

## Seek Health Group, Inc. Privacy Policy

This Privacy Policy was last updated on April 19, 2024.

### **Introduction**

This Privacy Policy describes the data protection practices of Seek Health Group, Inc. (“Seek,” “we,” “our,” or “us”) and how Seek may collect, use or disclose information about you. This Privacy Policy applies to the operation of all websites, products, testing services, collection, analysis of biological samples, research and content (the “Services”) provided by Seek.

Seek takes your privacy very seriously and developed the data protection practices outlined in this Privacy Policy to maintain the confidentiality of your information. This Privacy Policy is designed to help you understand the choices available to you regarding the use of, your access to, and how to update and correct your information. By using the Services, you hereby warrant and represent that you have read, understand and agree to this Privacy Policy and the Terms of Use, that you are a resident of the United States, and that you are over 18 years of age. **PLEASE DO NOT USE, INSTALL OR ACCESS THE SERVICES IF YOU DO NOT AGREE TO THIS PRIVACY POLICY.**

This Privacy Policy does not apply to information that is protected health information (“PHI”) under the Health Insurance Portability and Accountability Act (“HIPAA”). At present, Seek does not collect PHI because we do not act as a “business associate” of “covered entities” (e.g., healthcare providers) with whom we may create, receive or maintain medical information as a part of our Services. This is because Seek is performing Services for entities that are neither a “covered entity” nor a “business associate” under HIPAA. If Seek begins providing services to healthcare providers that are “covered entities” in the future, certain information we collect will be PHI and will be governed, used and disclosed by the healthcare providers and their individual privacy policies.

This Privacy Policy, together with our Terms of Use and any other documents referenced, describes the personal information that we may collect from you, or that you may provide on or through our Services, and how that information may be used or disclosed by us.

**By accessing or using our Services, you agree to the terms of this Privacy Policy and allow us to collect, use and disclose your information to provide more precise and personalized recommendations.**

### **SEEK WILL NOT, UNDER ANY CIRCUMSTANCES:**

- “Sell” or “share” your information, including sensitive personal information, for “targeted advertising” as those terms are defined in U.S. state privacy laws. Seek only uses sensitive personal information to provide more precise and personalized recommendations to you;
- Use your information for research focused on preventing alcohol-related disease in women, unless you opt in; and
- Share your information with third parties without your written notice and consent, unless outlined in this Privacy Policy (see “How We Disclose Information” section below). For

example, we may partner with other companies to process payments, prevent fraud on our Services, administer surveys, and deliver communications (e.g., newsletters).

## **1. Information We Collect**

To ensure that we provide you with more precise and personalized recommendations, we will collect, store, use, and share information about you in accordance with this Privacy Policy. The following sections explain how we collect information about you. Please note, the length of time we intend to retain your information, including sensitive information, is until you (i) request we delete your information or (ii) delete your Seek account. We will only retain your information after you request we delete your information or you delete your Seek account for (i) legal purposes or (ii) if it was already used for research that you opted in for.

### **a. Sources of information**

We collect, process, and use information about you when you:

- Register for an account;
- Interact with or use our Services, including self-reported information;
- Install and/or access our Services through our application(s), including on mobile and desktop;
- Connect to our Services through third parties, including social media accounts, email accounts, and business partners;
- Contact us for support;
- Enter a sweepstakes, contest, or promotion; and
- Respond to a survey or poll.

We collect certain information when you submit or provide it to us directly. When you interact with our Services online, we also automatically collect information about you and your use of the Services through the use of log processes, cookies, location-identifying technologies, and other tracking technologies. You have the option to opt out of collection of your information through tracking technologies. For more information on cookies, other automatic collection tools and how to opt out of collection, see our Cookie Policy at the end of this Privacy Policy.

If you don't provide your personal information to us, you may be able to access or use our Services minimally or not at all.

