

Website Privacy Policy

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Overview

Welcome to the **Fresenius Medical Care Novalung Simulator** website (the “Site”). This Site or Mobile Application is owned and operated by Fresenius Medical Care Holdings, Inc. (d/b/a Fresenius Medical Care North America) or one or more of its direct or indirect subsidiaries and affiliates (collectively, the “FMCNA,” “we” or “us”). FMCNA knows that you care how information about you is used and shared. This Privacy Notice explains what we may do with information that we collect from or about you when you use our website at www.fmcna.com or certain other affiliated websites or applications that link to or post this Privacy Notice.

Certain uses or disclosure of personal information may be governed by other privacy notices. At times FMCNA covered entities may collect personal information about you that constitutes Protected Health Information (PHI) pursuant to the Health Insurance Portability and Accountability Act (HIPAA). Our use and disclosure of PHI is subject to FMCNA’s HIPAA Notice of Privacy Practices and not this Website Privacy Notice. You can access FMCNA’s Notice of Privacy Practices [here](#).

If you are a California resident, California law may provide you with additional rights regarding our use of your personal information. To learn more about your California privacy rights, please see our [California Privacy Notice](#).

Changes to this Website Privacy Notice

FMCNA reserves the right to change this Privacy Notice at any time. The Last Updated date of this Privacy Notice is at the top of this page. As business needs change, we will review our practices regarding the collection and use of personal information and amend this Privacy Notice as appropriate. Your continued use of the website or application after the Effective Date constitutes your acceptance of the amended Privacy Notice.

What personal information do we collect?

In this Privacy Notice, “**personal information**” means information that may identify you as an individual. Personal Information does not include information that has been “deidentified” in such a way that your identity cannot reasonably be determined.

We may collect personal information directly from you such as when you interact with our website, create an account, place an order or respond to communication such as e-mail. When interacting with our website or application, we may ask you for your name, e-mail address, mailing address, phone number, credit card information or other information, depending on the circumstances. You may, however, visit portions of our website without providing such information.

We also receive and store other types of personal information whenever you interact with our website or application. For example, we may use web beacons and other technologies to collect information about your use of our websites or applications, including your IP address, web browser, pages viewed, time spent on pages, links clicked and conversion information. Like many websites, we use “cookies” and other tracking technologies such as pixel tags, to enhance your experience and gather information about visitors and visits to our website. Please refer to the “Do we use ‘cookies’?” section below for information about cookies and other tracking technologies and how we use them.

How do we use your personal information?

The personal information we may collect from and about you helps us personalize and continually improve your experience on our websites or applications. We may use the personal information we collect from you in some of the following ways:

- To personalize and improve your experience on our website or application and to allow us to deliver the type of content and product offerings in which you are most interested.
- To allow us to better service you in responding to your requests and providing you with information, products or services that you request.
- To process your transactions.
- To verify your identity.
- To administer a promotion, survey or other website or application feature.
- To troubleshoot problems with the website, application, or services.
- To provide you with email alerts and notices concerning our products or services, events or news. You may opt out of receiving our marketing emails by using the “unsubscribe” linked contained in any marketing email that we send.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collections.
- To improve our website and present its contents to you.
- For testing, research, analysis and product development related to our websites or applications.
- As necessary or appropriate to protect against fraudulent, illegal or unethical activity.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Do we share the personal information we collect?

We may share your personal information with our affiliated entities, subsidiaries or other third parties, as follows:

- With your consent.
- To vendors we engage to provide services on our behalf, such as to deliver products or services to you, website hosting, credit card payment processing, order processing, data analytics providers and external consultants.

