

# ARIA Privacy Policy

**Last Updated: August 26, 2020**

This privacy policy (“Privacy Policy”) describes how Smith & Nephew, Inc. (“Smith & Nephew”, “we,” “us,” or “our”) collects, uses, and shares Personal Information including Personal Information gathered through the website located at <https://think-aria.com/>, and any associated online services, mobile applications, platforms, portals, software, and features that are intended to facilitate the care coordination services (collectively, the “Services”) and offline interactions related to the Services.

When referred to in this Privacy Policy, the term “Personal Information” includes any information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual or household, including any information that is subject to applicable data protection laws. Personal Information may include “protected health information” (“PHI”) as defined under the Health Insurance Portability and Accountability Act of 1996, as amended and implemented (“HIPAA”) and “Personal Information” as defined under the California Consumer Privacy Act, Cal. Civ. Code §§ 1798.100 et. seq., as amended (“CCPA”). Capitalized terms used in this Privacy Policy and not defined herein shall have the definitions provided in our [Terms of Use](#).

This Privacy Policy is incorporated into our [Terms of Use](#). By using our website, mobile app, and the other Services, including downloading, installing, accessing, or otherwise using the Services, you accept and consent to the collection, use, and disclosure of Personal Information as described in this Privacy Policy. If you do not agree with this Privacy Policy, please do not use the Services or provide us with any Personal Information.

## **Personal Information We Collect and How We Collect It**

### **Directly From You**

We may collect information that you provide directly to us, including but not limited to:

- **Personal, contact, and demographic information**, such as your name, address, telephone number, email address, birth date, gender, race, electronic signature, household information (e.g., spouse and child name and their contact information).
- **Registration and Account information**, such as your Account login credentials (i.e., username and password).
- **Health information** (of Patients), such your physical or psychological state of health, Patient vitals (e.g., height, weight, BMI, and health/recovery goals), Patient care details (e.g., medical history and medical treatment or diagnosis), and health care provider details.
- **Professional information** (of Providers), such as job title, professional experience, and professional registration with your state regulator.
- **Communications**, such as if you submit any questions or comments, complete surveys, or otherwise contact us or our support teams on or through the Services or via text or email (e.g., User Content ).

### **Third Parties**

We may also collect the above information from third parties with whom we work closely, such as:

- Our Partners and contractors (e.g., technical, advertising networks, and analytics providers, search information providers, consultants, and legal counsel).
- Your Providers and their representatives.
- Your Patient Advocates.

If you submit any Personal Information relating to other people to us, you represent and warrant that you have the authority to do so and to permit us to use the information in accordance with this Privacy Policy.

### **Automatically**

We may use automated technology such as cookies and other tracking software to collect Personal Information from your computer system or mobile device. We may collect the following information:

- Internet Protocol (IP) address and/or other device identifier.
- Browser type and version.
- Browsing information, such as pages you view and the links you click, and whether you access the Services via a social media website.
- Time zone setting.
- Browser plug-in types and versions.
- Operating system and platform.
- Time spent visiting, usage patterns, and the domain name of the website from which you linked to the Services.

Additionally, we and our contractors may automatically collect general location information from your computer or mobile device. We will ask your permission before collecting your precise GPS location information. In such instances, we will use your precise geo-location information to provide the Services, applicable content, and other information that may be of interest to you. If you no longer wish for us and our vendors to collect and use GPS location information, you may disable the location features on your device.

### **Combining Information**

We may combine information from different sources. For example, we may combine information that we have collected offline with information we collect online, or we may combine information we obtain from a third party or the public domain with information we already have.

## **Cookies and Other Tracking Methods**

We may use “cookies”, or small text files that are stored on your computer’s hard drive. Cookies ensure that the Services’ content is presented in the most effective manner for you and your computer or device.

### **Strictly Necessary Cookies**

These cookies are essential in order to enable you to move around the Services and use their features. Without these cookies, services you have requested, such as remembering your submitted information, cannot be provided.

### **Performance Cookies**

These cookies collect anonymous information on how people use the Services. The data stored by these cookies never shows personal details from which your individual identity can be established.