### **b. Types of information we may collect**

The types of information we collect about you may include personal information of the following types:

**i) Identifiers** that you provide us directly during certain communications (e.g., creating a Seek account, purchasing a Seek product), such as your first and last name, postal address, email address, and/or phone number;

**ii) Seek customer record information and account credentials**, such as your username, password, payment account name, payment account number, payment card expiration date and billing address; and

**iii) Health and other sensitive information**, including information related to your physical health, mental health and personal traits. For example:

- Lifestyle habits that can impact your physical and mental health, including alcohol consumption, diet and nutrition, exercise, sleep, social habits, work-life balance, hobbies and personal passions;
- Other physical and mental health-related information, such as medications you take, health conditions and allergies, your vitals (e.g., blood pressure, heart rate), symptoms related to physical or emotional discomfort (e.g., headaches, stomach pains, skin irritation, anxiety, insomnia);
- Family history information that can impact your overall health and risk for certain conditions (e.g., breast cancer, heart disease, autoimmune conditions);
- Protected Classification Characteristics, such as your gender, age, ethnicity or your inclusion in any other classification protected under California law, only to the extent you provide this information to us as demographic information in a survey response that is identifiable to you;
- Sample data that you provide to Seek for analysis and personalized recommendations. CLIA/CAP-accredited laboratories contracted by Seek test and analyze the sample data you provide.
- Seek collects this sample data and uses it, in combination with the information you provide to us directly, to develop personalized recommendations; and
- Sample and test data focuses on biomarkers across core health categories that can be impacted by alcohol consumption, such as heart, brain, liver, reproductive health, mental health, gut microbiome, dermatology and cancer risk.

We also may collect geo-location data, to the extent you have configured your device to disclose such information to us. You have the option to opt out of sharing geo-location data with Seek at any time by changing the settings on your device (see more information in the “Seek Cookie Policy” section below).

As stated above, Seek only uses this sensitive information to provide precise and personalized recommendations to you and we do not collect, use or disclose this sensitive information for the purpose of inferring characteristics about you. We do not “sell” or “share” sensitive personal information or use sensitive data for “targeted advertising” as those terms are defined in U.S. state privacy laws.

**iv) Internet and other network activity**, such as your browsing and search history and your interactions with our sites and Services, including:

- URLs of the web pages you visit, including those tracked by our cookies; and
- Click stream data, meaning the page by page clicks that you make as you navigate through our Services.

As stated above, you have the option to opt out of sharing certain internet and network activity with Seek at any time by changing the settings on your device (see more information in the “Seek Cookie Policy” section below).

**v) Other information**, such as locale preferences (i.e., language preference and location) for your use of the Services.

## **2. How We Use Your Information**

We use the information we collect about you for the purposes set out below:

### **a. Providing our Services**

We use the information that you directly give us to provide the Services to you. This includes allowing you to purchase Seek products, collect and ship Seek biological samples, create and log in to your Seek account, review your test results and personalized recommendations, schedule and access health coach consultations, and improving our Services overall. We also automatically collect and remember information about you in your account so that you will not have to re-enter it during your visit or the next time you visit the site (e.g., your Seek quiz results).

Additional uses include:

- Processing your registration with our Services, including verifying whether your email address is active and valid;
- Communicating with you about the Services (e.g., product orders and shipping, your test results, account and company updates, technical and policy notices, customer service requests, security alerts and administrative messages);
- If you opt into Seek research focused on alcohol-related disease in women, carrying out research studies and development;
- Advancing our data analytics to deliver more precise and personalized recommendations; and
- Providing you with support regarding your account and replying to your questions, comments, and requests.

### **a. Personalizing and improving our Services**

“Seek Study” is a research program developed by Seek focused on uncovering novel information about how alcohol impacts women’s health to better prevent, diagnose and treat alcohol-related

disease. Seek Study is overseen by an independent Institutional Review Board and led in collaboration with Seek's advisory board of physicians and researchers.

You have the option to opt out of "Seek Study" at any time and are not required to opt in to use our Services. To learn more, please see our Seek Study Consent Form.

#### **b. Seek Study research**

"Seek Study" is a research program developed by Seek focused on uncovering novel information about how alcohol impacts women's health to better prevent, diagnose and treat alcohol-related disease. Seek Study is overseen by an independent Institutional Review Board and led in collaboration with Seek's advisory board of physicians and researchers.

You have the option to opt out of "Seek Study" at any time and are not required to opt in to use our Services. To learn more, please see our Seek Study Consent Form.