- In the event of a corporate transaction, such as a merger, sale, acquisition, divestiture, restructuring, reorganization, dissolution, bankruptcy or other change of ownership or control.
- We also may disclose your personal information: (i) as permitted by law; (ii) if we determine that the disclosure of specific information is necessary to comply with the request of a law enforcement or regulatory agency or other legal process; (iii) to protect the legitimate rights, privacy, property, interests or safety of our company or our affiliated entities, business partners, employees or the general public; (iv) to pursue available remedies or limit damages; (v) to enforce our Terms of Use; and (vi) to respond to an emergency.

Do we use “cookies”?

Yes. We and our service providers use various tracking technologies, including cookies, to collect information about you when you interact with our websites or applications. Cookies are small files that a website or its service provider transfers to your computer’s hard drive through your Web browser (if you allow) that enables the site’s or service provider’s systems to recognize your browser and capture and remember certain information. Cookies help us in many ways to make your use of our website more enjoyable and meaningful, such as understanding usage patterns and improving functionality of the website. For instance, we use cookies to help us understand your preferences based on previous or current website activity, which enables us to provide you with improved services. We also use cookies to help us compile aggregate data about website traffic and website interaction so that we can offer better website experiences and tools in the future.

You can choose to have your computer warn you each time a cookie is being sent, or you can choose to turn off all cookies. You do this through your browser (like Google Chrome or Internet Explorer) settings. Each browser is a little different, so look at your browser Help menu to learn the correct way to modify your cookies. If you turn cookies off, you won’t have access to many features that make your website more efficient and some of our services will not function properly.

Analytics Services Provided by Others

We may allow others to provide analytics services on our behalf (such as Google Analytics). For example, we use analytics partners to help us analyze and track data, determine the popularity of certain content, deliver advertising and content targeted to your interests and other websites and better understand your online activity. You can learn more about how Google Analytics uses your data by visiting <https://www.google.com/policies/privacy/partners/>.

Safeguarding Your Personal Information

We take reasonable precautions to help protect the personal information that we collect and store from websites and applications. However, no system or online transmission of data is completely secure and FMCNA cannot guarantee the security of personal information transmitted on-line. We encourage you to take reasonable precautions to safeguard your personal information.

Privacy and Third-Party Links

We may include third-party links on our website or application, such as social media plug-ins. If you visit the third party link, you will be subject to that third party’s privacy practices and policies, which may

differ from this Privacy Notice. A link to a third-party website or service does not mean that we endorse that third party or the quality or accuracy of the information presented on its website or service. Nonetheless, we seek to protect the integrity of our website and welcome any feedback about these linked sites (including if a specific link does not work).

Users outside the United States

This website or mobile application is intended for users located in the United States, and this Website Privacy Notice describes how we use and disclose your personal information pursuant to United States law. We make no representation that this site or mobile application is appropriate or available for use in locations outside of the United States. The privacy laws of the United States and other countries may be different from those in your country, and you understand that by using this website or mobile application, your personal information will be processed in the United States or in the countries where our vendors are located.

Note to California Residents

If you are a resident of California, please review our California Privacy Notice for additional information about how we use and disclose your personal information.

Children's Privacy

Our website is intended for adults. We do not knowingly collect personally identifiable information from children under the age of thirteen.

If you believe we might have any information from or about a child under the age of 13, please contact us by sending us an e-mail stating your request to privacy@fmcna.com or contacting us in writing at the address provided below.

Retention of Your Personal Information

We will store the personal information you provide for as long as we believe is necessary or appropriate (i) to carry out the purpose(s) for which we collected it, or (ii) to comply with applicable laws, contracts, or other rules or regulations.

Questions and Feedback

We welcome your questions, comments, and concerns about this Privacy Notice or how we process your personal information. Please send us any questions or feedback to privacy@fmc-na.com, or in writing to:

Fresenius Medical Care North America
920 Winter Street
Waltham, MA 02451
Attn: Privacy Officer

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California Privacy Notice for California Residents

The California Consumer Privacy Act of 2018 provides California residents with the right to receive additional information about how certain personal information is collected, used and disclosed. We adopt this notice to comply with the CCPA and to supplement our other practices described in our Privacy Policy above.

