

## **Privacy statement**

### **1. Introduction**

This privacy statement (“Statement”) applies to Talshir Medical Technologies Ltd. (the “Company” “we,” or “us”), which operates this website and develops and markets software products and systems for improved eyesight (the “Website” and “System”). If you are using our system, you can do it as a Customer of the Company (“Customer” or “Account Owner”) or as a User acting under the management and permission of such Account Owner (“User”).

The security and privacy of your information are very important to us. Whether you are using one of our services as a customer, potential customer, end-user or just visiting our website, we want you to trust us with managing and protecting the information that you provide us with. We have prepared this statement to explain more about who we are and how we collect and manage your information.

This Website is a general audience website which is neither designed nor intended for the use of, or collection of personal information from, children and/or minors.

This Statement forms part of our Terms and Conditions and/or License Agreement. By using any of our products or services (including the Website and the System) and/or by agreeing to this Statement, e.g., in the context of registering for any of the Services or by any other means, you understand and acknowledge that we will collect and use Personal Data as described in this Statement.

### **2. Who are we and how you can contact Us**

#### **Talshir Medical Technologies Ltd.**

HaMaayan 2 Street, Modi'in

77177871 ISRAEL

Office: +972 (77) 212-3272

Mail: [info@revitalvision.com](mailto:info@revitalvision.com)

#### **The Data Protection Representative (DPR) under Article 27 to the GDPR:**

##### **GDPR-REP.eu**

Maetzler Rechtsanwalts GmbH & Co KG

Schellinggasse 3/10, 1010 Vienna, AUSTRIA.

Tel.: +43 1 9974124

Email: [info@gdpr-rep.eu](mailto:info@gdpr-rep.eu)

While you are visiting our website or using the System your information might be collected and processed as set forth by this Statement.

Questions, comments, requests and complaints regarding this Statement and the information we hold are welcome and should be addressed to us by using the contact details above. All requests will be dealt with promptly and efficiently.

### **3. Data Controller / Data Processor**

Under the European General Data Protection Regulation (“GDPR”), we are the Data Controller of our direct Customers’ Personal Data, and certain types of User’s Personal Data.

We are the Processor of any Personal Data processed on behalf of our Customer. Similarly, when we process data on behalf of any of our customers who is deemed as a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), we act as a Business Associate.

The Data of which we are deemed as a Controller, consists of profile, and contact details, as well as eyesight information (for our direct Customers), usage, preferences, engagement and analytics data. In addition, we are the Controller of the data which is being collected in our promotional Website. With respect to such data, we assume the responsibilities of Data

Controller (to the extent applicable under law), as set forth in this Statement. In such instances, our external suppliers processing such data will assume the role of “Data Processor”.

The Personal Data processed by us as a Data Processor (or Business Associate) on behalf of our Customers and Account owners includes: any Personal Data uploaded by the Customer or its Users to the System (including any medical, eye-condition-related or sensitive data uploaded to the system and processed on behalf of the Customer, as part of such Customer’s business activity), and User’s Data processed on such Customer’s behalf (e.g. System’s usage data, Users credentials, etc.) . In such instances, our Customer shall be deemed the “Data Controller” or “Covered Entity”, and we will act as its “Data Processor” or Business Associate. That means that we process such data in accordance with the Customer’s instructions, subject to our agreements with such Customer (to the extent applicable). The Customer will be responsible for meeting any legal requirements applicable to Data Controllers and Covered Entities (such as establishing a legal basis for processing and responding to Data Subject Rights requests concerning the data they control). Therefore, and with any request relevant for Customers’ Personal Data, you should contact the relevant Customer. It should also be noted that, in these instances, our relevant external suppliers shall act as designated Sub-Processors.

#### **4. Information we may collect from you**

"Personal Data", or personal information, means any information about an individual from which that person can be identified. That might include data which is deemed as “Personal Health Information” or “PHI” under the HIPAA.