### **Functionality Cookies**

These cookies remember choices you make such as the country from which you visit the Services, language, and search parameters. These can then be used to provide you with an experience more appropriate to your selections and to make the visits more tailored. The information these cookies collect may be anonymized, and these cookies cannot track your browsing activity on other websites.

### **Targeting Cookies or Advertising Cookies**

These cookies collect information about your browsing habits in order to make advertising more relevant to you and your interests. They are also used to limit the number of times you see an advertisement as well as to help measure the effectiveness of an advertising campaign. The cookies are usually placed by third party advertising networks. They remember the websites you visit, and that information is shared with other parties such as advertisers.

### **Social Media Cookies**

These cookies allow you to share what you have been doing on the Services on social media. These cookies are not within our control, and are therefore subject to a third party's rules and policies. Social media companies may have their own privacy policies, which we strongly suggest you review if you use those websites or apps.

We may use different kinds of cookies, including session ID cookies and persistent cookies. Session ID cookies are used to personalize your user experience, and to determine ways to improve the Services and other products and services we offer. These cookies are deleted when you close your browser session. Persistent cookies are used to collect information such as IP addresses, browser type, Internet Service Provider (ISP), referring/exit pages, platform type, date/time stamp, and number of clicks.

You can change your settings for cookies and similar technologies by clicking on the cookie consent box on the Services. In addition, you can refuse or accept cookies from the Services at any time by activating the settings on your browser. You are always free to decline our cookies if your browser permits, but some parts of the Services may not work properly if you do. Check the "Help" menu of your browser to learn how to change your cookie preferences. To find out more about cookies, visit [www.aboutcookies.org](http://www.aboutcookies.org).

Many web browsers allow for the use of a "Do Not Track" function to inform websites that you do not want your online activities tracked. Currently, we do not track your or any other users' Personal Information over time and across third party websites. We therefore do not respond to browser "Do Not Track" signals.

## **Uses of Personal Information**

We may use your information to:

- Operate our business (including to provide and personalize the Services).
- Provide you updates and information regarding current and new products and services, upcoming events, promotions, surveys, and other announcements.

- Respond to your inquiries, provide user support, and otherwise contact you.
- Analyze and learn about how the Services are accessed and used, evaluate and improve the Services (both in terms of content and ease of use), and monitor and measure the effectiveness of our patient outreach and marketing.
- Ensure the security and integrity of the Services and their content.
- Manage relationships with our partners and contractors.
- Enforce our legal terms and policies.
- Protect our and others' interests, rights, and property (e.g., copyrights and trademarks).
- Comply with applicable legal requirements, such as tax and other government regulations and industry standards, contracts, and law enforcement requests.

We may ask for your consent to collect, use, or share your Personal Information, such as when we are required to do so by law.

We may aggregate and de-identify data about users of the Services and use and disclose it for any purpose, including for product and service development and improvement activities.

## **Sharing Personal Information**

We may share your Personal Information with:

- Our partners, vendors, advisors, auditors, vendors, consultants, or other third parties to assist in providing business functions on our behalf (e.g., messaging features), including offering services or marketing activities.
- Third parties when obligated or permitted to do so by law or if we have a good faith belief that such disclosure is necessary to comply with a current judicial proceeding, court order, or legal process served on us or to investigate, prevent, or resolve any suspected or actual unlawful activities, such as potential fraud, or a perceived irregularity in any audits of the accuracy of any documentation or information submitted to us by you or on your behalf, as we deem appropriate.

- A successor entity or potential buyer in connection with a proposed or actual corporate merger, acquisition, consolidation, sale of assets, bankruptcy, or other corporate change.

We may be required or permitted by law to share your Personal Information, without prior notice to you, under certain circumstances, such as to maintain, safeguard, or preserve the rights or property of Smith & Nephew and to help protect the personal safety of Providers, Patients, Patient Advocates, other users of the Services, and the general public.

Additionally, we reserve the right to disclose to third parties non-personally identifiable information collected for any lawful purpose, including but not limited to, aggregate or de-identified data. We will only share your Personal Information as described in this Privacy Policy, or when you otherwise consent (to the extent required by law).

