



## **PRIVACY STATEMENT**

### **1. INTRODUCTION**

Blue Earth Diagnostics, Inc. respects your privacy and is committed to protecting your personal data. This Privacy Statement sets out how we use and protect the personal data that you or others provide to us, including data from your use of our website and from your off-line interactions with Blue Earth Diagnostics, Inc. through our services, products, communications, and digital properties (collectively referred to herein as the “Services”).

#### **Purpose of this Privacy Statement.**

This Privacy Statement aims to give you information on the policies and practices that we have developed to safeguard Personal Information and to comply with applicable data protection laws. Please read this notice carefully to understand what information we collect, how we collect and use it, who we may disclose it to and how you can manage your Personal Information. We control and operate our websites from within the United States of America. Our online privacy practices are governed by the laws of the State of New Jersey.

By submitting your Personal Information through the Services, you consent to the collection, processing and retention of your Personal Information as described in this Privacy Statement. We may change our Privacy Statement from time to time so please check this page periodically, as your continued use of our websites, after we publish our changes, indicates your acceptance of any changed terms.

### **2. INFORMATION WE COLLECT AND USE**

We provide websites to share information about the Services and products we offer. Regardless of the device you use to interact with our websites, Blue Earth Diagnostics, Inc. may collect some information that identifies you or that can be used to contact or distinguish you as an individual (“Personal Information”).

We may collect, use, store and transfer different kinds of Personal Information about you such as:

- Data you provide us (for example, your name, address, phone number, email address, employer information, and demographic data such as gender and date of birth (“Personal Information”))
- Data obtained from our partners (partners may include but are not limited to market research firms, service providers and logistics information providers)
- Data obtained from Third Parties or Publicly Available Sources (see details below)
- Data obtained through technology (IP address, browsers, time zone setting and location, cookies, browser plug-in types, operating system and platform and other technology on the devices you use to access this website)

### **3. HOW INFORMATION IS COLLECTED AND USED**

**Personal Information That You Voluntarily Provide When Using the Services.** We collect and use the Personal Information that you voluntarily provide to us through the Services. Upon your request, we may also use the Personal Information to send you special promotions, newsletters or other information that may interest you.

If you are a healthcare professional or an institutional healthcare provider (collectively, “**Providers**”), you are responsible for obtaining any legally required authorization, consent or other permission from your patients prior to providing their Personal Information to Blue Earth Diagnostics, Inc. through the Services. By submitting any Personal Information about a patient, you represent and warrant to Blue Earth Diagnostics, Inc. that you have obtained all required permissions to do so.

**Through Your Use of Automated Technologies or Interactive Services.** If you choose to participate in our questionnaires and surveys and other interactive Services, we will collect the information that you share to help us better understand how our products are used in diagnosing and treating diseases for which they are marketed.

The information you provide through interactive Services may be combined (subject to all applicable laws) with the Personal Information provided elsewhere in or through the Services. We may combine your and others’ Personal Information to create summary data that we will use for our business purposes, such as research to improve our products and analyses that may help us better market our products.

You may provide information to be published or displayed (“**Posted**”) on public areas of the Services (collectively, “**User Contributions**”). Your User Contributions are Posted and made available publicly at your own risk. Blue Earth Diagnostics, Inc. does not control the actions of third parties with access to your User Contributions.

**When You Correspond with Blue Earth Diagnostics, Inc. about Our Products.** If you contact Blue Earth Diagnostics, Inc. or use the Services to ask questions or report problems regarding your experience in using one of our products, we may use the information you provide in submitting reports to the U.S. Food and Drug Administration and as otherwise required of us by law. We also may use the information to contact the prescribing physician to follow up regarding an event involving use of our product.

**Through Data Collection Tools.** We use the information collected through data collection tools to monitor usage patterns, store information about user preferences and to improve the Services. If you do not want us to use your information in this way, please see “Your Privacy Choices” below. For more information about our digital advertising practices, please see “Digital Advertising” below.

**When You Connect with Social Media through the Services.** Certain Services may link with social media platforms and social media plug-ins (collectively, “**Social Media**”). When accessing the Services through a Social Media account, Blue Earth Diagnostics, Inc. may automatically have access to information provided to or through the Social Media platform. We may collect and use this information for the purposes described in this Privacy Statement or at the time the information was collected.

