



# Privacy Policy of the BalanceCoach App

Last Update: February 7, 2023

ZIBRIO, INC, a Texas-based company (“ZIBRIO”, “we,” “us,” or “our”), respects your privacy and is committed to protecting it through our compliance with this policy, as well as other measures. This policy describes:

- The types of information we may collect or that you may provide when you download, install, register with, access, or use our BalanceCoach mobile application (the “App”).
- Our practices for collecting, using, maintaining, protecting, and disclosing that information.

**Third party providers (including: Galen Data, AppCenter, IOS Store, Google Play, and more) may have their own privacy policies which we encourage you to read before using this App.**

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, do not download, register with, or use this App. By downloading, registering with, or using this App, you agree to this privacy policy. This policy may change from time to time. Your continued use of this App after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

## **Information We Collect and How We Collect It**

We collect information from and about users of our App:

- Directly from you when you provide it to us.
- Automatically when you use the App.

## **Information You Provide to Us**

When you download, register with, or use our App, you actively accept this privacy policy (in addition to terms of use and other policies) and consent that we collect and process your data for providing you our quality service, that is helping you monitor and improve your balance.

We may ask you provide information:

- When setting up the app, you will be asked to provide basic information about yourself: email address, full name, birthdate, height, gender and shoe size. You may update your personal profile at any time.
- Then, whenever you wish, you may answer questions about your sleep, medications, mood, medical conditions, fitness, and strength to help you learn what aspects in your life benefit or hurt your balance.
- You may also record if you have a fall. You may delete a past fall incident any time.
- All information provided will be used to analyze your BMI and your balance.
- This information will be stored to allow you to follow your balance health statistics over time. This will help to match you with the best training or suggestions for improving your balance.

You may pair the App with our Stability Home Scale to add accurate balance scores and weight to your overall balance health tracking. You may delete a past balance score any time.

Some of the information described above may be considered “protected health information” under certain state laws and federal laws such as HIPAA and HITECH (collectively, "PHI"), as well as Texas Medical Records Privacy Act or other state laws.

**For more information please see our Notice of Privacy Practices in the App or our Website <https://www.zibrio.com/>.** You are always welcome to contact us directly with any question or concern (see our privacy officer’s email below).

## **Automatic Information Collection and Tracking**

When you download, access, and use the App, it may use technology to automatically collect:

- **Usage Details.** When you access and use the App, we may automatically collect certain details of your access to and use of the App. In addition, if you subscribed to our Better Balance Training, we may automatically collect information about your usage of the service, including how much content is watched, types of medals achieved and programs completed.

- **Device Information.** We may collect information about your mobile device and internet connection, including the device's unique device identifier, IP address, operating system, browser type, and mobile network information.
- **Stored Information and Files.** The App does **NOT** access metadata and other information associated with other files stored on your device (e.g., photographs, audio and video clips, personal contacts, and address book information).
- **Location Information.** This App does **NOT** collect real-time information about the location of your device. However, to pair the App with ZIBRIO'S scales via Bluetooth, you will need to turn the location service ON.

### **How We Use Your Information**

When you download, register with, or use this App, you actively consent that we collect and process your data strictly for providing you the service you requested.

We use information that we collect about you or that you provide to us, including any PHI, to:

- Provide you with the App and its contents, and any other information, products or services that you request from us.
- Provide you updates and insights about your balance and training history.
- Fulfill any other purpose for which you provide it.
- Give you notices about your account, including expiration and renewal notices.
- Carry out our obligations and enforce our rights arising from any contracts or agreements entered into between you and us.
- Notify you when App updates are available, and of changes to any products or services we offer or provide through it.

The usage information we collect helps us to improve our App and to deliver a better and more personalized experience.

Depending on your preferences, we may also use your information to contact you about our own goods and services that may be of interest to you. At any point you may withdraw or modify your preferences by clicking on the "Contact Us" link at the bottom of the App or our Website, and let us know by mail, phone or email that you request to be removed from our advertising and marketing lists, or prefer not to receive updates and reminders about the App and your Balance health and training. We may use your information to process and respond to your requests when you contact us.