#### **c. Providing marketing information**

We may use information we collect about you to provide you with more personalized information via email and other direct communications. We may use your information to directly send you email newsletters and general information about the Services.

You can manage these direct communications as provided in the Your Choices section below.

#### **d. Protecting you and our business**

We may use collected information to assess risk and to investigate and limit fraud, spam, and other malicious online activities in our Services, and to improve our security measures. We may also use collected information to assert our legal rights or to defend our legal rights against third parties. We use information about you and from within your account to monitor activity that we think is suspicious or potentially fraudulent, and to identify violations of this Privacy Policy or our Terms of Use.

We also may use information we collect about you to enable us to comply with applicable laws, rules, regulations, and judicial authorities in each geographical region in which we operate.

### **3. How We Disclose Information**

Seek will not share your information with third parties without your written notice and consent, unless it is under one of the following circumstances:

#### **a. Disclosure to our service providers**

We may disclose your information, as necessary, with our third-party service providers who perform various business operations under our instructions and in compliance with appropriate contractual, technical and organizational security measures to protect your data from unauthorized use, retention, or disclosure.

For example, we may partner with other companies to provide you member support services, authentication services, lab services (including biological sample collection, analysis and test results), health coaching services, prevent fraud on our Services, process payments, administer surveys, perform analytics, maintain the accuracy of our database, conduct analyses, create test results and deliver communications and provide other Services. We may use third party service providers to store any data analysis or test results arising from your samples or self-reported information.

We require that such service providers comply with applicable laws, and have security, privacy and data retention policies consistent with our policies. Lastly, we may also aggregate or otherwise strip the information we collect of all personally identifying characteristics and may share that aggregated and anonymized data with third-parties (services providers and business partners alike).

#### **b. Disclosure in connection with a merger, acquisition or reorganization**

We may share, sell or transfer your information to third-parties in connection with or contemplation of (including as part of the due diligence process) any merger, acquisition, reorganization, financing, sale of assets, bankruptcy or insolvency event involving our company or any portion of our assets, services or businesses. Information such as names and email addresses, and other user information related to the Services may be among the items shared, sold or otherwise transferred in these types of transactions.

You will be notified via email and/or a notice on the Services if such a transaction takes place and be given notice of any material changes to the way we handle your data under this Privacy Policy.

#### **c. Disclosure for legal purposes**

We may disclose the information we collect, including personal information, to the extent permitted by applicable law, (i) in response to subpoenas or other legal processes or if, in our good faith opinion such disclosure is required or permitted by law without a specific disclosure; (ii) at the request of governmental authorities conducting an investigation; (iii) to enforce our terms and conditions or other policies applicable to our Services; and (iv) to protect the rights, property, life, health, security and safety of our company or any third-party.

### **4. Your Choices**

This Privacy Policy and Seek's data protection practices were developed to provide you with clear options as to what information we collect and how you can manage any preferences that pertain to such information.

#### **a. Account information and communications preferences**

##### Account Information Preferences

We strive to maintain and process your information accurately. We have processes in place to maintain all of our information in accordance with rigorous data governance frameworks and legal requirements. We employ technologies designed to help us maintain data protection, security and information accuracy on input and processing.

We provide choices about how we process your account information:

- You can choose not to share specific information with Seek (e.g., opt out of Seek's quiz); and
- You can request access, correction or deletion of certain data related to you that we possess by contacting [support@seekhealthtest.com](mailto:support@seekhealthtest.com).

##### **Two-Factor Authentication:**

Seek requires all customers to use two-factor authentication (also known as two-step verification or multi-factor authentication) to access their Seek account. You have the option to choose between email, SMS and "text" message authentication or a third-party authenticator application. This allows Seek to provide an additional layer of data protection and security.

In addition to two-factor authentication, where we can provide you access to your personal information in our possession, we will always ask you for a username and password to help protect your privacy and security.

We recommend that you keep your password safe, that you change it periodically, and that you do not disclose it to any other person or allow any other person to use it.

Seek will give you the option to click "remember this device" so you won't have to re-enter your username and password. We recommend that you only do this on trusted devices that you are the sole user of.

