between the User and his/her physician(s) (or, where appropriate, the doctor's office, the hospital or the institution authorised by the User) whether these contacts are part of a therapeutic relationship or follow-up or as part of information or recruitment actions related to research (clinical trial) activities
- other purposes listed under Article 5 Galenus Health.

Depending on the Galenus Health App's evolution, the Data Controller might be led to process the data for purposes which are not specified in this Privacy Statement. In this case, the Data Controller shall inform the User of these new processing purposes without undue delay. The User shall be given the possibility to refuse further processing of his/her personal data. The User acknowledges that withholding consent may halt him/her from further using the Galenus Health App and/or all its functionalities.

5. Legal basis for the processing of personal data

The Data Controller may process the Users' and Visitors' personal data on the following legal grounds:

- The Users' or Visitors' consent:
 - o For the processing of his/her health data,
 - o For the processing for scientific or statistic research and other purposes mentioned under Article 4,
 - o For the provision of marketing services and/or information actions,
- CARE's legitimate interests:
 - o For communicating with the User or Visitor,
 - o For solving any question or complaint the User or the Visitor may have,
 - o For the management of information processes,
 - o For market research (i.a. geographic location of Users of the platform via Firebase),
 - o For IT or use surveys (i.a. improving the services delivered, tracking use of functionalities of the platform),
 - o For the prevention, detection and investigation of any unfair or illegal use of the App or the Personal Data,
 - o For the cost and fees administration,
- The performance of legal obligations:
 - o Tax and accountancy obligations,
 - o Other regulatory obligations (i.a. obligations relating to health data processing, to legal audits, etc.);
- The exercise and defense of CARE's rights (in case of complaints, enquiries, litigations, actions, etc.).

The User declares and confirms that he is able to give valid consent.

The User or Visitor may at any time withdraw his/her consent. Such withdrawal shall inevitably halt the User from further using of the Galenus Health App. The withdrawal of their consent does not imply the unlawfulness of past processing nor the termination of processing activities based upon one or more other legal grounds. Past processing based on consent cannot be called into question. In addition, the withdrawal of consent shall not prevent the Company from relying on the exceptions provided for by the General Data Protection Regulations to pursue limited processing activities.

6. Retention period

The Data Controller shall store the data as long as is reasonably necessary with regards to the purposes of the processing, and in compliance with the legal and regulatory requirements.

The User's or Visitor's personal data shall be stored for a maximum period of 2 years, as of the last processing. However, the Data Controller reserves the right to store any document of scientific nature such as statistics containing personal data, for a period of maximum 30 years following their establishment. In such case, the Data Controller shall not use the personal data included in the statistics again.

At the end of the storage period, the Data Controller shall make every effort to ensure the personal data has been rendered unavailable or anonymized, so as to ensure the data can no longer constitute “personal data” in the meaning of the Data Protection Regulation.

7. Transfer to third parties and access by third parties

The User’s or Visitor’s data shall be processed by the Data Controller and its employees, but also by other contractors (whether processors or not), commercial partners, physicians and medical research professionals who collaborate with the Data Controller to provide the proposed service, provided that they are established in Belgium or in the European Union.

- Transfer to doctors and medical institutions

The User’s data may be transferred and shared with the User’s physician(s) or, eventually, with doctor offices, hospitals or other medical institutions to the condition these transfers and access have been explicitly authorized by the User following an explicit request.

The User may also grant the User’s physician(s) or, eventually, with the doctor offices, hospitals or other medical institutions, the right to extract, download, save or reproduce the User’s data, in paper or in any standard electronic format. The User’s physician(s) or, eventually, with the doctor offices, hospitals or other medical institutions remain solely responsible for any further transfers or reproductions. The Data Controller declines any responsibility for those subsequent transfers occurring under those last’s responsibility.

- Transfer to other third parties

CARE may also transfer pseudonymised data to the following identified third parties:

- Physicians other than the User’s physicians, hospitals and other medical institutions or organizations (for scientific and statistic research)
- Auditors and certicators (for audits and controls)
- Commercial partners, companies, institutions and organizations (for scientific and statistic research, including research for the development of medicines, drugs, vaccines or other forms of medical, pharmaceutical or para-medical treatments, medical or paramedical devices).

CARE shall only allow access, retrieval and consultation of non-pseudonymised data to the following categories and exclusively for the following purposes:

- User’s Physicians (for their connected patient),
- IT and security providers (for IT administration and technical improvement of the App, the Website or the Platform, IT security measures),
- Technical experts, counsels, attorneys (in case of requests of injunctions of the competent authorities, defence in justice or security measures).