**Through Service Providers or Publicly Available Sources.** We may receive information about you from other sources, including publicly available databases or third parties from whom we have purchased data, and combine this data with information we already have about you.

#### **4. HOW INFORMATION IS SHARED AND DISCLOSED**

We may share and disclose information as described at the time information is collected and as follows:

**To Perform Services.** We may use third parties to perform services requested or functions initiated by users. In addition, we may disclose Personal Information to identify a user in connection with communications sent through the Services. We also may offer users the opportunity to share information with friends and other users through the Services.

**With Blue Earth Diagnostics, Inc.'s Third-Party Contractors.** We share information, including Personal Information, with our service providers to perform the functions for which we engage them, such as data analysis, system design and maintenance, customer services and for marketing and promotions.

**With Co-Branding Partners.** We may partner with other companies to provide you with content or services on a joint or "co-branded" basis. When websites or services are co-branded, you will see both the Blue Earth Diagnostics, Inc. logo and the logo of our co-branding partner. When you register for a co-branded website or service, your registration information may be shared with one or more of Blue Earth Diagnostics Inc.'s co-branding partners. You may avoid sharing your information with Blue Earth Diagnostics, Inc.'s partners on co-branded sites or service by choosing not to use them. Each co-branding partner will have its own privacy policy and its privacy practices may differ from this Privacy Statement.

**Social Media Plugins.** When you use the Services, Social Media operators can place a cookie on your computer to recognize individuals who have previously visited the Services. If you are logged into a Social Media account while using the Services, the social plugins allow that Social Media to receive information that you have accessed and used the Services. Blue Earth Diagnostics, Inc. does not control any of the content from the Social Media plugins. For more information about Social Media plugins, please refer to the privacy statements and other legal notices of the Social Media platform.

**Legal Requirements.** In certain circumstances, Blue Earth Diagnostics, Inc. may release your Personal Information in response to a court order, subpoena, search warrant, regulation, binding order of a data protection agency, governmental request or other legal or regulatory process. We may disclose information if we believe disclosure is necessary or appropriate to protect the rights, property, or safety of Blue Earth Diagnostics, Inc. and our customers or others.

**Corporate Changes.** We may transfer information, including your Personal Information, in connection with a merger, sale, acquisition, divestiture, restructuring, reorganization, dissolution, bankruptcy or other change of ownership or control by Blue Earth Diagnostics, Inc. or any affiliated company (in each case, whether in whole or in part). When one of these events occurs, Blue Earth Diagnostics, Inc. will use reasonable efforts to notify users before information is transferred or becomes subject to different privacy practices.

## **5. DIGITAL ADVERTISING**

We use third-party advertising companies to serve ads on other websites and digital services. These companies may use information obtained from data collection tools in order to measure advertising effectiveness and to provide advertisements of interest to you. **You may opt out by using the links provided on their websites.**

## **6. LINKS TO OTHER WEBSITES/SERVICES**

A link to a third-party website or digital service does not mean that Blue Earth Diagnostics, Inc. endorses it, or the quality or accuracy of information presented on it. If you decide to visit a third-party website or service, you are subject to its privacy practices and not this Privacy Statement. We encourage you to carefully read the privacy policy or statement and other legal notices of each website or service that you visit.

## **7. OUR CHILDREN'S POLICY**

The Services are not intended for use by children. If you are under the age of majority in your place of residence, you may use the Services only with the consent of or under the supervision of your parent or legal guardian. Consistent with the requirements of the Children's Online Privacy Protection Act (COPPA), if we learn that a child under age 13 has provided Personal Information to or through the Services without first receiving his or her parent's verified consent, we will use that information only to respond directly to that child (or his or her parent

or legal guardian) to inform the child that he or she cannot use the Services and subsequently we will dispose of such Personal Information in accordance with this Privacy Statement.

If you believe Blue Earth Diagnostics, Inc. may have any information from or about a child under age 13, please contact our Privacy Office using the contact information at the end of this Privacy Notice.

## **8. YOUR PRIVACY CHOICES**

Blue Earth Diagnostics, Inc. aims to provide you with choices regarding the Personal Information you provide to us. This section describes mechanisms that we offer you to control certain uses and disclosures of your information.

When you access any interactive Service, you will be asked to affirmatively choose ("**opt in**") to provide the requested information. You may always choose not to provide the requested information but then you may not be able to use the Service as intended.