We collect Personal Data from you voluntarily when you provide such Personal Data to us, when you register or use the System (whether as a direct customer or as a User acting under an Account Owner), or via our services and websites with which you voluntarily interact. We may also obtain such Personal Data about you as may be provided to us during our legitimate business activities.

You do not have to provide us with your information, but in some cases, if you do not, it may mean that you are unable to use our services. For example, we may be unable to complete a requested "contact form" inquiry, unless you'll provide us with your contact details. Similarly, we cannot allow you the use of the System unless you'll use and sign in with your access information such as username and password and provide the system with relevant eyesight-related data.

When you use our Website or System and choose voluntarily to provide us with your information, we might also collect and process the following information:

- **Identity Data** - including full name, username or any similar identifier, title, date of birth and gender and any other information provided by you upon your sole discretion.
- **Contact Data** - including email address and telephone numbers.
- **System’s User Data** - in case you are a customer using our system, or if you provide us with such data as part of contact request, we might collect and process some data about your workplace, position, profession, contact details, billing data etc;
- **Eyesight Data** – basic information regarding your eyesight and any eye-condition, which is required for the proper activity of the System;
- **Usage Data** - includes information about how you use our website, System and services, including a record of your use in some cases.
- **Technical Data** - includes internet protocol (IP) address, the device you are using, browser type and version, screen resolution, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Marketing and Communications Data** - includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data may be derived from your Personal Data but does not reveal your identity.

#### **5. How is your Personal Data Collected**

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

- **Direct interactions** - You may give us your Identity, Contact and other Personal Data by filling in forms or registering to the System (e.g. "Contact Us" or "Newsletter Subscription", "Registration Form" etc.) or by corresponding with us by phone, email or otherwise.
- **Automated technologies or interactions** - As you interact with our Website or System, we may automatically collect Personal Data through the use of our System features and tools or Cookies (please refer to the description below, under "Cookies Usage").
- **Third parties or publicly available sources** – In our Website we may receive Personal Data about you from various third parties and public sources, e.g.: advertising and social networks, analytics providers, search information providers.

## 6. Cookies Usage

Like many other websites, the Website and parts of our System uses cookies to improve your experience while you navigate through the website. We may use various types of Cookies:

**Essential Cookies** – which are necessary for the site to work properly (usually appears under our cookie tag);

**Functional Cookies** – designated to save your settings on the site - your language preference or other view preferences;

**Session Cookies** – used to support the functionality of the website – such Cookies are stored only temporarily during a browsing session and are deleted from your device when you close the browser.

**Targeting Cookies** - these cookies are used to collect information from you to help us to improve our products and services as well as serve you with targeted advertisements that we believe will be relevant to you (e.g. Google's Cookies).

**Social networks Cookies** - Social Plug-In Cookies (e.g. Facebook, Twitter, LinkedIn Cookies or pixels etc.) enabling the sharing of your usage information with your social network's accounts.

**Analytics Cookies** - give us aggregated information which enables us to improve the way our website works, e.g. Google analytics.

**Third party services used by us** – for example, an external service supporting our career and recruiting options through the website (e.g. Comeet or Workday), or an external service which allows us to screen short videos in our website (e.g. YouTube or Vimeo).

Please note that the data collected by use of Cookies may be linked to and combined with any other data, including Personal Data.

**Managing cookies and opting out:** aside from the Essential Cookies described above, you can always configure your browser or use the "cookies bar" installed in our Website to reject all cookies or notify you when a cookie is set, but sometimes in that case, certain services, features, and functionality in our website may not be available to you.

## 7. The purposes of the processing

We might use your data in order to: enable you to use our Website and Services in the most effective way, including the personalization of your experience by presenting content tailored to your interests; Enable you the use of our System on behalf of our Customer who is the Account owner; Provide you as our direct Customer with Services and Systems which you have purchased from us; meet or comply with any applicable rules, laws, regulations, codes of practice or guidelines issued by any legal or regulatory body; assess or evaluate the effectiveness of our services, as well as any technical and organizational measures designated for the protection of your Personal Data; Improve and secure our services and systems;

protect our rights and legitimate interests, as well as defend against any lawsuit, legal claim or complaint; to conduct any other activities that are required to provide our services.