The Data Controller reserves the right to disclose the User's personal data if it is so required and to the extent authorized by law, by a judicial order or by order of a public authority.

- Processors

The Data Controller shall comply with all the relevant provisions of the General Data Protection Regulation when calling upon processors. The Data Controller shall only transfer the data to the extent strictly necessary to achieve the purposes of the processing activities. The Data Controller shall particularly ensure that the processor:

- Processes the personal data in accordance with the purposes laid out in the processing contract
- Processes the personal data only on documented instruction of the Data Controller;
- Ensures that the persons authorized to process the personal data have committed themselves to confidentiality
- Informs the Data Controller of any data breach within a term of maximum 48hours after having discovered the breach;
- Commits to implementing various appropriate security measures, taking into account the purpose of the processing.

- Transfer outside the European Union

Any data transferred to co-contracting parties established outside the European Union shall be done in accordance with the principles and requirements laid out in the General Data Protection Regulation. The Data Controller shall only transfer pseudonymised or anonymised data to countries known to offer an adequate level of protection or to companies bound by standard contractual clauses established by the European Commission.

The User who has duly stated his/her identity (by annexing a copy of his/her ID) may at any time oppose the transmission of his/her personal data to third parties, by sending a written, dated and signed request to Data Controller at the address specified under the "Contact details" section of this Privacy Statement.

The Data Controller complies all the applicable legal and regulatory provisions and shall at all time ensure that partners, employees, subcontractors (including processors in the meaning of the General Data Protection Regulation) or any third party with access to the personal data comply with this Privacy Statement.

8. User access to the data and request for a copy

The User can download at any time a document in PDF format via the App, which summarizes some of his/her data that can be consulted in the App. The User is aware that he/she remains solely responsible for any further communication to third parties or any further reproduction, on any medium whatsoever, of this file.

In addition, the User who has duly stated his/her identity (e.g. by annexing a copy of his/her ID or any other proof of his/her identity) may request a free copy of his/her personal data, by making a written, dated and signed (either manually or electronically) request to the Data Controller. This request must be sent to the address specified in the “Contact details” section of this Privacy Statement.

The Data Controller may charge the User with reasonable administrative costs, per additional copy requested.

Where the User submits his/her request electronically, as specified under the “Contact details” section of this Privacy Statement, the information shall be provided in a commonly used electronic form, unless the User specifically asks otherwise.

The copy of the data shall be provided to the User within 30 days following the request. This term is indicative and may be prolonged based on the necessary effort to extract the data.

9. Right to rectification

The User who has duly stated his/her identity (e.g. by annexing a copy of his/her ID or any other proof of his/her identity) may request the rectification of his/her personal data free of charge, if said data is incorrect, inaccurate or incomplete. Said request must be done in writing, dated and signed (either manually or electronically) and sent to the Data Controller at the address specified under the “Contact details” section of this Privacy Statement. The Data Controller shall follow-up on the request within 30 days following the reception of the request. The User may also and at any time, rectify the data via his/her personal space, to be accessed in the “Settings” tab of the Galenus Health App.

The User expressly acknowledges that the Company is solely competent to determine which data is relevant to the purposes of the processing.

10. Right to object the data processing

Except where processing is necessary for purposes of the legitimate interests pursued by the Controller or a third party, and given that these legitimate interests are not overridden by the interests or fundamental rights and freedoms of the User, the User who has duly stated his/her identity (e.g. by annexing a copy of his/her ID or any other proof of his/her identity) may at any time, on grounds relating to his or her particular situation, object the processing of his/her personal data, free of charge. Said request must be done in writing, dated and signed (either manually or electronically), and sent to the Data Controller at the address specified under the “Contact details” section of this Privacy Statement.

The Data Controller may refuse to implement the User’s right to object if compelling legitimate grounds, which override the User’s interests, rights and freedom, or for the establishment, exercise or defense of legal claims, are established. The User may challenge the Data Controller’s decision pursuant to article 15 of this Privacy Statement.

The Data Controller must respond to the User’s request without undue delay and motivate its refusal to follow-up on the request;

The User acknowledges that following the purpose of the processing of the personal data, objecting the processing of his/her data may lead to the deletion of the User's account, if the objection to the processing prohibits a normal use of the Galenus Health App.