**Correct/Update Personal Information.** You may correct or update the Personal Information you previously provided to Blue Earth Diagnostics, Inc., by sending an email to [privacy@diag.bracco.com](mailto:privacy@diag.bracco.com).

**Receive Marketing Communications.** When you register for the Services, you may request to receive email containing information about Blue Earth Diagnostics, Inc. that we think you might find useful, including promotions, announcements of new services and products, and newsletters on particular health topics. If you decide, at any time, that you no longer wish to receive these emails you may unsubscribe from our email list by clicking the "unsubscribe" link included in all of our marketing emails. You may also opt-out from receiving these emails by contacting us at [privacy@diag.bracco.com](mailto:privacy@diag.bracco.com).

**Accept and Reject Cookies.** Your browser software can be set to reject all cookies, but if you reject our cookies, certain functions and conveniences of the Services may not work properly. To learn more about cookies, please check your browser's help or similar feature or visit [allaboutcookies.org](http://allaboutcookies.org).

**How We Respond to Browser "Do Not Track" Signals.** Blue Earth Diagnostics, Inc., along with many other digital service operators, does not currently respond to DNT signals offered by some browsers. For more information about DNT signals, visit [allaboutdnt.com](http://allaboutdnt.com).

**IMPORTANT NOTE:** Blue Earth Diagnostics, Inc. cannot comply with a consumer's request to amend or remove information that was provided to us by a healthcare professional or a consumer regarding an adverse drug event.

## **9. HOW INFORMATION IS RETAINED AND SECURED**

We have implemented reasonable safeguards designed to protect your Personal Information against manipulation, loss, destruction, and unauthorized access, disclosure or modification of Personal Information provided or collected through our websites. We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

Personal Information is retained as long as it is necessary and relevant for the purposes for which it has been collected, including for the purposes of satisfying any legal accounting or reporting requirements. When Personal Information is no longer needed for Blue Earth Diagnostics, Inc.'s business purposes, we dispose of it subject to applicable law.

The security of information transmitted through the internet cannot, however, be guaranteed. We are not responsible for any interception or interruption of any communications or for changes to or losses of data through the internet. Users of the Services are responsible for maintaining the security of any password, user ID or other

form of authentication involved in obtaining access to password protected or secure areas of the Services. Any access to the Services through your user ID and password will be treated as authorized by you. To help protect your Personal Information, we may suspend your use of all or part of the Services, without notice, if Blue Earth Diagnostics, Inc. suspects or detects any breach of security. Unauthorized access to such areas is prohibited and may lead to criminal prosecution.

## **10. YOUR CALIFORNIA PRIVACY RIGHTS**

If you are a California resident under age 18 and are a registered user of any of the Services, then you may request that we remove any of your User Contributions (defined in Section 3) you publicly posted on or in the Services. To request removal of your User Contribution, please send a request with a detailed description of the specific User Contribution to the Privacy Office at the contact information below. (You also may be able to log in to your account and delete your own User Contribution.) Blue Earth Diagnostics, Inc. reserves the right to request that you provide information that will enable us to confirm that the User Contribution that you want removed was created and posted by you.

Blue Earth Diagnostics, Inc. will make a good faith effort to delete or remove your User Contribution from public view as soon as reasonably practicable. Please note, however, that your request that we delete your User Contribution does not ensure complete or comprehensive removal of your User Contribution. Your User Contribution may remain on backup media, cached or otherwise retained by Blue Earth Diagnostics, Inc. for administrative or legal purposes, or your User Contribution may remain publicly available if you or someone else has forwarded or re-posted your User Contribution on another website or service prior to its deletion. Blue Earth Diagnostics, Inc. may also be required by law to not remove (or allow removal) of your User Contribution.

California Civil Code Section 1798.83 permits individual California residents to request certain information regarding Blue Earth Diagnostics, Inc.'s disclosure of Personal Information to third parties for their direct marketing purposes. To make such a request, please write or send an email to the address below.

### **California Consumer Privacy Act - Notice for California Residents**

If you are a California resident, this Privacy Notice supplements the information above regarding the collection, use, and disclosure of your Personal Information.

