

Kyan Health Privacy Policy

Consent to data processing

I hereby expressly consent to the processing of my personal data by Kyan Health AG in the Kyan Health app. This also includes consent for the processing of particularly sensitive personal data, such as health data, within the meaning of Art. 6 para. 7 lit. a Swiss Data Protection Act (FADP) or Art. 9 para. 1 European Data Protection Regulation (EU GDPR).

The processing is carried out to evaluate the mental well-being and to recommend suitable exercises and well-being tips. The data is encrypted with encryption at rest and pseudonymised with a user ID that is not visible to Kyan Health. It is therefore not possible for Kyan Health to draw any conclusions about your person.

I also consent to the transfer of sensitive personal data to companies of the Kyan Health group, which are all located in countries with adequate data protection and who may process the data for the purpose to execute the services.

No data will be transferred to counsellors without your consent. You as a user determine which data is transferred to a counsellor of your choice for the purpose of an online consultation. The Counsellor acts independently of Kyan Health and process your data as co-controller for the purpose to provide professional advice. The online communications in the Kyan Health App with Counsellors are encrypted end to end and are therefore not visible for Kyan Health. Kyan Health only tracks when and how many messages are sent to which counsellor and when live sessions are scheduled. These data are needed to control the counsellor's invoice and do not allow access to personal data. Please note that the Counsellor might be located in a country without an adequate data protection level. It is the contractual duty of the Counsellor to ensure adequate protection.

Consent is given on a voluntary basis and can be revoked at any time with effect for the future by using the deletion function.

I. Introduction

The protection of the User's privacy is of paramount importance to Kyan Health. The present Privacy Policy (the "**Privacy Policy**") aims to provide the User with transparent information about the handling of his/her personal data, in particular about the type, scope, purpose, duration, and legal basis for the processing of such personal data.

The Privacy Policy forms an integral part of the General Terms and Conditions of Use ("**GTC**"). In the event of any discrepancy between the provisions of the Privacy Policy and the T&C, the Privacy Policy shall prevail.

Any capitalised term in the Privacy Policy corresponds to its definition in the T&C. In addition:

- "**Kyan Health**" herein also refers to as "**we**", "**us**", "**our**";
- "**User**" herein also refers to as "**you**", "**your**";
- "**Counsellor**" refers to professionals who provide mental well-being consulting and coaching services;
- "**Personal data**" refers to all information relating to an identified or identifiable person;
- "**Processing**" refers to any operation with personal data, irrespective of the means applied and the procedure, and in particular the collection, storage, use, revision, disclosure, archiving or destruction of personal data.

Personal data will only be processed by us to the extent necessary and for the purpose of providing a functional and user-friendly App, including its contents and Services offered by Kyan Health.

II. Information about us as a controller of your data

The party responsible for this App for purposes of data protection law (the "**Controller**") is:

Kyan Health AG
Dufourstrasse 38
8702 Zollikon

You can contact the Controller at the following email address: hello@kyanhealth.com.

The EU representative and Co-Controller is:

Kyan Health GmbH
Torstraße 177
10115 Berlin

You can contact the EU representative at the following email address: privacy@kyanhealth.com.

III. Your rights

With regard to the personal data processing (which will be described in more detail below), you have the right:

- to confirmation of whether personal data concerning you is being processed, to information about the personal data being processed, further to information about the nature of the personal data processing, and to copies of the personal data (Art. 20 FADP, Art. 15 GDPR);
- to correct or complete incorrect or incomplete personal data (Art. 25 (1) c FADP, Art. 16 GDPR);
- to the immediate deletion of personal data concerning you, or, alternatively, if further processing is necessary, to restrict said processing (Art. 25 (1) a and c FADP, Art. 17 GDPR);
- to receive copies of the personal data concerning you and/or provided by you and to have the same transmitted to other providers/controllers (Art. 20 FADP, Art. 20 GDPR);
- to file complaints with the supervisory authority if you consider that personal data concerning you is being processed by the Controller in breach of data protection provisions (Art. 77 GDPR).

In addition, the Controller is obliged to inform all recipients to whom it discloses personal data of any such corrections, deletions, or restrictions placed on processing the same.

