

## Privacy Policy

### Introduction

At FLX we are dedicated to improving the lives of more people by evolving their care and management. Combining the advanced technology, data-driven knowledge and our expertise in the musculoskeletal system.

We are committed to protecting your personal data and respecting your privacy. Transparency and clarity are important for us and we want you to feel in control of and understand how we handle your personal data. We appreciate that you do not want your personal data distributed indiscriminately and in this policy we explain how we collect information, what we do with it and what rights you have in relation to your personal data.

We may revise this policy from time to time and will notify you if we are making any significant changes. This Privacy Policy was last updated on 6 June 2022.

Please read this policy carefully so that you understand the terms and how they apply to you.

If you have any questions about how we process your information, please do not hesitate to get in touch by contacting us at [DPO@FLX.com](mailto:DPO@FLX.com). We will return respond to all requests within 2 months.

Our registered Data Protection Officer is **Robert Lewis, ICO Reference Number ZA824483**.

### Important information and who we are

This is the Privacy Policy for the [www.flx.health](http://www.flx.health) and [www.flxhub.com](http://www.flxhub.com) websites (Sites), any mobile application we provide (App) and any online dashboard portal that accompanies an App (Dashboard) (together, the Services). The Services are operated by or on behalf of FLX Health LTD (trading as FLX) (we, us and our). FLX Health LTD is a company registered in England and Wales with company number 12366748 and having its registered office at C4di At The Dock 31-38, Queen Street, Hull, England, HU1 1UU.

For the purposes of the General Data Protection Regulation (GDPR), when you access our Services we are acting as the data controller (this is a legal term that describes a person or entity that controls the way your data is used and processed). We are registered under the Data Protection Act 2018 with the Information Commissioner's Office the UK data protection regulator). Our registration number is A8770567 and can be viewed online at [www.ico.org.uk](http://www.ico.org.uk). You can also access useful guidance and information about your rights in relation to your personal data on that website.

By accessing or using the Services you acknowledge and consent to the collection and use of information in accordance with this Privacy Policy, our Terms of Service (either our Terms of Service for App and Site users or Terms of Service for Dashboard users, as applicable to you), together with our End-User Licence Agreement (EULA) and any additional terms of use incorporated by reference into the EULA. By accessing our Services you agree that we may treat your information as set out in this Privacy Policy. If you do not agree with any of the terms of this Privacy Policy, our EULA or Terms of Service, you should refrain from using our Services.

Please take the time to read and understand how this policy applies to you, according to the different categories of user described below and referred to throughout this document:

- as an user, who has been referred by your organisation other healthcare professional to download and use the App as part of your care and recovery process or invited to use the App as part of your involvement in a clinical study or research project;
- as a Healthcare Professional User (HCP), being an individual who accesses the App and Dashboard in your capacity as a person responsible (whether as a Occupational Health individual, doctor or other healthcare professional) for the care and management of Users, and with permission from those Users to monitor such activity and other medical data as they may submit to the App in order to inform their self management, or as a person administering a clinical research trial or study involving consenting App users for medical and device research purposes;
- as a Company occupational health, or HR Administrator, being an individual or entity responsible for the management and oversight of your organisations healthcare or an employee of a healthcare organisation, and who is a registered user of the Dashboard for the purposes of managing and/or supporting HCPs engaged in medical care and management, as well as viewing activity summaries and statistics for your organisation, or being an administrator involved in a clinical study or research project; or
- as a Partner, being an entity (or individual acting on behalf of an entity) involved in research and development relating to the management of MSKd, including the improvement of existing technologies and development of new technologies, to improve the management and care of users and support user safety, and who is a registered user of the Dashboard in order to access information relating to employees health conditions and the use and effectiveness of medical devices as part of management.
- We reserve the right to change this Privacy Policy from time to time by changing it on the Site or by updating the App or Dashboard.

Information we may collect from you

Personal data, or personal information, means any information about an individual from which that person can be identified (Personal Data). It does not include data where sufficient information has been removed or randomised such that an individual can no longer be identified directly or indirectly (Anonymous Data).