## **Children's Information**

We do not knowingly or specifically collect Personal Information from users under the age of 13 and no one under age 13 is authorized to submit any information, including Personal Information, on the Services. If we determine that such information has been inadvertently collected on anyone under the age of 13, we will take the necessary steps to ensure that such information is deleted from our systems. If you are a parent or guardian and become aware that your child has provided us with information, please contact us using one of the methods specified below.

Any California residents under the age of 18 who have registered to use the Services, and who posted content or information on the Services, can request removal by contacting us as noted below and detailing where the content or information is posted and attesting that you posted it. We will then make reasonable good faith efforts to remove the post from prospective public view or anonymize it so the minor cannot be individually identified to the extent required by applicable law. This removal process cannot ensure complete or comprehensive removal. For

instance, third parties may have republished or archived content by search engines and others that is not under our control.

## **Retaining Personal Information**

Except to the extent prohibited by law, and subject to this Privacy Policy, we will retain and use your Personal Information for as long as it is needed to provide you with any services, communications you have requested, or access to the Services, to document our business relationship with you, and as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

## **Storage**

The information that you provide to Smith & Nephew may be stored and processed in, accessed from, and transferred between the United States and other countries. If you are accessing the Services from other jurisdictions, please be advised that you are transferring your Personal Information to us in the United States where data protection and privacy laws may be less stringent than the laws of your jurisdiction. BY USING THE SERVICES, YOU CONSENT TO THE TRANSFER AND USE OF YOUR PERSONAL INFORMATION IN ACCORDANCE WITH THIS PRIVACY POLICY.

Additionally, the Services are controlled and operated by us from the United States and are not intended to subject us to the laws or jurisdiction of any state, country, or territory other than that of the United States.

## **Security**

We implement commercially reasonable physical, technical, and administrative security measures to protect your Personal Information. Nonetheless, no such measure is ever perfect; therefore, we do not guarantee that your Personal Information will be secure from theft, loss,

or unauthorized access or use, and we make no representation as to the reasonableness, efficacy, or appropriateness of the measures we use to safeguard such Personal Information.

Additionally, some of the Services, which we have less control over, are less secure than others. For example, our ARIA Touch Message service uses text and voicemails outside of the ARIA portals where we implement our safeguards. We do not recommend that you transfer PHI outside of the ARIA portals, and we will try to provide a warning or pop-up to notify you that such transfer is outside our platform.

If you have reason to believe that your interaction with us is no longer secure, please immediately contact us at one of the below methods.

## **Your Rights**

Depending on your jurisdiction, you may have certain rights regarding our collection, use, and sharing of your Personal Information. If you have any questions regarding these rights, please contact us at one of the methods below. Note that certain information (e.g., PHI) may be exempt from certain privacy laws, and we are therefore not required to fulfill information requests regarding such Personal Information.

### **Communication Opt-Outs**

In commercial email or text messages, you can opt out by following the instructions in such emails or texts. We might still send you some important emails, like responding to you by email if you send us a request or comment. You may instruct us not to use your contact information to contact you by email, postal mail, or phone regarding products, services, and promotions that might appeal to your interests by contacting us using the information below.

Please note that, regardless of your request, we may still use and share certain information as permitted by this Privacy Policy or as required by applicable law. For example, you may not opt out of certain operational communications, such as those reflecting our relationship or transactions with you.

## **California Residents**

*Access to Specific Information and Personal Information Portability Rights* - You have the right, subject to certain exceptions defined in the CCPA and other applicable laws and regulations, to request that companies disclose certain information to you about their collection and use of your Personal Information over the past twelve (12) months. This right of access includes information about:

- The categories of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.
- Our business or commercial purpose for collecting that Personal Information.
- The categories of third parties with whom we share that Personal Information.
- The categories of Personal Information that each recipient received.
- The specific pieces of Personal Information we collected about you.

*Deletion Rights* - You have the right, subject to certain exceptions defined in the CCPA and other applicable laws and regulations, to request that a company delete any of your Personal Information that it has collected from you and retained.