However, this obligation does not apply if such notification is impossible or involves disproportionate efforts. Nevertheless, you have a right to information about these recipients.

Likewise, you have the right to object to the Controller's future processing of your personal data. In particular, an objection to personal data processing for the purpose of direct advertising is permissible.

IV. Data transfer

The data controller may share any data with Kyan Health Group as long as they only process the data as Kyan Health could.

V. Information about personal data processing

Your personal data processed when using our App will be deleted or blocked as soon as the purpose for its storage ceases to apply, provided the deletion of the same is not in breach of any legal storage obligations or unless otherwise stipulated below.

1. Server data

For technical reasons, personal data sent by your device to us or to our server provider will be collected, especially to ensure a secure and stable App.

Such personal data includes server log files, which record the type and version of your browser, operating system, the referrer URL, the pages visited on our App, the date and time of your visit, as well as the IP address from which you visited our site.

The personal data thus collected will be temporarily stored, but not in association with any other of your data.

Our interest to do so lies in the improvement, stability, functionality, and security of our App.

This data will be deleted within no more than 14 (fourteen) days, unless continued storage is required for evidentiary purposes. In which case, all or part of the data will be excluded from deletion until the investigation of a relevant incident is finally resolved.

2. Cookies

2.1 Session cookies

We use cookies on our App and our Website. Cookies are small text files or other storage technologies stored by your browser on the device with which you access our App and our Website. These cookies process certain specific anonymised information about you, such as your browser, location data, or IP address.

This processing makes our App more user-friendly, efficient, and secure.

Third-party cookies

If necessary, our App and our Website may also use cookies from companies with whom we cooperate for the purpose of advertising, analysing, or improving the features of our App and our Website.

Please refer to the information below for details on such third-party collection and processing of personal data collected through cookies.

2.2 Disabling cookies

You can refuse the use of cookies by changing the settings on your browser. Likewise, you can use the browser to delete cookies that have already been stored. However, the steps and measures required may vary, depending on the browser you use. If you have any questions, please use the help function, consult the documentation for your browser or contact its maker for support.

You should know that if you prevent or restrict the installation of cookies, not all of the functions on our App and Website may be fully usable.

3. User account/registration

If you create a User account via our App, we will exclusively use the personal data entered during registration (e.g. your name, or your email address, your phone number) in order to provide your User account and ultimately provide our Services to you. We will also store your IP address and the date and time of your registration. This personal data will not be transferred to third parties. During the registration process, your consent will be obtained for this processing of your personal data, with reference made to this Privacy Policy.

Login to the App is also possible with your Google Account. In this case, the login information will be passed on to Google. Google's privacy policy applies to the processing of this information: <https://policies.google.com/privacy?hl=en>

You may revoke your prior consent to the processing of your voluntarily entered personal data at any time. All you have to do is inform us that you are revoking your consent. The consent to the processing of personal data to which the processing has been expressly consented ("Consent to data processing") cannot be revoked without also making the use of the app impossible. If the express consent is to be revoked, the user profile and the app must be deleted. The data previously collected will then be deleted. However, we must observe any retention periods required by law.

As soon as the user licence expires, the data is deleted if no further licences are available. If further licences are available under the used Invitation Code, the period of use can be extended (reactivated) if the App continues to be used within a time period of 24 months after expiry.

If a user profile is inactive for 24 months, the profile and personal data are deleted.

4. Data entered into the App by the User

The information you enter into the App will be used to provide you with our Services, notably with matching profiles of qualified professionals who may provide mental well-being consulting and coaching services ("Counsellors" or a "Counsellor").

Information you enter into the App is encrypted at rest, and pseudonymised and aggregated using your invitation code so that we can provide the contracting company with summarised feedback on the mental well-being of their employees. The anonymised usage data from app user groups is aggregated, analysed and

shared in descriptive statistics through secure dashboards. The minimum group size available for employers is 10 people and the standard groups size is 30 people. Kyan shares high level statistical data with employers with the intent to identify and mitigate psychosocial risks in the organisation and improve the work environment over time. **Kyan never shares any individual-level data with any employer.**

If you create content by writing in your journal, such content will only be stored and encrypted end to end on your phone to remain accessible to you on the App but will not and cannot be used for other purposes.

