

Privacy Policy

Last Revised on 3/8/19

This Privacy Policy applies to the following services and websites owned and operated by Intuity Medical, Inc. (“**Intuity Medical**”, “**we**”, or “**us**”): <http://www.intuitemedical.com>, <http://www.presspogo.com>, <http://www.patternsforpogo.com> and other websites owned and operated by Intuity Medical (**Intuity Medical Site(s)** or the **Site(s)**); the POGO Automatic Blood Glucose Monitoring System (**POGO** or the **POGO Meter**); and the software used on the Patterns website (**Patterns Site**) or Patterns Apple or Android Application (**Patterns App**), including without limitation the Patterns Data Transporter tool and any updates to any of the foregoing (together, the **Patterns Service**, or **Patterns**) (collectively, the **Intuity Services**). This Policy describes how Intuity Medical may collect, use and disclose information that you provide through the Intuity Services and explains your choices regarding the collection, modification and use of such information. For purposes of this Privacy Policy, “**you**” and “**your**” means you as the user of the Intuity Services. If you use the Intuity Services on behalf of a company or other entity then “**you**” includes you and that entity, and you represent and warrant that (a) you are an authorized representative of the entity with the authority to bind the entity, and (b) you agree to our Terms of Use on the entity’s behalf.

By accessing or using the Intuity Services, you confirm that you have read and understood this Privacy Policy and agree to our Terms of Use [located here](#). If you do not agree to our Terms of Use, do not access or use the Intuity Services and do not provide us with any information. We may update this Privacy Policy at any time and for any reason, in which case we will update the “Last Revised” date at the top of this Privacy Policy. Thus we encourage you to review the Privacy Policy each time you visit the Site or use the App. When we update the Privacy Policy in a material manner, we will notify you by posting an announcement on the Website and App. Your access and use of any part of the Intuity Services is subject to and constitutes acceptance of the conditions included in the most recent version of our Terms of Use and this Privacy Policy. Please read this policy carefully.

This policy does not apply to: (1) websites that do not link to this policy, including to residents of countries other than the United States and (2) third-party websites to which the Intuity Services may link. The Intuity Services are not marketed or sold to residents of countries other than the United States and are not approved for their use. You represent that you are a US resident, otherwise you are not permitted to use the Intuity Services.

To the extent you are participating in coaching services provided by one of our partners (the “**Coaching Services**”) please note that you will need to review the Coaching Services’ Terms of Use and Privacy Policy, to understand the terms of the Coaching Services and how the Coaching Services may collect, use and disclose information that you provide through the Coaching Services.

International Visitors

The Intuity Services are only approved for use within the United States. For users visiting an Intuity Medical Site or the Patterns App from the European Economic Area or other non-U.S. territories, please note that any data you enter into the Site or Patterns will be transferred outside the European Economic Area or such other non-U.S. territory for use by Intuity Medical and its affiliates for any of

the purposes described herein. By providing any data to the Intuity Services, you hereby expressly consent to such transfers of your data to the United States.

The Information Intuity Medical Collects

The information we receive, and how we collect and use it, depends on what you do when visiting the Sites or the Patterns App.

User Provided Information. When you visit certain areas of the Intuity Services, request information, register for events, participate in surveys, subscribe to company newsletters, or participate in programs administered through the Intuity Services, including registering for the Patterns Service and inputting data into your Account (defined below), you may provide personally identifiable information (“**Personal Information**”) to Intuity Medical. Personal Information is information that identifies you or could reasonably be used to identify you. Examples of Personal Information include your name, email address, postal mailing address, cell phone number, date of birth, POGO Meter serial number, personal health information, User Data (as defined below), and Account information (as defined below).