## **8. The Legal Basis for the processing of your Personal Data**

We will only process and use your Personal Data when the law allows us to, i.e. when we have a Lawful Basis for such usage. Such lawful and legal basis can be any of the following:

- Processing actions which are allowed to us as part of a contract we have between us and the Account Owner, as our Customer of the System;
- Processing actions which are related to your reservations and/or requests, to carry out our obligations arising from any contracts entered between you and us. For example, contacting you per "Contact" form filled by you. Another example is the processing of your data as our Customer of the System;
- Our use of your information is necessary to meet responsibilities we have to our regulators, tax officials, law enforcement, or otherwise meet our legal responsibilities;
- Our use of your information is in our legitimate interest as a commercial organization. For example, to operate and improve our services and to keep people informed about our products and services. In these cases, we will look after your information at all times in a way that is proportionate and respects your privacy rights, making sure our legitimate interest is not overridden by your interests or fundamental rights and freedoms;

In general, and as detailed above, we do not rely on consent as a legal basis for processing your Personal Data. Yet, in any case in which you have provided your consent to our processing of your information, you can withdraw this consent at any time by contacting us through the contact details provided above.

**It should be noted that if you are a User acting in our System on behalf of a Customer or Account Owner, the Lawful Basis for the main use of the system is under the responsibility of the Account Owner, which is the Data Controller. Yet, and as explained above, some data regarding your use of the System may be processed by us as the operator and owner of the System.**

## **9. Processing of anonymized or statistical data**

In some circumstances we may anonymize the Personal Data which is being collected and managed through the use of our Website and System, so that it can no longer be associated with any identified person. Such anonymized or aggregated data, might be used by us as part of our Services, including for research or statistical purposes, without further notice to you.

## **10. Data Recipients**

We may disclose your Personal Data to third parties in a variety of circumstances in the ordinary course of operating our business, such as:

- Disclosure of Personal Data to persons authorized to process personal data, in our organization, or third-party service providers, qualified as data processors or sub-processors, providing us with services supporting our services and ordinary course of business, e.g. system, storage and computing services, as well as marketing efforts, in accordance with applicable law;
- Indirectly, and in connection with the use of Cookies through a third-party service as explained above;
- When we have a legal obligation to do so, or when we are allowed to do so under our legitimate interests.

In any such communication we will take steps to make sure such transfer is carefully managed to protect your privacy rights:

- transfers within our group and affiliates, will be subject to an agreement / policies and procedures made to ensure that your data receives an adequate and consistent level of protection as required by applicable law;
- transfers to any subcontractor or processor will be subject to contractual terms ensuring the security and protection of any Personal Data under any such sub-processor, in accordance with applicable law provisions;

any requests for information we receive from law enforcement or regulators will be carefully validated before the disclosure of any Personal Data.

If you are a User of our System, some of the data collected during your use in the system is the relevant Customer who purchased the System license from us. In those cases, as explained above, the Customer is the Data Controller, and will have full access to its information, including the data which is being provided by you as a User of the system and other data collected automatically as part of such use (e.g. record of your sessions and login data to the System).

#### **11. Data Processing Location**

Any transfer of data which originates in the European Union ("EU") to a country outside of the European Economic Area (EEA), shall be made in compliance with the provisions of chapter 5 of the GDPR. Such transfer can be made to countries which are recognized as providing an adequate level of legal protection or where we can be satisfied that alternative arrangements are in place to protect your privacy rights, e.g. signing a Standard Contractual Clauses which were published and authorized by the relevant EU authorities.