##### Communications Preferences

##### **Non-promotional emails and communications**

You can opt out of receiving direct communications by contacting [support@seekhealthtest.com](mailto:support@seekhealthtest.com).

Please note that even if you opt-out of receiving promotional communications, we may continue to send you non-promotional emails and other types of communications, as permitted by law, such as service emails relating to our ongoing relationship.

##### **SMS or "text" message communications**

You may have the opportunity to receive SMS or "text" messages, pre-recorded voice messages or auto-dialed phone calls from us, our affiliates and related entities as well as certain third-parties.

Such messaging may be used to authenticate your identity or mobile device, as well as provide you informational updates about services or products you may have requested.

In providing your mobile device number or cell phone number to us, you knowingly consent to such communications or for us to use your cell phone number or mobile device number in accordance with our Terms of Use. In providing your phone number, you represent that you have the authority to agree to receive text messages at the telephone number that you provide to us, or from which you sent the text message request to us.

You further acknowledge that no purchase is required to opt-in to this service, and you may opt-out at any time by contacting [support@seekhealthtest.com](mailto:support@seekhealthtest.com). Any such communications you receive from us will be administered in accordance with your preferences and this Privacy Policy.

#### **b. Data collection and sharing preferences**

You have options to decline to provide us with certain information; however, your choice may impact your use of certain features or Services for which that information is a necessary component (e.g., personalized recommendations).

- Opting out of collection of your information through tracking technologies: Please refer to your mobile device or browser's technical information for instructions on how to delete and disable cookies, and other tracking/recording tools. Depending on your type of device, it may not be possible to delete or disable tracking mechanisms on your mobile device. Note that disabling cookies and/or other tracking tools prevents us or our business partners from tracking your browser's activities in relation to the Services, including via third-party websites. However, doing so may disable many of the features available through the Services. If you have any questions about opting out of the collection of cookies and other tracking/recording tools, please read our Cookie Policy provided at the end of this Privacy Policy or you can contact us directly at [support@seekhealthtest.com](mailto:support@seekhealthtest.com).
- Managing how we analyze your data for analytics: You can manage your preferences related to how we and the third-party service providers we engage enable functionality within the Services, including how we or such service providers may use your data for training AI through the use of machine learning technologies. This can be done through your account or by emailing us at [support@seekhealthtest.com](mailto:support@seekhealthtest.com).

### **5. Your Rights**

You have certain rights in relation to your personal information under applicable laws, subject to certain exceptions. Your rights for applicable laws change primarily because of the state you live in, which is summarized in more detail below. Seek's Privacy Policy is developed in accordance with these applicable laws and is updated as applicable laws change.

#### **a. General consumer rights**



Some state laws in the United States provide consumers with additional rights with respect to their personal information (also known as “personal data”), as those terms are defined under those applicable state laws. Such state laws may include, but are not limited to, the California Consumer Privacy Act of 2018 (the “CCPA”) as amended by the California Privacy Rights Act, the Colorado Privacy Act (“CPA”) and the Virginia Consumer Data Protection Act (“VCDPA”).

Any personal information we collect is collected for the purpose of effectively providing our Services to you, as well as enabling you to learn more about, and benefit from, our Services. If you reside in a state that provides additional rights with respect to your personal information, you may exercise each of your rights as identified below, subject to our verification of your identity.

- **Access:** You have the right to request that we disclose certain information to you about our collection, use and disclosure of your personal information over the past twelve (12) months. Any disclosures we provide will only cover the 12-month period preceding the receipt of your request. The response we provide will also explain the reasons we cannot comply with a request, if applicable.
- **Correction:** You can correct what personal information our Services database currently contains by contacting us to request that we correct or rectify any personal information that you have provided to us.
- **Limit Use and Disclosure of Sensitive Personal Information:** If we collect any sensitive personal information, you have the right to request that we limit the use of the sensitive personal information to that use which is necessary to provide the Services by an average consumer who requests those services.
- **Portability:** Upon request and when possible, we can provide you with copies of your personal information. When such a request cannot be honored, we will advise you accordingly. You can then choose to exercise any other rights under this Privacy Policy.
- **Deletion:** You have the right to request that we delete any of your personal information, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies. Where applicable, we will ensure such changes are shared with trusted third-parties.
- **Non-Discrimination:** If a data subject exercises his or her rights under applicable state law, including but not limited to the CCPA, CPA, and VCDPA, we shall not discriminate against that data subject by denying our services, charging different prices or rates to similarly situated consumers, providing a different level or quality of our services, or taking any other adverse action.
- **Exercising Your Rights:** If you are a data subject that has rights under applicable state law, including but not limited to the CCPA, CPA, and VCDPA, who chooses to exercise the rights listed above, you can submit a request via email at **support@seekhealthtest.com**.