Patterns Information. If you are the user of the POGO Meter (the “**POGO User**”), we may receive and transmit information such as (i) blood glucose readings, (ii) information associated with each reading, such as the date and time collected, (iii) thresholds input into Patterns and notifications arising from those thresholds, (iv) any data generated by your use of Patterns to produce other information or otherwise available to us through your use of Patterns, and (v) information from any third party data service that you authorize to be provided to us, either through that third party data service or through an option we make available to you through Patterns. We refer to this information as **User Data**. Each POGO User is invited to create an account to view and manage their User Data (a **Primary Account**). As a POGO User, you may also invite other individuals, such as your health care provider(s) or family member(s), to create an account to view your User Data (**Passive Accounts**). Primary Accounts and Passive Accounts are collectively referred to as **Accounts**. Additionally, POGO Users may designate individuals as Emergency Contacts (as defined in the Terms of Use) by providing the email address and telephone number of those individuals. An Emergency Contact is not necessarily an Account holder, but is nonetheless subject to this Privacy Policy and the Terms of Use.

If you provide us with an Emergency Contact, you represent and warrant that you have that person’s permission to share their information and their permission for Intuity Medical to contact them on your behalf in an emergency. If you agree to be an Emergency Contact, we will collect your name, email address, phone number, and any other information you choose to share with us.

Other Automatically Collected Information. When you access an Intuity Medical Site or the Patterns App, either by logging in, visiting one of the Site’s web pages, opening the Patterns App or opening one of our HTML emails, we may automatically record certain information from your system by using different types of tracking technology. This automatically collected information may include your Internet Protocol address (**IP Address**), browser type, the internet service provider (**ISP**), clickstream data and/or user ID, system type, the content and pages that you access on the Intuity Medical Site or Patterns App, and the dates and times that you visit the Site or Patterns App. If you access your Account from a mobile device, that mobile device may also provide us with details of your location. Most mobile devices allow you to disable this functionality, but if you do this, we may not be able to

locate you in an emergency. We use tracking technology to improve the quality of the Intuity Services, improve our marketing and analytics, and make the Intuity Services easier for users to navigate.

Cookies' Information. Intuity Medical uses cookies and similar technologies (such as web beacons, tags, scripts, and device identifiers) to help us recognize you, customize and improve your experience, gather demographic information about our user base, and to monitor the success of our marketing programs. We do not use your Personal Information for third party targeted advertising.

Third Parties' Analytics & Tracking Tools. We do, however, use third parties analytic and tracking tools to better understand who is using the Intuity Services, how people are using the Intuity Services and how to improve the effectiveness of the Intuity Services and its content, and to help us serve more targeted advertising to you. Those third party companies may use cookies, pixel tags or other technologies to collect and store Non-Personal Information such as time of visit, pages visited, time spent on each page of the Intuity Services, device identifiers, type of operating system used and other website(s) you may have visited. They might combine Information they collect from your interaction with Intuity Services with Personal Information they collect from other sources. We do not have access to, nor control over, third parties' use of cookies or other tracking technologies.

Online Tracking. Do Not Track (DNT) is a privacy preference that users can set in some web browsers, allowing users to opt out of tracking by websites and online services. Intuity Medical and the Intuity Services do not recognize DNT.

The Way Intuity Medical Uses Information

All Users

When you provide Intuity Medical with your Personal Information, we may use this information, without further consent, to register and/or administer your Account, respond to your questions, contact your Emergency Contact or your health care provider or program administrator at your company, provide technical support and alert you to company news, news services and other company and product information. We will use your Account to link your use of the Intuity Services with your use (or the Primary Account holder's use) of a POGO Meter, and our personnel providing Intuity Medical services may access this information. You may opt-out of receiving promotional communications by updating your Account settings or by following the unsubscribe instructions included in a promotional communication.

Intuity Medical uses the information that you provide or that we collect to operate, maintain, enhance and provide all of the features and services found on the Intuity Services, as well as to comply with applicable law and regulations.

Intuity Medical uses all of the information that we collect to understand the usage trends and preferences of our users, to improve the way the Intuity Services work and look, and to create new features and functionality. We may anonymize, store and use such information and results for internal quality control, research and development.

Intuity Medical may use "Automatically Collected" information and "Cookies" information to remember your information so that you will not have to re-enter it during your visit or the next time

you access the Intuity Services and to monitor site usage metrics such as total number of visitors and pages accessed.

POGO Users

In addition to the data collection and uses described elsewhere in this policy, we may use User Data provided by registered POGO Users, such as uploaded meter readings or other information such as the name of your health care provider or insurance company, without further consent, on an anonymous, aggregated basis in furtherance of Intuity Medical's business purposes. Upon your request, we may also facilitate communications with your designated health care provider.