It is important to note that Talshir Guy Medical Technologies Ltd. is headquartered in Israel, a country which is considered by the European Data Protection Board to be offering adequate level of Personal Data protection regulation.

#### **12. Links to other sites**

Our Website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

#### **13. How we secure your information**

We are committed to protecting the security of your Personal Data. We use a variety of security technologies and procedures to help protect your Personal Data from unauthorized access and use. However, the collection, transmission and storage of information can never be guaranteed to be completely secure. Yet, we take steps to ensure that appropriate security safeguards are in place to protect your information, and we will continue to revise our policies and implement additional security features.

#### **14. Retention Periods for Storage of Personal data**

We will only store your Personal Data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. As part of that we might store and keep record of data which might be required for us for our legal protection. We have defined data retention periods for any data item in our systems, ensuring minimization of retention periods.

The retention periods of the data processed in the System on behalf of our Customers, are under the sole discretion of any such Customer, in accordance with its legal duties as Data Controller. Yet it should be noted that, in some cases, the data collected in the System is of medical nature or medical related. Such data might be subject to a specific regulation including which usually stipulates longer retention periods.

As explained before, in some circumstances we may anonymize your Personal Data, in which case we may save and use this anonymized information indefinitely.

## **15. Data Subjects' rights under Privacy Protection laws**

Under EU law, EU residents and individuals, have certain rights to apply to us to provide information or make amendments to how we process data relating them. Similar rules apply under the HIPAA or under Israeli Privacy Protection Regulation. Those rights might include:

- **right to access your Personal Data** - you can ask us to confirm whether or not we have and use your Personal Data, and if so, you can ask for a copy of your data;
- **right to correct your Personal Data** - you can ask us to correct any of your Personal Data which is incorrect, after verifying the accuracy of the data first;
- **right to erase your Personal Data** - you can ask us to erase your Personal Data if you think we no longer need to use it for the purpose we collected it from you. you can also ask for such erasure in any case in which the process of your data was based on your consent, or where we have used it unlawfully or where we are subject to a legal obligation to erase your Personal Data. any request for such erasure will be subject to our obligations under the law (e.g. our obligation to keep some records for tax or customs purposes);
- **right to restrict our use in your Personal Data** - you can ask us to restrict our use of your Personal Data in certain circumstances;
- **right to object to how we use your Personal Data** - you can object to any use of your Personal Data which we have justified by our legitimate interest if you believe your fundamental rights and freedoms to data protection outweigh our legitimate interest in using the information;
- **you can always require us to refrain from using your data for direct marketing purposes;**
- **you can ask us to transfer your information to another organization and/or provide you with a copy of your Personal Data (Portability Right);**
- **You have the right under HIPAA to ask us to provide you with a list of those with whom we've shared information;**
- **You have the right to lodge a complaint at any time before the relevant supervisory authority for data protection issues. However, we will appreciate the chance to deal with your concerns before you approach the authorities, so please feel free to contact us in the first instance.**

We may not always be able to do what you have asked. In addition, not all of those rights apply in every jurisdiction. For example, if it would impact the duty of confidentiality we owe to others, or if we are otherwise legally entitled to deal with the request in a different way. In addition, the Portability Right doesn't apply under the HIPAA or under the Israeli Privacy Protection laws. So not always we will be able or obliged to provide you with those rights. However, we encourage you to contact us with any such request, and we will be happy to assist you.

## **16. Special Notification for California Residents**

We do not sell your personal information for the intents and purposes of the California Consumer Privacy Act ("CCPA"). We can use your personal data for our purposes, but only as described above or after the anonymization of such data, including aggregate data which can no longer associated to you.

## **17. Changes to this Privacy Statement**

We reserve the right to change this statement from time to time at our sole discretion. If we make any changes, we will post those changes here so that you can see what information we gather, how we might use that information and in what circumstances we may disclose it. By continuing to use our site or our services or otherwise provide data after we post any such changes, you accept and agree to this statement as modified.

**Effective as for July 2020**