## **Aggregated and De-identified Data**

We may aggregate or de-identify the information described above. Aggregated or de-identified data is not subject to this Privacy Policy.

## **Disclosure of Your Information**

We may disclose PHI or other personal information that we collect or you provide:

- To our affiliates, contractors, service providers, and other third parties we use to support our business and who are bound by contractual obligations to keep PHI and other personal information confidential and use it only for the purposes for which we disclose it to them.
- To fulfill the purpose for which you provide it.
- For any other purpose disclosed by us when you provide the information.
- With your consent.
- To comply with any court order, law, or legal process, including to respond to any government or regulatory request.
- To enforce our rights arising from any contracts entered into between you and us, and for billing and collection.
- Subject to applicable laws, if we believe disclosure is necessary or appropriate to protect the rights, property, or safety of ZIBRIO, our customers or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection.

## **Your Rights and Choice**

You can make the following choices regarding your Personal Information:

- **Access to your Personal Information.** You may access to your personal information anytime through the App. In addition, you may request access to your personal information that we collect on our own behalf. If required by law, upon request, we will grant you reasonable access to the Personal Information that we have about you.
- **Changes to your Personal Information.** We rely on you to update and correct your Personal Information. Note that we may keep historical information in our backup files as permitted by law. If our website or App does not permit you to update or correct certain information, then contact us at the address described below. If we are processing your personal information on behalf of one of our clients, we will respond that we are operating as a Service Provider and are unable to act on your request.

- **Deletion of your Personal Information.** When we collect information on our own behalf, we typically retain your personal information for the period necessary to fulfill the purposes outlined in this Policy, unless a longer retention period is required or permitted by law. You may, however, request information about how long we keep a specific type of information, or request that we delete your personal information by contacting us at the address described below. If required by law we will grant a request to delete information, but you should note that in some situations we must keep your personal information to comply with our legal obligations, resolve disputes, enforce our agreements, or for another one of our business purposes. If we are processing your personal information on behalf of one of our clients, we will respond that we are operating as a Service Provider and are unable to act on your request.

- **Objection to certain processing.** When we process information, you may object to our use of your personal information by contacting us at the address described below. We will consider your objection and render a decision based on legitimate factors.

- **Revocation of consent.** As mentioned above, by using this App and providing your personal information, you actively consent that we collect and process your data strictly for providing you the service you requested. If you revoke your consent for the processing of personal information, then we may no longer be able to provide you services. In some cases, we may limit or deny your request to revoke consent if the law permits or requires us to do so, or if we are unable to adequately verify your identity. You may revoke consent to processing (where such processing is based upon consent) by contacting us at the address described below.

Note that, as required by law, in order to process your request, we will require you to prove your identity. Depending on your request, we will require, at minimum, you to provide your name, phone number, and email address. We may require additional information to verify your identity dependent upon the sensitivity of the personal information related to your request.

You can also make the following choices regarding communications preferences:

- **Promotional emails.** You may choose to provide us with your email address for the purpose of allowing us to deliver newsletters, surveys, offers, and other promotional materials to you. You can stop receiving promotional emails by following the unsubscribe instructions in emails that you receive. If you decide not to receive promotional emails, we may still send you service-related communications.

- **App notifications.** From time to time, we will send you information about your activity on the app, your balance health and training and updates. At any point you may withdraw or modify your preferences by clicking on the "Contact Us" link at the bottom of the App, and let us know by mail, phone or email that you request not to receive App notifications. We may use your information to process and respond to your requests when you contact us.

## **Data Security**

We have implemented technical, physical, administrative and organizational measures designed to secure your PHI and other personal information from accidental loss and from unauthorized access, use, alteration, and disclosure. These measures include: adopting policies and protocols to ensure data protection, employees training, binding service providers with appropriate contractual provisions to safeguard data, conducting audits, partnering with Galen Data Inc., a HIPAA compliant and HITRUST certified cloud platform, and using technical features such as data encryption in transit and at rest, resource monitoring, security alerting, and so on, to help you enable data protection and meet your privacy requirements.