Data Provided by Third Parties

In addition to the data collection and uses described elsewhere in this policy, we may use data provided by third parties, such as the number of patients using the Site, associated insurance companies and meter readings, without further consent, on an anonymous basis in furtherance of Intuity Medical's business purposes.

When Intuity Medical Discloses Information

If you are a POGO User, once you have consented to share your User Data with a third party, we cannot control use of the information by the third party, whether it is an App, external website, individual or organization. You control the information that is provided, and your authorization continues until you revoke it through Patterns. You understand that revocation of authorization will not affect User Data previously provided to that third party, but will terminate further provision of such information.

We may disclose your Personal Information to affiliated companies or other businesses or persons, including without limitation our service providers to: provide web site hosting, maintenance, and security services; fulfill orders; conduct data analysis and create reports; offer certain functionality; and assist Intuity Medical in improving the Intuity Services and creating new services features. We strive to protect your Personal Information, but we cannot ensure or warrant the security of any information you send to us, and you acknowledge that you do so at your own risk. We use reasonable precautions to protect the Personal Information you disclose and to only release this information to third parties we believe share our commitment to privacy, including without limitation, Validic, Inc., Velocitos, Inc., VisiQuate, Inc., and SendGrid. However, we are not responsible for any breach of security or for the actions of these parties.

Intuity Medical may disclose your Personal Information if required to do so by law or in the good-faith belief that such action is necessary to comply with FDA regulations, state and federal laws or respond to a court order, judicial or other government subpoena, or warrant. In some cases, we may make such disclosures without providing notice to users.

Intuity Medical also reserves the right to disclose Personal Information that we believe, in good faith, is appropriate or necessary to take precautions against liability; protect Intuity Medical from fraudulent, abusive, or unlawful uses; to investigate and defend ourselves against third-party claims or allegations; to assist government enforcement agencies; to protect the security or integrity of the

Intuity Services; or to protect the rights, property, or personal safety of Intuity Medical, our users, or others. We may share Personal Information with third parties in connection with the sale of a business (including merger, acquisition, or sale of all or a material portion of its assets, change in corporate control, or insolvency or bankruptcy proceedings).

Your Choices

You may decline to share your Personal Information with Intuity Medical, in which case Intuity Medical will not be able to provide to you many of the features and functionality found on the Intuity Services. You may update or correct your user information and sharing preferences at any time by sending us an email at "privacy@intuitemedical.com" or, for Patterns users, logging into your Account at "<http://www.patternsforpogo.com>" or using the Settings feature within the App. Please be aware that, if you do not allow us to collect Personal Information from you, we may not be able to deliver certain products and services to you, including without limitation, contacting your healthcare provider or Emergency Contact, and some of our services may not be able to take account of your interests and preferences. If you have questions regarding the specific Personal Information about you that we process or retain, please contact us at privacy@intuitemedical.com.

To protect your privacy and security, we take reasonable steps to verify your identity before granting you Account access or making corrections to your information. You are responsible for maintaining the secrecy of your unique password and Account information at all times.

Children

The Intuity Services are not intended to be used by persons under the age of 13. If you are the parent or guardian of a minor who is under the age of majority in his or her jurisdiction, but at least 13 years of age ("Minor"), you may make the Intuity Services available to your Minor by establishing the Primary Account for the benefit of such Minor and setting up such data sharing with healthcare professionals or other third parties, if any, as you determine is appropriate. Once the Account is set up, your Minor will be able to connect the POGO Meter they are using to Patterns. There the data will be available to you and the healthcare professionals or other parties you designate, if any. If you give your Minor login information for the Account you have established, they will also be able to view and modify the User Data. In addition, they will be able to add or remove healthcare professionals or other parties entitled to view the User Data as well as change information about them stored in Patterns. If you give your Minor access to the Account, you are expressly consenting to Intuity Medical (i) maintaining any information your Minor provides while accessing Patterns, and (ii) sharing information in the Account with healthcare professionals or other third parties added by your Minor. You may change or delete healthcare professionals or other parties entitled to view your Minor's User Data at any time by accessing the Account and making the changes. You may deactivate your Minor's Account by logging into the account and deleting the account, but note that Intuity may (but assumes no obligation to) retain copies of User Data that have been submitted prior to account deletion. If you think that we have collected Personal Information from a Minor without the consent of his/her parent or guardian using the procedure described above, please contact us.