We collect information about you if you:

- register with or use our Site;
- download and use our App; or
- access our Dashboard.

We may collect, use, store and process the following different kinds of Personal Data about you that you submit through your use of the Services:

- Identity information including your first and last names, date of birth and gender that you provide by completing forms on the Site, the App or the Dashboard, including if you register as a user of the Services, upload or submit any material via the Services, or when you request any information;
- Contact information including your email address and telephone numbers;
- Login information including information in connection with an account sign-in facility, such as your login and password details; and
- Technical information including additional data which, when you access the FLX Health website or the dashboard we may, by means of cookies and/or other similar technologies, automatically collect about you – such as the type of internet browser or mobile device you use, any website from which you have come to the Site, your IP address (the unique address which identifies your computer or mobile device on the internet) and/or the operating system of your computer or mobile device. Please see our cookie policy for more information. Please note that the FLX Health App does not use cookies.

If you are a user:

By providing us with additional information about you and your FLX needs MSD/ biomechanical issues, we are able to provide better and more personalised services and information through the FLX algorithms to better tailor the care to your individual needs. We may collect the following additional data (including medical data):

- Management-specific Health information including information about surgery or management, including pre- and post- management care information, such as the dates and details of your management, the type of medical device you have received and the details of that device;
- Other Health information including data relating to you, your health management, and how your recovery is progressing, including pain scores, exercise compliance data, and responses to surveys and questionnaires, as well as any other content that you choose to create and post or upload to the App (which may include videos, photographs, audio, messages or other materials);
- Communication and App Usage information including details of any communications you send to us, for example to report a problem or to submit queries, concerns or comments regarding the Services or content made available through the Services; information from videos you have watched or surveys that we may, from time to time, run on the Services for research purposes, if you choose to respond to, or participate in, them;

If you are a Company occupational health, or HR Administrator or Partner, we may collect the following additional data (the below categories of information are not collected from Users):

- Employee information including Identity Information and Contact Information of your employees. You should properly inform your employees on the processing of their personal data according to the provisions of the GDPR.
- Practice information including data relating to the management of a healthcare organisation, such as performance assessments and ratings, number of patient registrations, staff and patient demographic information, and number and type of managements offered and patient outcomes.

#### Anonymised Data

We also collect, use and share anonymised data about our users pre- and post- FLX self management, such as statistical or demographic data, in order to help us and the third parties we collaborate with to improve existing technologies and develop advanced new technologies to improve the management and care of users and support patient safety.

Anonymised data could be derived from your de-identified personal data having been combined with a pool of data from other users of our Services, but is not considered personal data as it has been sufficiently anonymised such that it cannot be used to directly or indirectly reveal your identity. For example, we may anonymise your data by aggregating your non-identifying data with that of other Users, including:

- your usage data to calculate the percentage of users accessing a particular feature of the App to inform how we develop and improve our products;
- any pain score data you provide following management to help Company occupational health, or HR Administrator and our Partners assess the effectiveness of that management, calculate average recovery times and better understand the recovery process;
- any information you provide in relation to the function of medical managements, devices, in order to deliver research information to third-party organisations who we collaborate with, to help them understand how well their devices, managements or therapeutics are functioning and how they could be improved to inform and advance the development of more effective and safer managements for users; to produce statistical data for research purposes including for use and reference in connection with clinical studies, scientific articles, medical conferences and health reports; and to develop, train and improve analytical healthcare systems based on machine learning or artificial intelligence technologies.

How is your personal data collected?

We use different methods to collect data from and about you, including through:

- Direct interactions: you may provide us with your identity and contact details when you register to use our Services. You may provide further data by submitting information to the App or Dashboard, responding to surveys or providing feedback.
- Automated technologies or interactions: when you interact with our web site or the dashboard, we will automatically collect technical data about the device you are using, your browsing actions and patterns and (if you enable location sharing) your location data, using cookies or other similar technologies (explained further below). Please note that the FLX Health App does not use cookies.

How we use your Personal Data and purposes for processing your data

We take the protection of your personal information very seriously and will only ever use your Personal Data lawfully and in accordance with the requirements of Data Protection Legislation.

