



500 Nickerson Road  
Suite 201  
Marlborough, MA 01752  
USA

**P00017/3 – PRIVACY POLICY  
CALIFORNIA-SPECIFIC ADDENDUM**

Last Reviewed On: 20 January 2021

If you are a California consumer within the meaning of the California Consumer Privacy Act of 2018 (“CCPA”), these California-specific provisions (“California-Specific Addendum”) apply to you, and this California-Specific Addendum supplements our standard privacy policy <https://www.optos.com/en/global-privacy-policy/> (“Standard Privacy Policy”) and prevails over any conflicting provisions in the Standard Privacy Policy (this California-Specific Addendum and the Standard Privacy Policy, together, “Privacy Policy”).

**California Personal Information We Collect**  
We collect information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household (“California Personal Information”). In particular, we have collected the following categories of California Personal Information within the last 12 months:<sup>1</sup>

California Personal information Category	Examples	Collected [Yes/No]	3 <sup>rd</sup> Party Category
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account name, Social Security number, driver’s license number, passport number, or other similar identifiers.	Yes	Intercompany, regulatory auditors, financial institution, suppliers, distributors, service providers, subcontractors (including legal, logistics, maintenance, repair services, research related), government entities.
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	Name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver’s license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.  This category may overlap with other categories.	Yes	Intercompany, regulatory auditors, financial institution, suppliers, distributors, service providers, subcontractors (including legal, logistics, maintenance, repair services, research related), government entities.
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	Yes	Intercompany, government entities, 3 <sup>rd</sup> parties (for recruitment purposes, research purposes, clinical sites).

<sup>1</sup> Cal. Civ. Code § 1798.100(a)(5)(B).  
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California Personal information Category	Examples	Collected [Yes/No]	3 <sup>rd</sup> Party Category
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	Yes	Intercompany, service providers, subcontractors, suppliers (including legal, logistics, maintenance, repair services).
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	Yes	Intercompany, 3 <sup>rd</sup> parties for medical research purposes (including service providers, clinical sites and subcontractors).
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	Yes	Intercompany, 3 <sup>rd</sup> party marketing providers, service provider.
G. Geolocation data.	Physical location or movements.	No	N/A
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	No	N/A
I. Professional or employment-related information.	Current or past job history or performance evaluations.	No	N/A
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	No	N/A
K. Inferences drawn from other personal information.	Profiles reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	No	N/A

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For each of these categories, we obtain California Personal Information from a variety of sources.<sup>2</sup> These sources include: Optos Customer Portal, Business Cards, Clinical Studies, Service Requests, Support Requests, Applications for Employment, Payroll and Administration Information, Trade Shows, online services, credit bureaus, identity verification and fraud prevention services; marketing and analytics providers; public databases; social media platforms; and other sources consistent with this Privacy Policy.

[For more information, please see <https://www.optos.com/en/global-privacy-policy/>.]

Please note California Personal Information does not include publicly available information from government records, deidentified or aggregate consumer information, and personal information protected by certain other sector-specific federal or California statutes.

### **Our Use of California Personal Information**

For each of the above categories, we use the California Personal Information we collect for the business purposes disclosed within this Privacy Policy [<https://www.optos.com/en/global-privacy-policy/>].

These business purposes include:

- Audits and reporting relating to particular transactions and interactions, including online interactions, you may have with us or others on our behalf;
- Detecting and protecting against security incidents, and malicious, deceptive, fraudulent or illegal activity, and prosecuting the same;
- Debugging to identify and repair errors in our systems;
- Short-term, transient use including contextual customization of ads;
- Providing services on our behalf or on behalf of another, including maintaining or servicing accounts, providing customer service, fulfilling transactions, verifying identity information, processing payments, and other services;
- Conducting internal research to develop and demonstrate technology; and
- Conducting activity to verify, enhance, and maintain the quality or safety of services or devices which we may own, control, or provide.
- Distribution, Marketing and Sales of our medical device products.

We may also use the information we collect for our own or our service providers' other operational purposes, purposes for which we provide you additional notice, or for purposes compatible with the context in which the California Personal Information was collected.

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<sup>2</sup> Cal. Civ. Code § 1798.110(c)(2).  
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## Sharing of California Personal Information

### A. Disclosure of California Personal Information for Business Purposes

Within the last 12 months, we have disclosed California Personal Information identified in the above categories A,B,C,D,E and F for our business purposes.<sup>3</sup> To learn more about the categories of third parties with whom we share such information, please see [<https://www.optos.com/en/global-privacy-policy/>]. When we disclose California Personal Information for a business purpose, we execute a contract that describes the purpose and requires the recipient to keep California Personal Information confidential and not use it for any purpose except performing the contract.

### B. Sale of California Personal Information

Within the last 12 months, within the meaning of the CCPA, we have not sold any California Personal Information identified in categories (A)-(K) above.

We do not disclose California Personal Information of individuals we know to be under the age of 16 to business or third parties for monetary or other valuable consideration as a "sale" under the CCPA without affirmative authorization.

## California Rights and Choices

You have certain rights related to your California Personal Information. You may exercise these rights free of charge except as otherwise provided by applicable law. We endeavor to respond to your request promptly upon verification and as required by applicable law.