*Non-Discrimination* - California consumers also have the right not to receive discriminatory treatment if they exercise the rights listed herein.

*Sale of Personal Information* - You have the right, subject to certain exceptions defined in the CCPA and other applicable laws and regulations, to request that companies stop selling your personal information and refrain from doing so in the future. We are not currently selling your Personal Information.

*Shine the Light* - California Civil Code Section 1798.83 permits California residents to request a list of all third parties to which we, during the immediately preceding calendar year, have disclosed certain Personal Information for direct marketing purposes; however, we do not share Personal Information with other people or non-affiliated businesses for their direct marketing purposes.

*Information Exempt from the CCPA* - Note that certain information that is governed by other laws, such as the California Confidentiality of Medical Information Act (CMIA) or HIPAA, is not considered Personal Information with respect to the rights of California residents noted above. However, additional rights might be available under those laws and standards. Please contact [privacy@think-aria.com](mailto:privacy@think-aria.com) for more information.

*Service Provider under the CCPA* - Smith & Nephew acts as a Service Provider as defined by the CCPA when it collects Personal Information on behalf of Smith & Nephew clients. In such instances, any request for such Personal Information should be made directly to the organization that uses Smith & Nephew services. If you submit a verified consumer request to us for such information, we will direct you to make that request directly to our client. If we have collected your Personal Information outside of our role as a Service Provider, we will respond to your verified consumer request accordingly.

### **Nevada Residents**

Although we do not sell Personal Information, Nevada residents have the right to submit a verified request directing us not to sell their Personal Information. If you are a Nevada resident, and would like to submit such a request, please send your request through any of the methods noted below.

### **Exercising Your Rights**

To exercise any of the rights described above, you can get in touch with us by:

- Emailing us at [privacy@think-aria.com](mailto:privacy@think-aria.com); or
- Calling us at 1-888-689-9685

*Verification* - When you make a request, we may require that you provide information and follow procedures so that we can verify the request and your jurisdiction before responding to it. The verification steps we take may differ depending on the request you make. We will match the information that you provide in your request to information we already have on file to verify your identity. If we are able to verify your request, we will process it. If we cannot verify your request, we may ask you for additional information to help us verify your request.

Consumers will be required to submit their first and last name and email address and may be asked to provide their telephone number or address so that we can verify the request. Please provide as much of the requested information as possible to help us verify the request. We will only use the information received in a request for the purposes of responding to the request.

*Request Limit* - We are not required to respond to a consumer's requests for access or disclosure of Personal Information more than twice in a twelve (12) month period.

*Authorized Agent* - The CCPA permits California consumers to use an authorized agent to make privacy rights requests. We require the authorized agent to provide us with proof of the California consumer's written permission (for example, a power of attorney) that shows the authorized agent has the authority to submit a request for the California consumer. An authorized agent must follow the process described above to make a request. The authorized agent must also verify his/her own identity. We will confirm the agent's authority with the California consumer about whom the request was made.

## **Third Party Sites**

As mentioned in our [Terms of Use](#), the Services may contain links, references, and other forms of connectivity to Third Party Sites. This Privacy Policy does not apply to the information (including Personal Information) collected on any Third Party Site over which we have no influence or control. We are not responsible for the privacy practices of Third Party Sites. Accordingly, we recommend that you review the privacy notice and related policies posted on any Third Party Sites.

## **Modifications**

We reserve the right to change this Privacy Policy from time to time in our sole discretion, effective upon posting. In the event of such changes, we will post the changes on the Services or notify you via email. Any use of the Services after such changes shall be deemed an acceptance of those changes. You should periodically visit this page to review the current

Privacy Policy so that you are aware of any such revisions to which apply to your Personal Information.

## How to Contact Us

If you have any questions regarding this Privacy Policy or our privacy practices, please contact us at:

**Email Address**

[privacy@think-aria.com](mailto:privacy@think-aria.com)

**Mailing Address**

Smith+Nephew  
Attn: ARIA Privacy Team  
2875 Railroad Street  
Pittsburgh, PA 15222

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