Common legal grounds for processing your data:

The most common purposes for which we use your personal data and the legal grounds on which we do so are as follows:

- to enable us to perform our contract we have entered into or are about to enter into with you to provide you with the services and information offered through the Site, App and Dashboard (as applicable), subject to our EULA and Terms of Service with you, and to improve those services;
- where it is necessary for our legitimate interests (or those of a third-party) as a commercial organisation for the purposes of managing and planning our business, and your interests and fundamental rights do not override those interests, in which case we may (keeping our information secure at all times and in a way that is proportionate and respects your privacy rights) use your personal information which we collect in the course of running and/or improving our business and developing new products and services, including to:
  - audit the downloading of the App and data from the Services;
  - improve the layout and/or content of the pages of the Site, App and Dashboard and customise them for users;
  - identify visitors to the Site and/or users of the Dashboard and App;
  - conduct analysis and carry out research to further and improve medical care and management of health conditions and diseases;
  - analyse aggregated and anonymised outcome data to provide recommendations on users journeys and develop technology to automate guidance;
  - forecast demand of service and to understand other trends in use, including which features users use the most and find the most helpful, and what features users require from us. This does not involve making any decisions about you - it is only about improving the Services we deliver to you and other users. Strict confidentiality and data security provisions will apply at all times;
  - troubleshoot bugs within the Services; and
  - troubleshoot and help you with any questions/enquiries; or
- where we need to comply with a legal or regulatory obligation.

Legal grounds for processing Special Category Data:

Due to the nature of our Services, if you are a user accessing the App we will collect and process certain types of data about you which are classified by law as being Special Category Data. This includes information about your health and other medical data, which we collect in order to effectively provide our Services to you. In order to lawfully process such data, we will only do so where one of the following conditions applies:

A. Where necessary for the purposes of preventative or occupational medicine and management

As necessary for reasons of public interest in:

- preventative or occupational medicine;
- medical diagnosis;
- the provision and management of healthcare and management; or
- the management of healthcare systems,

we may process your Special Category Data in order to facilitate the delivery and improvement of the management delivered by HCPs and Healthcare Administrators who use our Services (at all times, where applicable and appropriate, having taken suitable measures to safeguard your fundamental rights and interests through the irreversible anonymisation of your data).

B. Where necessary for reasons of public interest to ensure high standards of quality and safety of healthcare and medical devices

Where necessary for reasons of public interest in the area of public health to ensure high standards of quality and safety of healthcare and medical devices, we may process your Special Category Data for the purposes of advancing research and understanding of the effectiveness of self management of medical conditions and disease progression by ourselves and our Partners (at all times, having taken suitable measures to safeguard your fundamental rights and interests, including through the irreversible anonymisation of your data where appropriate).

C. You have given your explicit consent to such processing of your personal data

Where neither of the grounds set out in A or B above applies, and where you have consented to the processing, we will also use your personal data to:

- provide your health professional with information about the progress of your recovery and self management, for example, survey scores or symptom surveys; or
- to (always having removed personal identifiers, such as your name, address and contact details) improve our healthcare products and services, and our machine learning systems, so that we can deliver better healthcare to you and other users, and further research into care

and disease progression. This does not involve making any decisions about you - it is only about improving our products, services and software so that we can deliver a better experience to you and other users, and help achieve our aim of making healthcare affordable and accessible to everyone. Strict confidentiality and data security provisions apply at all times.

#### No General Marketing to Users

For users, to help the healthcare professionals involved in your care to better track your progress pre- or post- FLX management, we may contact you via email, over the phone or through the App, requesting you to fill out a survey or answer questions about your management and recovery progress. We may still contact you, even if you uninstall the App. Please note, we will only contact you with information related to your management and use of the Sites and App.

#### Purposes for which we will use your Personal Data

When processing your personal data, we will always rely on one or more of the following lawful grounds:

Ground 1: It is necessary in order for us to perform a contract we have entered, or are about to enter, into with you (such as our EULA, to provide the services made available through the App).

Ground 2: It is necessary for our legitimate interests (or those of a third-party) as a commercial organisation for the purposes of managing and planning our business and your interests and fundamental rights do not override those interests.