### A. Right to Know/Portability. You have the right to request that we disclose to you:

- the categories of California Personal Information we have collected about you;
- the categories of sources from which the California Personal Information is collected;
- our business or commercial purpose for collecting or selling California Personal Information;
- the categories of third parties with whom we share California Personal Information; and
- the specific pieces of information we have collected about you.

To the extent that we sell your California Personal Information within the meaning of the CCPA or disclose such information for a business purpose, you may request that we disclose to you:

- the categories of California Personal Information that we have collected about you;
- the categories of California Personal Information about you that we have sold within the meaning of the CCPA and the categories of third parties to whom the California Personal Information was sold, by category or

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<sup>3</sup> Cal. Civ. Code § 1798.130(a)(5)(C)(ii).  
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categories of personal information for each third party to whom the California personal information was sold; and

- the categories of California Personal Information about you that we disclosed for a business purpose.

**B. Right to Delete.** You have the right to request that we delete California Personal Information about you which we have collected from you. We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

- 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.
- detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- debug products to identify and repair errors that impair existing intended functionality.
- exercise free speech ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 et. seq.).
- 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.
- enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- comply with a legal obligation.
- make other internal and lawful uses of that information that are compatible with the context in which you provided it.

**C. How to Submit a Request.** You may request to exercise these rights by emailing your request at:

- <https://www.optos.com/en/contact-us/>
- Logging in to your customer portal account (if you have an account) and submitting a request via the customer portal or emailing [ics@optos.com](mailto:ics@optos.com) , or
- Calling us toll-free at 800.854.3039.

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**D. Verifiable Request.** As required under applicable law, we take steps to verify your identity before granting you access to information or acting on your request to exercise your rights. We may require you to provide information sufficient to allow us to reasonably verify you are the person about whom we collected personal information or an authorized representative and to describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it. For example, we may request you complete the following: Identity Verification response by asking some information directly linked to your Optos account.<sup>4</sup> We may limit our response to your exercise of the above rights as permitted under applicable law.

**E. Agent Authorization and Disability Access**

You may designate an authorized agent to make a request on your behalf. You may make such a designation by providing the agent with written permission to act on your behalf. As permitted by law, we may require additional verification in response to a request even if you choose to use an agent. This may involve an Identity Verification response by asking some information directly linked to your Optos account. You may also make a verifiable consumer request on behalf of your minor child.

Consumers with disabilities may access this notice in an alternative format by requesting a printed version from the customer service helpline or contacting customer service for a spoken electronic version of this policy. This policy can also be emailed or mailed on request.

**F. Right to Opt Out and Right to Opt In.** If you are 16 years of age or older, you have the right to direct us to not sell your personal information at any time (the “right to opt out”). We do not sell the personal information of consumers we know are less than 16 years of age, unless we receive affirmative authorization (the “right to opt in”) from either the consumer who is between 13 and 16 years of age, or the parent or guardian of a consumer less than 13 years of age. Consumers who opt-in to personal information sales may opt-out of future sales at any time.

- To submit an opt-out request, click here. <https://www.optos.com/en/landing-pages/manage-your-email-preferences>
- Notify us by email [ics@optos.com](mailto:ics@optos.com) or call 800.854.3039

**Nondiscrimination and Financial Incentives**

We will not discriminate against you because of your exercise of any of the above rights, or any other rights under the CCPA, including by:

- denying you goods or services;
- charging different prices or rates for goods or services, including using discounts or other benefits or imposing penalties;
- providing you a different level or quality of goods or services; or
- suggesting that you will receive a different price or rate for goods or services or a different level or quality of goods or services.<sup>5</sup>

However, we may offer you certain financial incentives permitted by the CCPA that can result in different prices, rates, or quality levels. Any CCPA-permitted financial incentive we offer will reasonably relate to your personal information’s value and contain written terms that describe the program’s material aspects. Participation in a financial incentive program requires your prior opt in consent, which you may revoke at any time. We currently provide the following financial incentives:

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<sup>4</sup> Cal. Code Regs. tit. 11, § 999.313(a) (2019).

<sup>5</sup> Cal. Civ. Code § 1798.125(a).



- Service Plans.
- Marketing Promotions.

### Other California Privacy Rights

- A. **California Do Not Track Disclosure.** Our websites, apps and other online services are designed to respond to “Do Not Track” requests from browsers. (If a business responds to the DNT signal) To learn how we respond to the “Do Not Track” requests, please visit here <https://www.optos.com/en/global-privacy-policy/>
- B. **Other California Privacy Rights.** Under California’s “Shine the Light” law (Civil Code Section § 1798.83), you, as a California resident, may ask us to refrain from sharing your personal information with third parties for their marketing purposes. To make such a request, please contact us using the contact information below.

### Changes to this California-Specific Addendum

We reserve the right to amend this California-Specific Addendum at our discretion and at any time. When we make changes to this California-Specific Addendum, we will post the updated notice on the Website and update the notice’s last reviewed date. Your continued use of our Website following the posting of changes constitutes your acceptance of such changes.

### Contact Information

You may contact us with questions or concerns about our privacy policies or practices and your choices and rights under California law at: <https://www.optos.com/en/contact-us/>

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