If you give your consent in the app settings, your anonymised data can be used for scientific purposes. You may delete all the personal data you have entered into the App by selecting the corresponding option under your profile in the App.

As soon as the user licence expires, your personal data is also deleted. If further licences are available under the used Invitation Code, the period of use can be extended.

5. Counselling

The App offers the possibility to communicate directly with Counsellor via chat. The content of the communication is encrypted end to end, i.e. only you and the Counsellor can read the content of the messages.

Before contacting a Counsellor, you can find out more about them on their profile. If you want to contact the Counsellor, you can chat with him or her and/or arrange a live session.

The Counsellor is independent from Kyan Health and is therefore co-controller for the processing of your personal data that you disclose in the chat. You are free to decide which data is shared with the Counsellor. However, this may also include data that requires special protection. The responsibility of processing this data lies with the Counsellor, as Kyan Health does not have access to it.

The only data that can be viewed and processed by Kyan Health is the number of messages, the time of those, scheduled sessions and the conversation partner. This is needed to verify the Counsellor's billing. Conclusions about the content of the conversation cannot be drawn at any time.

The Counsellor might be located in a country without an adequate data protection. The User is aware of the risk.

6. Servers' location and cross-border personal data transfer

The cloud server and most other servers are located in Europe. If we use services outside the EU and Switzerland (e.g., Bug Tracking Servers like Sentry) we ensure that those third parties have a proper data privacy standard with Standard Contractual Clauses which are accepted by the EU and Switzerland.

In order to establish contact between you and the Counsellor that you have selected, depending on the Counsellor's location, we may need to transfer personal data in countries outside the EU, EEA and Switzerland, some of which have not been determined by the European Commission to have an adequate level of data protection. Such a transfer would however be necessary to put you in touch with the Counsellor you have selected. In such a case, we will seek to ensure that all applicable laws and regulations are complied with in connection with said transfer. To learn more about the European Commission's decisions on the adequacy of personal data protection, please visit https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en.

Apart from the above-mentioned contingency, your personal data will not be processed by third parties outside the EU, EEA and Switzerland before undergoing an anonymization process.

7. Advertising

If you register for our free advertisement emails, the data requested from you for this purpose, i.e. your email address and, optionally, your name and address, will be sent to us. We will also store the IP address of your device and the date and time of your registration. During the registration process, we will obtain your consent to receive this advertisement emails and the type of content it will offer, with reference made to this Privacy Policy. The data collected will be used exclusively to send the advertising and will not be passed on to third parties.

Advertisement emails are sent for marketing purposes for Kyan Health Group services and offers only. You may revoke your prior consent to receive this newsletter with future effect. All you have to do is inform us that you are revoking your consent or click on the unsubscribe link contained in each newsletter.

8. Contact

If you contact us via email (hello@kyanhealth.com), the personal data you provide will be used for the purpose of processing your request. We must have this personal data in order to process and answer your inquiry, otherwise we will not be able to answer it in full or at all.

Such personal data will be deleted once we have fully answered your inquiry and there is no further legal obligation to store such data.

9. AppSense

We use AppSense on our App. This is a technology provided by Ivanti, Inc., 10377 South Jordan Gateway Suite 110 South Jordan, Utah 84095.

You can find more information about Ivanti, Inc.'s data protection practices at: <https://www.ivanti.com/company/legal>.

10. Mixpanel

We use Mixpanel on our App. This is a product analytics tool provided by Mixpanel, Inc. One Front Street, 28th Floor, San Francisco, CA 94111, USA. Mixpanel enables us to understand how users interact with our App, which helps us optimize our App and our Services.

Mixpanel developed an "EU Data Residency Program" which enables us to process, protect, and manage personal data in Europe. You can find more information about Mixpanel's data protection practices at: <https://mixpanel.com/legal/privacy-policy/>.

11. Virgil E3Kit

We use Virgil E3Kit on our App. This is an end to end encryption framework for protecting communications provided by Virgil Security, Inc. 9296 Summer Lake Blvd, Manassas, Virginia 20110. Virgil E3Kit enables us to encrypt the communication between you and the Counsellor end to end.

You can find more information about Virgil Securities data protection practices at: <https://virgilsecurity.com/>