Ground 3: You have provided your express consent to the processing of your personal data for the relevant specified purpose.

Ground 4: It is necessary for the purposes of preventative or occupational medicine, or the provision and management of healthcare

Ground 5: It is necessary for reasons of public interest to ensure high standards of quality and safety of healthcare and medical devices.

Ground 6: It is necessary for the purposes of complying with a legal or regulatory obligation.

The table below sets out in more detail some examples of the types of personal data that we will collect, examples of the purposes for which it will be used and on which of the above legal bases we rely (on a non-exhaustive basis):

Purpose/Activity	Type of data	What is the lawful basis for processing your data					
		1	2	3	4	5	6
To install the App and register you (if you are a Patient or healthcare professional) as a new App user, or your employees (if you are a Partner, HCP or Healthcare Administrator) as a new user of the Dashboard	<ol style="list-style-type: none"> <li>1. Identity</li> <li>2. Contact</li> <li>3. Login</li> <li>4. Management-specific Health (App only)</li> <li>5. Employee (Dashboard only)</li> <li>6. Practice (Dashboard only)</li> </ol>	✓	✓	✓	✓	X	X
<p>To manage our relationship with you, which will include:</p> <ul style="list-style-type: none"> <li>• Notifying you about changes to our terms, privacy policy or the purpose of data collection</li> <li>• Asking you to leave a review or take a survey</li> <li>• Provide you with articles and newsletters which we think will be of interest to you</li> </ul>	<ol style="list-style-type: none"> <li>1. Identity</li> <li>2. Contact</li> <li>3. Management-specific Health (App only)</li> <li>4. Other Health (App only)</li> <li>5. Third-party Health App (App only)</li> <li>6. Communication and app usage (App only)</li> <li>7. Employee (Dashboard only)</li> <li>8. Practice (Dashboard only)</li> </ol>	✓	✓	✓	X	X	X
If you are a user, to allow you to track and stay engaged with your recovery progress and activity data	<ol style="list-style-type: none"> <li>1. Identity</li> <li>2. Contact</li> <li>3. Management-specific Health</li> <li>4. Other Health</li> <li>5. Third-party Health App</li> <li>6. Communication and App Usage</li> <li>7. Location</li> </ol>	✓	✓	✓	X	X	X



<p>If you are a user/employee, to supply the Company occupational health, or HR Administrators responsible for your management with your recovery and activity information to inform them about your care and progression, and (where you are a consenting subject) inform research study/clinical trial coordinators about you</p>	<ol style="list-style-type: none"> <li>1. Identity</li> <li>2. Contact</li> <li>3. Management-specific Health</li> <li>4. Other Health</li> <li>5. Third party Health-App</li> <li>6. Communication and App Usage</li> <li>7. Location</li> </ol>	✓	✓	✓	X	X	X
<p>If you are a user, to measure and analyse the effectiveness of the management received by you and your progress, in order to allow you, your HCP and Healthcare Administrators responsible for your care to understand your progress, and to allow HCPs and Partners to assess the current effectiveness and safety of managements and devices used in your care.</p>	<ol style="list-style-type: none"> <li>1. Identity</li> <li>2. Contact</li> <li>3. Management-specific Health</li> <li>4. Other Health</li> <li>5. Third-party Health App</li> <li>6. Communication and App Usage</li> <li>7. Location</li> </ol>	✓	✓	✓	✓	✓	X
<p>To produce anonymised and aggregated datasets for us, HCPs, Healthcare Administrators and our Partners to derive statistical research data about the effectiveness of medical devices, managements and care practices in order to:</p> <ul style="list-style-type: none"> <li>• monitor current effectiveness and safety of managements and devices in users generally;</li> <li>• to allow the creation of machine learning algorithms for the improvement of managements and devices;</li> <li>• inform clinical studies and research papers; and</li> <li>• improve existing and develop new healthcare products.</li> </ul>	<ol style="list-style-type: none"> <li>1. Identity</li> <li>2. Contact</li> <li>3. Management-specific Health</li> <li>4. Other Health</li> <li>5. Third-party App</li> <li>6. Communication and App Usage</li> <li>7. Location</li> </ol>	✓	✓	✓	✓	✓	X
<p>Use of the data by Company occupational health, or HR Administrator HCPs and Healthcare Administrators for clinical assessment of a patient's illness and recovery process as part of the delivery of a care regime</p>	<ol style="list-style-type: none"> <li>1. Identity</li> <li>2. Contact</li> <li>3. Management-specific Health</li> <li>4. Other Health</li> <li>5. Activity</li> <li>6. Communication and App Usage</li> <li>7. Employee</li> <li>8. Practice</li> </ol>	✓	✓	✓	✓	✓	X