Please note that only you, or someone legally authorized to act on your behalf, may make a request related to your personal information. If an authorized agent makes a request on your behalf, we may require proof that you gave the agent permission to submit the request.

#### Responding to Your Request

Upon receiving your request, we will confirm receipt of your request by sending you an email confirming receipt. To help protect your privacy and maintain security, we may take steps to verify your identity before granting you access to the personal information. In some instances, such as a request to delete personal information, we may first separately confirm that you would like for us to in fact delete your personal information before acting on your request.

We will respond to your request within forty-five (45) days. If we require more time, we will inform you of the reason and extension period in writing. In some cases, our ability to uphold these rights for you may depend upon our obligations to process personal information for security, safety, fraud prevention reasons, compliance with regulatory or legal requirements, or because processing is necessary to deliver the Services you have requested. Where this is the case, we will inform you of specific details in response to your request.

You may have the right to appeal our decision regarding your privacy rights request, depending on your state of residence. You may submit an appeal request by emailing us at [support@seekhealthtest.com](mailto:support@seekhealthtest.com) and we will respond according to the law applicable to your location of residence.

#### **b. Other rights and notices**

- **Shine the Light**: California law permits residents of California to request certain details about how their information is shared with third-parties for direct marketing purposes. Pursuant to California Civil Code Section 1798.83, we will not disclose or share your personal information with third-parties for the purposes of third-party marketing to you without your prior consent.
- **Users Outside of the United States**: Our Services are designed for use by individuals in the United States only. We do not warrant or represent that this Privacy Policy or the Services use of your personal information complies with the laws of any other jurisdiction. Furthermore, to provide you with our Services, we may store, process, and transmit information in the United States and other locations around the world, including countries that may not have the same privacy and security laws as yours. Regardless of the country in which such information is stored, we will process your personal information in accordance with this Privacy Policy.
- **Notice Regarding Information of Minors**: Our Services are intended for adults 18 years of age or older. We do not target the Services to minors and would not expect them to be engaging with our Services. We encourage parents and guardians to provide adequate protection measures to prevent minors from providing information unwillingly on the internet. If we are aware of any personal information that we have collected about minors, we will take steps to securely remove it from our systems.
- **Retention of Data**: Following termination or deactivation of your account, we will retain your profile information for a commercially reasonable time, and for as long as we have a valid purpose to do so. In particular, we will retain your information for the purpose of complying with its legal and audit obligations, and for backup and archival purposes. Please note, some of your information may be retained in our systems even after you request your

information to be deleted if an exception applies, or in order to comply with our obligations under applicable law, collect fees owed, resolve disputes, enforce our legal rights, undertake any investigations necessitated by the foregoing, or otherwise use internally in a lawful manner that is reasonably aligned with your reasonable expectations or compatible with the context in which the information was provided.

- **Information Security:** We care about the security of your information and use appropriate safeguards to preserve the integrity and security of all information collected through the Services. To protect your privacy and security, we take reasonable steps (e.g., two-factor authentication, requesting a unique password) to verify your identity before granting you access to your account. You are responsible for maintaining the secrecy of your unique password and account information, and for controlling access to your email communications from us, at all times. However, we cannot ensure or warrant the security of any information you transmit to us or guarantee that information on the Services may not be accessed, disclosed, altered, or destroyed. Your privacy settings may also be affected by changes to the functionality of third-party sites and services that you use in connection with the Services. We are not responsible for the functionality or security measures of any third party.