“We” or “us” refers to Fresenius Medical Care Holdings, Inc. (d/b/a Fresenius Medical Care North America or FMCNA) or one or more of its direct or indirect subsidiaries and affiliates. Any terms defined in the CCPA have the same meaning when used in this notice.

Personal Information We Collect

California law defines “personal information” as information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device.

We collect different categories of personal information from different individuals, depending on their relationship to FMCNA. We may collect this information directly from you or from our websites, mobile applications, service providers or affiliates.

In the preceding 12 months, we have collected the following categories of personal information for our business purposes, including:

- Identifiers (e.g. name, mailing address, email address, phone number, credit/debit card number)
- Personal Information in Customer Records (e.g. your signature, physical characteristics or description, telephone number, or any other financial information)
- Characteristics of protected classifications (e.g. gender, age)
- Commercial information (e.g. products or services purchased, purchase history)
- Internet or other electronic network activity (e.g. browse or search history)
- Geolocation data (e.g. latitude or longitude)
- Audio, electronic, visual, or similar information (e.g. recording of calls)
- Professional or Employment Information (e.g. Information about your professional and employment status)
- Education Information (e.g. transcripts)
- Inferences drawn from any of the above (e.g. preferences or characteristics)

For purposes of California law, the definition of personal information does not include:

- Publicly available information from government records.
- De-identified or aggregated information that does not identify an individual
- Information excluded from CCPA’s scope, such as:

- Health or medical information that is protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA), including medical information that we collect from you for treatment or clinical research purposes;
- Personal information that is protected by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994.

Sharing Personal Information

We may disclose the personal information described above to third parties for business or commercial purposes, such as our affiliates, service providers and others who you or your agents authorize to receive your personal information in connection with products or services we provide to you. The recipient is required to maintain the confidentiality of your personal information unless you consent or further disclosure is authorized by law.

In the preceding twelve (12) months, we have not sold any personal information.

Your Rights and Choices

This section describes California residents' rights with respect to personal information protected by the CCPA, as well as how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months. We will disclose in response to a verifiable consumer request:

- The categories and sources for personal information we collected about you.
- Our business or commercial purpose for collecting or selling that personal information.
- The categories of third parties with whom we share that personal information.
- The specific pieces of personal information we collected about you (also called a data portability request).
- If we disclosed your personal information for a business purpose, we will identify the personal information categories that each category of recipient obtained.

Although we do not sell personal information, if we ever do so in the future, we will provide a list of such sales, identifying the personal information categories that each category of recipient purchased.

Deletion Request Rights

You have the right to request that we delete personal information that we collected from you and retained, subject to certain exceptions. We may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *seq.*).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request by either:

- Calling us at 1-833-352-0001
- Visiting <https://fmcna.com/privacy-policy0/ccpa-form/>

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Only you or a person registered with the California Secretary of State that you authorize to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you. Making a verifiable consumer request does not require you to create an account with us. We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

Response Timing and Format

We aim to respond to a verifiable consumer request within 45 days of its receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

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

Non-Discrimination

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Changes to Our Privacy Notice

We reserve the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will notify you by email or through a notice on our website homepage.

Contact Information

If you have any questions or comments about this notice, our Privacy Statement, the ways in which we collect and use your personal information, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: 1-800-662-1237 ext. 4235

Email: privacy@fmc-na.com

Postal Address: 920 Winter Street
Waltham, MA 02451
Attn: Privacy Officer

"Shine the Light Law"

California residents who provide personal information when obtaining products or services for personal, family or household use are entitled to request and obtain information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year.

To inquire if FMCNA has engaged in such practices with respect to your personal information, please send an email message to privacy@fmc-na.com with "Request for California Privacy Information" on the subject line and in the body of your message. We will respond to at that e-mail address and provide the requested information, to the extent it exists. Please note that not all personal information or types of information sharing are covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.