<p>Use of the data by Company occupational health, or HR Administrator HCPs and Healthcare Administrators for reasons of company management (in the interests of facilitating dissemination of management information, practice budgeting, evidencing activity and engagement for performance management, etc.)</p>	<ol style="list-style-type: none"> <li>1. Identity</li> <li>2. Contact</li> <li>3. Management-specific Health</li> <li>4. Activity</li> <li>5. Other Health</li> <li>6. Communication and App Usage</li> <li>7. Employee</li> <li>8. Practice</li> </ol>		√	√	√	√	√	X
<p>complete a potential merger, sale of assets or transfer of all or a material part of its business, by disclosing and transferring your personal data to the third party or parties involved in the transaction as part of the transaction.</p>	<ul style="list-style-type: none"> <li>• Identity</li> <li>• Contact</li> <li>• Management-specific Health</li> <li>• Activity</li> <li>• Other Health</li> <li>• Communication and App Usage</li> <li>• Employee</li> <li>• Practice</li> </ul>	X	√	X	X	X	X	X

# Information sharing Copyright FLX Health

If you are a user, we may share your information, including information that you submit to the App, with:

- your Company occupational health, or HR Administrator responsible for your care and other non-clinical healthcare personnel involved in the administration of your care, for the purposes explained above so they can understand and evaluate your condition and recovery progress. In accordance with the terms of our contractual arrangements your employer will be legally required only to share this information to the extent necessary to provide your management to you;
- our Partners, to enable them to improve existing technologies and managements and develop new and advanced technologies and managements to provide users with more effective and safer care;
- if required or authorised by law or a legal process, such as to law enforcement bodies to assist in their functions and courts of law; and
- third-parties in connection with negotiations prior to any merger, sale of our assets, financing or acquisition of part or all of our business to another company (at this stage, we would only share Anonymous Data and not your personal information).

In the event that we undergo re-organisation or are sold to a third-party, you agree that any personal information we hold about you may be transferred to that re-organised entity or third-party.

We may disclose your personal information if required to do so by law or if we believe that such action is necessary to prevent fraud or cyber-crime or to protect the Services or the rights, property or personal safety of any person.

We may disclose aggregate statistics about visitors to the Site and users of the App and Dashboard in order to describe our services to prospective partners, sponsors and other reputable third-parties and for other lawful purposes, but these statistics will include no personally identifiable information.

## Security

We place great importance on the security of all personal information associated with our users. We have security measures in place to attempt to protect against the loss, misuse and alteration of personal information under our control. For example, our security and privacy policies are periodically reviewed and enhanced as necessary and only authorised personnel have access to personal information. Whilst we cannot ensure or guarantee that loss, misuse or alteration of information will never occur, we use all reasonable efforts to prevent it.

You should bear in mind that submission of information over the internet is never entirely secure. We cannot guarantee the security of information you submit via the Site, App or Dashboard whilst it is in transit over the internet and any such submission is at your own risk.

You are responsible for keeping your password confidential to prevent unauthorised access to your personal data and we ask that you do not share your password with anyone.

## Data Storage, Security and Transfers

We are committed to protecting the security of your data by endeavouring to ensure appropriate technologies and processes are maintained to avoid unauthorised access or disclosure. We store all your personal data on secure servers.

Where you have chosen a password that enables you to access certain parts of our App or Dashboard, you are responsible for keeping this password confidential. We ask you not to share the password with anyone.