## **6. Links to Other Websites and Services**

We are not responsible for the practices employed by websites or services linked to or from our Services, including the information or content contained therein (e.g., media websites, consumer product websites). Please remember that when you use a link to go from the Services to another website, our Privacy Policy does not apply to third-party websites or services. Your browsing and interaction on any third-party website or service, including those that have a link or advertisement on our website, are subject to that third-party's own rules and policies. Because this Privacy Policy is not enforced on these third-party websites, we encourage you to read any posted privacy policy of the third-party website before using the service or website and providing any information.

This Privacy Policy does not apply to information we collect by other means (including offline) or from other sources other than through the Services.

## **7. Privacy Policy Changes**

We may update this policy from time to time to reflect our current practices and ensure compliance with applicable laws. When we post changes to this Privacy Policy, we will revise the "Last Updated" date at the top of this Privacy Policy. If we make any material changes to the way we collect, use, store and/or share your personal information, we will notify you on our website or by sending an email to the email address associated with your account. We recommend that you check this page from time to time to inform yourself of any changes.

## **8. How To Contact Us**

We value your opinions and welcome your feedback. To contact us about this Privacy Policy please contact us by email at [support@seekhealthtest.com](mailto:support@seekhealthtest.com).

## **Additional Information**

### **Seek Cookie Policy**

In addition to the information that you provide to us, we may also collect information about you during your visit to our Services using automated tools that are detailed below. These tools may collect information about your behavior and your computer system, such as your internet address (IP Address), the pages you have viewed, and the actions you have taken while using the Services. Some of the tools we use to automatically collect information about you may include:

**a. Cookies.** A “cookie” is a small data file transmitted from a website to your device’s hard drive. Cookies are usually defined in one of two ways, and we may use either (or both) of them:

- session cookies, which do not stay on your device after you close your browser; and
- persistent cookies, which remain on your device until you delete them or they expire.

The majority of cookies store anonymized data or data that never shows personal details from which your individual identity can be established.

If you do not wish to have cookies on your devices, you may turn them off at any time by modifying your internet browser’s settings. However, by disabling cookies on your device, you may be prohibited from full use of the Services’ features or lose access to some functionality.

We may use the following categories of cookies on our Services.

- i. **Strictly Necessary Cookies.** These cookies are essential in order to enable you to move around the Services and use its features. Without these cookies, services you have requested, such as maintaining a record of your purchased products, cannot be provided.
- ii. **Performance Cookies.** These cookies collect anonymous information on how you use our Services to help us understand how you arrive at our Services, browse or use our Services and highlight areas where we can improve, such as navigation. The data stored by these cookies never shows personal details from which your individual identity can be established.
- iii. **Functionality Cookies.** These cookies remember choices you make such as the country from which you visit our Services, your preferred language, and your search parameters. This information can then be used to provide you with an experience more appropriate to your selections and to make your visits to our Services more tailored to your preferences. The information in these cookies may be anonymized. These cookies cannot track your browsing activity on other websites.
- iv. **Targeting Cookies or Advertising Cookies.** These cookies collect information about your browsing habits in order to make advertising more relevant to you and your interests. They are also used to limit the number of times you see an

advertisement as well as help measure the effectiveness of an advertising campaign. The cookies are usually placed by third-party advertising networks. These cookies remember the websites you visit, and that information is shared with other parties, such as advertisers.

**b. Google Analytics.** The Services send aggregated information to Google Analytics for the purpose of providing us with the ability to conduct technical and statistical analysis on the Services performance. For more information on how Google Analytics supports the Services and uses information sent from the Services, please review Google's privacy policy available at <https://policies.google.com/technologies/partner-sites>.

**c. Embedded Web Links.** Links provided in our emails and, in some cases, on third-party websites may include tracking technology embedded in the link. The tracking is accomplished through a redirection system. The redirection system allows us to understand how the link is being used by email recipients. Some of these links will enable us to identify that you have personally clicked on the link, and this may be attached to the personal information that we hold about you. This data is used to improve our Service to you (e.g., provide precise and personalized recommendations) and to help us understand the performance of our web pages

**d. Third-party Websites and Services.** We work with service providers of marketing communications technology (e.g., Meta, Google Analytics). These service providers may use various data collection methods to improve the performance of the web pages we are contracting them to provide.