11. Right to restriction of the data processing

The User who has duly stated his/her identity (e.g. by annexing a copy of his/her ID or any other proof of his/her identity) may request from the Data Controller the restriction of processing of his/her personal data, where one of the following applies:

- The accuracy of the personal data is contested by the User, exclusively for a period enabling the Controller to verify the accuracy of the personal data;
- The processing is unlawful and the User opposes the erasure of the personal data and requests the restriction of their use instead;
- The Data Controller no longer needs the personal data for the purposes of the processing, but they are required by the User for the establishment, exercise or defense of legal claims.
- For a period which is necessary to examine whether or not the User's request to object the processing is justified. In other words, the period of time necessary for the Data Controller to make a balance of interests between the legitimate interests of the Data Controller and the legitimate interests of the User.

Said request must be done in writing, dated and signed (either manually or electronically) and sent to the Data Controller at the address specified under the "Contact details" section of this Privacy Statement.

The Data Controller shall inform the User when the restriction of processing is lifted.

12. Right to erasure ('right to be forgotten')

The User who has duly stated his/her identity (e.g. by annexing a copy of his/her ID or any other proof of his/her identity) may request the erasure of his/her personal data, where one of the following applies:

- The processing is no longer necessary for the purposes of processing
- The User withdraws consent to the processing and there are no other legal grounds for the processing
- The User objects the processing and there are no overriding legitimate grounds for the processing
- The personal data have been unlawfully processed.

The request must be done in writing, dated and signed (either manually or electronically) and sent to the Data Controller at the address specified under the "Contact details" section of this Privacy Statement

The Data Controller may oppose the erasure of the personal data where the applicable law allows it.

The Data Controller must respond to the User's request without undue delay and motivate its refusal to follow-up on the request.

Taking into account the purpose of the processing, the User may also- under the same conditions and free of charge- request the erasure of his/her personal data, or ban the use of his/her personal data, if said data are incomplete, or if they have been registered, communicated or stored despite a prohibition to do so, or if the personal data have been stored longer than authorized.

13. Right to data portability

The User who has duly stated his/her identity (e.g. by annexing a copy of his/her ID or any other proof of his/her identity) may at any time request to receive the personal data concerning him/her, in a structured, commonly used and machine-readable format with a view on transmitting those data to another controller, where:

- The processing is carried out by automated means; and when
- The processing is based on consent or on an agreement reached between him/her-self and the Data Controller.

Under the same conditions, and in so far it is technically possible, the User may request from the Data Controller that his/her personal data be transmitted directly to another controller.

The present provision may only be applied in so far it is not prejudicial to the rights of the Data Controller.

14. Notifications

When using the Galenus Health App, the User may receive notifications («push » messages), text messages, emails, MMS, alerts or other types of notifications. The User's consent to these notifications shall be asked when signing up. The User may control or refuse or stop receiving notifications, at any time, by changing the settings on his/her personal account.

15. Security

The Data Controller takes appropriate technical and organizational measures to ensure a level of security appropriate to the risks presented, taking into account the nature of the processed data.

The Data Controller shall take into account the state of the art, the cost of implementation and the nature, scope, context and purposes of the processing, as well as the risks for the rights and freedoms of the Users.

When transferring or receiving data from the Galenus Health App, The Data Controller shall always implement IT industry standard encryption technologies. The Data Controller has implemented appropriate measures to protect and avoid loss, misuse or destruction of the information received from the Galenus Health App through the use of a secure server, amongst other.

16. Contact details

The User may contact the Data Controller for any question and/or complaint at the following addresses:

Per email: contact@galenus.health

Per mail: CHANGE ACCELERATOR IN RESPIRATORY CARE, at Hendrik van Veldekesingel 150/B122, 3500 Hasselt, BELGIUM.

17. Complaints

The User may also lodge a complaint with the Authority for Data Protection (« Autorité de Protection des Données ») at the following address: Authority for Data Protection - Rue de la Presse - Persstraat, 35, 1000 Bruxelles - Brussel, Tel : + 32 2 274 48 00 Fax. + 32 2 274 48 35 email : contact@apd-gba.be.

The User may also lodge a complaint with the Tribunal of First Instance of his/her place of residence.

For more information on the available remedies, the User may consult the following page edited by the Belgian Data Protection Authority (Autorité de Protection des Données / Gegevensbeschermingsautoriteit): <https://www.dataprotectionauthority.be>.

18. Applicable law and jurisdiction

Any complaint regarding the services provided by the Company, and any complaint regarding the validity, interpretation or performance of this Privacy Statement shall be governed by Belgian law, and subject to the exclusive jurisdiction of the judicial district of Brussels.

19. Final provisions

The Data Controller reserves the right to modify the provisions of this Privacy Statement at all time. These modifications shall be published with prior notice as to their entry into force.

This Privacy Statement is dated March 2023.