The California Consumer Privacy Act of 2018 (CCPA) gives California consumers the right to know what Personal Information is collected about them, how it will be used and to whom it is disclosed. The CCPA gives California consumers the right to request access to and deletion of their Personal Information, and the right to request that their Personal Information not be sold to the extent applicable under the CCPA.

The purpose of this notice is to describe our practices regarding the collection, use, disclosure, and sale of Personal Information and instructions for submitting CCPA data privacy requests. **Some of the Personal Information that we collect, use, and disclose may be exempt from the CCPA because it is regulated by other federal and state laws that apply to us.**

We collect Personal Information from you when you interact with us online through our Services or offline. The Personal Information we may collect from you will depend on the nature of our interaction with you, but can include the following categories that we have collected in the preceding twelve (12) months:

#### **Personal Information Category**

- Identifiers such as:
  - ◆ Name

- ◆ Address
  - ◆ Unique personal identifier (e.g., device ID, online identifier)
  - ◆ Internet Protocol address
  - ◆ Email address
  - ◆ Account name
  - ◆ Social security number
  - ◆ Driver's license number
  - ◆ Other similar identifiers
- Characteristics of protected classifications under California/federal law (e.g., age, race, sex, medical condition, etc.)
  - Medical information
  - Health insurance information
  - Financial information, including credit card numbers
  - Biometric information (e.g., imagery of the iris, retina, fingerprint, face, or other data that contain identifying information)
  - Commercial information (e.g., purchase history)
  - Internet or other electronic network activity information (e.g., browsing history, interaction with our website, etc.)
  - Geolocation data
  - Audio, electronic, visual, thermal, olfactory, or similar information (e.g., call recordings)
  - Professional, employment-related, or other similar information

**“Personal Information” under the CCPA does not include information that is**

- Publicly available from government records
- De-identified or aggregated consumer information
- Health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (SMIA) or clinical trial
- Certain personal or financial information covered under certain sector-specific privacy laws

**For additional information, please see our Privacy Statement.**

**Categories of Sources of Personal Information**

We obtain the categories of Personal Information listed above from the following categories of sources:

- Directly from consumers' interactions with us, including with our devices, applications, websites, services, and representatives
- Publicly available sources
- Customers, including health care providers and insurance providers
- Organizations with whom we partner to provide services to consumers

**Use or Disclosure of Personal Information**

In the past 12 months, we have used or disclosed the Personal Information we collect for our operational purposes and for one or more of the following business purposes:

- Collect postal addresses in order to deliver information and products via mail
- To answer your requests
- To negotiate or conclude a contract with you or about you

- To contact you by mail (or other means with your permission) to provide you with information that may be of interest to you, including information about clinical trials, our products and services or the products and services of others
- For analytical purposes and to study, develop and improve programs, products, treatments, services and content
- To delete information that identifies you (your name, email address, social security number, etc.). In this case, you are no longer identified as an individual. Once we have de-identified information, it becomes non-Personal Information that is no longer subject to these privacy principles
- To personalize your access to our sites, for example, by informing you of any news that may interest you
- To enforce these privacy principles and to protect our rights or property
- To protect your vital interests or the health, safety or well-being of someone else
- To comply with any law or regulation, court order or other legal obligation
- For our other legitimate interests unless such treatment is prejudicial to your rights or your liberties
- In any other way with your consent

### **How We Share Personal Information**

Blue Earth Diagnostics, Inc. will not share consumers' Personal Information with an unrelated third party without permission, except as described below. Blue Earth Diagnostics, Inc. may share Personal Information with any member of our corporate group, including parent companies, subsidiaries, and affiliates, and other companies in which we have an ownership or economic interest for purposes that are consistent with those identified in our Privacy Statement and this Supplemental Privacy Notice.

In the ordinary course of business, we will share some Personal Information with companies that we hire to perform services or functions on our behalf. In all cases in which we share consumers' Personal Information with a third party, we will only allow them to keep, disclose, or use consumers' information to provide the services we asked them to provide.

We may be required to release consumers' Personal Information in response to a court order, subpoena, search warrant, law, or regulation. We may cooperate with law enforcement authorities in investigating and prosecuting users who violate our rules or engage in behavior which is harmful to other users or illegal. In addition, we may keep, disclose, and use consumers' Personal Information in order to comply with U.S. FDA and other governmental guidance, directions, regulations, and laws.