Links

Our Sites and the Patterns App may contain links to other websites that may collect information directly from you. Intuity Medical does not control such other sites and is not responsible for their content, their privacy policies, or their use of Personal Information. Information you provide on public or semi-public venues, including Information you share on third party social networking platforms (such as Facebook or Twitter) may also be viewable by other users of the Intuity Services and users of those third party platforms without limitation as to its use by us or by a third party. Our inclusion of such links does not, by itself, imply any endorsement of the content on such sites or of their owners or operators except as disclosed on the Intuity Services. We expressly disclaim any and all liability for the actions of third parties, including but without limitation to actions relating to the use and/or disclosure of Personal Information by third parties. Any information submitted by you directly to these third parties is subject to that third party's privacy policy. We encourage you to read the privacy statements of these linked sites.

How We Protect Your Personal Information

Intuity Medical uses commercially reasonable physical, managerial, and technical safeguards to preserve the integrity and security of your Personal Information. Your Personal Information is encrypted when it is stored on the servers used to provide the Intuity Services. We cannot, however, ensure or warrant the security of any information transmitted to us or stored by us, and you share your information at your own risk. We cannot guarantee that such information may not be accessed, disclosed, altered, or destroyed by a breach of any of our physical, technical or managerial safeguards. You agree that Intuity Medical is not liable for unauthorized release of your Personal Information, unless such release was the result of gross negligence or willful misconduct on the part of Intuity Medical. You agree to use reasonable efforts to protect your Personal Information and other information, passwords, and access to your Account.

If Intuity Medical learns of a security breach, then we may attempt to notify you electronically so that you can take appropriate protective steps. Intuity Medical may post a notice on the Site or App if a security breach occurs. Depending on where you live, you may have a legal right to receive notice of a security breach in writing. To receive a free written notice of a security breach you should notify us at privacy@intuitymedical.com.

Secure Payments

To provide secure credit card processing when ordering from us, orders placed on our website are processed through a payment gateway which operates under its own privacy policy. If you choose to purchase any products or services online using a credit card, the credit card information is sent to PayPal, Stripe, Shopify using SSL (Secure Socket Layer) encryption, an industry-standard method for protecting data as it travels over the Internet, or a similar encryption technology that may become accepted as an industry standard, or better encryption method, in the future. To learn more about our credit card processing vendors and their respective privacy and other policies which apply when you make a payment through their services, please review the terms of their own privacy policies.

Business Transitions

If Intuity Medical undergoes a business transition such as a merger, acquisition, or sale of all or a portion of its assets, users' Personal Information will, in most instances, be part of the assets

transferred. Intuity Medical reserves the right, in any of these circumstances, to transfer or assign the information that we have collected from users as part of that merger, acquisition, sale or other change of control. In some instances, Intuity Medical may retain a copy of such information for its own use. Users will be notified through a notice posted on the Site or App before a change of ownership or control of their Personal Information.

Your California Privacy Rights

This Privacy Policy describes how we may share your Information for marketing purposes. It applies to all users of the Intuity Services, including California residents.

If you are a user of this service and a California resident under the age of 18, you may request to have your posted content or Information removed from the publicly-viewable portion of this web site by contacting us at privacy@intuitemedical.com. Content or information may not be removed from Intuity Medical's systems or databases. In certain situations, content or information cannot be removed. As a California resident, you may contact us with any questions or to request a list of third parties to whom we may disclose Information for such third parties' marketing purposes and the categories of information we may disclose. See How to Contact Us below.

How to Contact Us

Any questions or concerns regarding the use or disclosure of Personal Information should be directed to Intuity Medical at privacy@intuitemedical.com.

You may contact us regarding the Intuity Services or this Privacy Policy by e-mail at "privacy@intuitemedical.com" or by mail at: Intuity Medical, Inc. 3500 West Warren Avenue Fremont, CA 94538 Attn: Legal department