Your personal information which we collect is generally transferred to and stored on secure third-party servers located in the UK or European Economic Area (EEA). Such storage is necessary in order to process the information. Where your data is processed or stored outside of the UK or EEA, we

ensure a similar degree of protection is afforded to it by ensuring that at least one of the following safeguards is in place:

- we will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission;
- where we use certain service providers, we may use specific contractual terms approved by the European Commission which give personal data the same protection it has in the EEA; and
- where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US.

Any transfers made will be in full compliance with the Data Protection Legislation.

We encrypt your data at transmission to and from the App and Dashboard and at rest. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access. We ensure that processing, analysis and research environments in relation to anonymised data and personal data are separated and that access to this data is restricted. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy.

Retention

# Copyright FLX Health

We retain personal data for as long as necessary to provide our products and fulfil our contract with you, to fulfil the purposes we have collected it for, or for other essential purposes such as complying with our legal obligations, and enforcing our agreements. Because these needs can vary for different data types in the context of different products, actual retention periods can vary.

We may also retain aggregate information without limit beyond this time for research purposes and to help us develop and improve our services. You cannot be identified from aggregate information retained or used for these purposes.

## Your rights

The information we provide in this section is a brief summary of your rights under the GDPR and relevant local legislation (such as the Data Protection Act 2018 in the UK) and you should still read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.

- Right to understand how your data is used: You have the right to know how we will use your personal information. This is described in this Privacy Policy.

- Right to withdraw consent: To the extent that we process data on the basis of your consent, you have the right to withdraw that consent at any time by emailing [Customer e-mail address of their DPO]. If you have given additional consent for your data to be shared to a third-party, you have the right to withdraw this consent at any time by email. Withdrawal will not affect the lawfulness of any processing undertaken prior to your withdrawal;
- Right of access: Understand and request a copy of information we hold about you (known as a Subject Access Request). Historical usage and routines can be accessed via the App. For other information, you can make a request by email;
- Right to rectification of your Personal Information: Ask us to rectify any information which you believe is inaccurate or erase information we hold about you, subject to limitations relating to our obligation to store medical records for prescribed periods of time;
- Right to restrict our processing: Ask us to restrict our processing of your personal data or object to our processing of your data for any specific purpose;
- Rights in relation to automatic decision making: If we use any systems which make decisions about you by automated means, we will tell you about the existence of such systems and the outcome of such decisions and you have the right to appeal such decisions to a human decision-maker;
- Right to data portability: You may ask for your data to be provided in exercise of this right, and we will provide an extract of your data record in our standard format. However, we will not carry out any reformatting, conversion or migration of that data to other systems; and
- Right to object to use of data for marketing: Prevent the use of your personal information for direct marketing purposes.

You may also contact the Information Commissioner's Office (the data protection regulator in the UK): Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, telephone: 0303 123 1113 (local rate).

#### External links

The Services may, from time to time, contain links to external sites. We have not reviewed the content of and are not responsible for the privacy policies or the content of such sites.

#### Changes to this Privacy Policy and Further Information

We may revise this Privacy Policy from time to time and in doing so we may change what kind of information we collect, how we store it, who we share it with and how we use it. The most current version of the policy will govern our use of your information and will always be at [www.flx.com/privacy](http://www.flx.com/privacy) [www.flx.health/privacy](http://www.flx.health/privacy) or [www.flxhub.com/privacy](http://www.flxhub.com/privacy) - please regularly refer to this page for the latest version of our privacy policy. If we make a change to this policy that we believe, in our sole discretion, is material, we will notify you via an App or Dashboard notification or email to the email address associated with your account. If we make a change to the purpose of data collection that we believe, in our sole discretion, is material, we will notify you via an App or Dashboard notification or

email to the email address associated with your account and re-obtain your consent. By continuing to access or use our services after those changes become effective, you agree to be bound by the revised Privacy Policy.

Please submit any questions, concerns or comments you have about this Privacy Policy or any requests concerning your personal data by emailing [DPO@FLX.com](mailto:DPO@FLX.com), or writing to us at: Data Protection Officer, C4di At The Dock 31-38, Queen Street, Hull, England, HU1 1UU 1LP

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