### **Categories of Personal Information We Sell**

We do not sell Personal Information of California consumers except as part of a sale, merger, dissolution, or acquisition of the business.

This does not include disclosures that are not a "sale" under the CCPA, including when

- Consumers instruct us to disclose their Personal Information
- A consumer instructs us to interact with a third party that does not sell that information
- We use or share consumers' Personal Information pursuant to a written contract with a service provider that is necessary to perform a business purpose, where our contract prevents the provider from using, keeping, or disclosing consumers' Personal Information for any purpose other than the reason supplied in the contract
- Consumers' Personal Information is transferred as part of a transaction in which the third party assumes control of all or part of our business

## **Personal Information on Minors**

We do not sell Personal Information of California consumers, including minors.

## **Your Rights Under California Law**

The CCPA provides you (as a California resident) with specific rights subject to certain exceptions:

- **The Right to Know.** Before or at the time we collect Personal Information from you, you have the right to receive notice of the Personal Information to be collected and the purposes for which we use it. This Privacy Notice is intended to satisfy this requirement. You also have the right, under the CCPA, to request that we disclose to you the categories of Personal Information we have collected about you in the preceding 12 months, along with the categories of sources from which the Personal Information was collected, the purpose for collecting or selling the Personal Information, the categories of third parties with whom we shared the Personal Information, and the categories of third parties to whom we sold the Personal Information, if any. The process for exercising this right is describe below under **How to Submit a Data Privacy Request**.
- **The Right to Deletion.** You have the right under the CCPA to request deletion of any Personal Information about you that we have collected from you. However, in certain situations we are not required to delete your Personal Information, such as when the information is necessary in order to complete the transaction for which the Personal Information was collected, to provide a good or service requested by you, to comply with a legal obligation, to engage in research, to secure our websites or other online services, or to otherwise use your Personal Information internally in a lawful manner that is compatible with the context in which you provided the information. The process for exercising this right is describe below under **How to Submit a Data Privacy Request**.
- **The Right to Opt-Out of the Sale of Personal Information.** You have the right under the CCPA to opt-out of the sale of your Personal Information.
- **The Right to Non-Discrimination.** You have the right under the CCPA not to be discriminated against for exercising your rights under the CCPA as described above

## **How to Submit a Data Privacy Request**

If you are a California resident and you want to submit a request or inquiry to us regarding your California rights, you or your authorized agent can contact us as follows:

[privacy@diag.bracco.com](mailto:privacy@diag.bracco.com)

Blue Earth Diagnostics Inc.  
c/o Data Protection Focal Point  
Legal and Compliance Department  
259 Prospect Plains Road, Building H  
Monroe Township, New Jersey 08831

You do not have to create an account with us to submit a request.

Your request will be confirmed within 10 days of receipt, and we will respond within 30 days. If we need more than 30 days, we will notify you that your request is being delayed.

We can only respond to your request if it is verifiable. This means we are obligated to take reasonable steps to verify your identity or your authorized agent's authority and your right to access the information you request. We



may ask for additional information that will help us do so. We will only use that additional information in the verification process, and not for any other purpose.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

#### **11. NEVADA RESIDENTS AS COVERED BY NEVADA PRIVACY LAW**

Blue Earth Diagnostics, Inc. does not sell Covered Information as defined under Nevada law. If you would like to make a further inquiry regarding the selling of your Covered Information, as defined under Nevada law, please send an email to the Privacy Office at the email address provided below.

##### **Contact Us**

[privacy@diag.bracco.com](mailto:privacy@diag.bracco.com)

Blue Earth Diagnostics Inc.  
c/o Data Protection Focal Point  
Legal and Compliance Department  
259 Prospect Plains Road, Building H  
Monroe Township, New Jersey 08831

Be sure to include your name, address, and email address if you want to receive a response by email. Otherwise, we will respond by postal mail within the time required by applicable law.

#### **12. INTERNATIONAL TRANSFERS**

We share your Personal Information within the Bracco Group. Transfers of Personal Information to third parties or other companies within the Bracco group may include transfers to a country where the laws provide different protection from the US. We will only transfer your Personal Information to countries that have been deemed to provide an adequate level of protection for Personal Information and in accordance with applicable data protection laws.

Please contact us if you want further information about transferring your Personal Information out of the US.

**Effective Date: May 10, 2023**