Unfortunately, no data transmission over the Internet, mobile networks, wireless transmission, or electronic storage of information can be guaranteed to be 100% secure. Please note that although we do our best to protect your personal information, we cannot ensure the security of any information you transmit to us, and you use our Service and provide us with your information at your own risk. See our Notice of Privacy Practices to learn more about our commitment to your privacy.

## **Account Deletion and Data Retention**

Data Retention. In general, we retain personal data and non-personal data for as long as your account is active or as needed to provide you with Services. We delete the personal data of dormant accounts after 10 years, and delete the personal data of permanently disabled (closed) accounts after 30 days. We may retain non-personal data indefinitely.

These data retention policies may be overridden in our sole discretion if we are required to retain your personal data to comply with our legal and contractual obligations, to resolve disputes or to enforce our agreements with you. For example, we cannot delete health data that is required to be maintained under applicable laws, like HIPAA.

Closing Your Account. You can close your app account at any time and for any reason. To close your account, you may either click the "delete account" button on the account page in the app and follow the instructions, or send us an email at [support@zibrio.com](mailto:support@zibrio.com). When you ask us to delete your account or personal data in full, we will first suspend your account for 30 days. During this suspense period, you will retain direct access to data in your account. You can also change your mind and request that your suspended account be re-activated. After the suspense period expires without a request from you to reinstate your account, we permanently disable your account and delete your personal data as permitted by law (see above). Permanently disabling your account means that you will no longer have access to your personal data through your app account.

Suspending or Terminating Services. We may suspend or terminate your access to your app account or to one or more Services, at our sole discretion, at any time and without notice to you. For example, we may suspend or permanently disable accounts that have not been authenticated, or which you do not access for a prolonged period of time. Before permanently disabling your account, we will attempt to notify you using the e-mail address you have provided in your account profile. However, we are not obligated to notify you in advance in some cases (for example, if we have a reasonable belief that you have repeatedly and flagrantly violated the Terms of Service, by court order, or if we have a reasonable suspicion that the privacy or confidentiality of others Personal Data may be compromised, or that your access poses a danger to other users).

Be advised, given the complexity of our industry rules and the security measures in place to safeguard the confidentiality, integrity and availability of all personal data, especially, health information, it is not feasible for us to destroy or erase all electronic copies of your personal data, particularly those created pursuant to our standard electronic backup and archival procedures. However, the personnel with access to these retained copies is curtailed and monitored; access is limited to that reasonably necessary for the performance of their information technology duties (e.g., for purposes of system recovery) or legal duties. All personal data that is not destroyed as permitted remains subject to the Privacy Policy in effect at the time of your request for deletion, for as long as we retain your personal data.

### **Effective Date and Duration of This Privacy Policy**

- A. Effective Date. This Privacy Policy is effective on March 8, 2022.
- B. Right to Change Terms of this Privacy Policy. We may change the terms of this Privacy Policy at any time. If we change this Privacy Policy, we may make the new policy terms effective for all your PHI and other personal information that we maintain, including any information created or received prior to issuing the new policy. If we change this Privacy Policy, we will post the new policy on this page with a notice that the privacy policy has been updated.

### **Contact Information**

For questions or comments about this privacy policy and our privacy practices, contact us at: [gal@zibrion.com](mailto:gal@zibrion.com).

The following Addendums for our California and international customers apply to information we may collect through our website or app- paired or not with a Stability Home scale.

## California Addendum

California Civil Code 1798.115(c), 1798.130(a)(5)(c), 1798.130(c), and 1798.140 (the “CCPA”) requires organizations to disclose whether certain categories of information are “sold” or transferred for an organization’s “business purpose” as those terms are defined under the CCPA. You can find a list of the categories of information that we collect on our own behalf and how we share that information here. Please note that because this list is comprehensive it may refer to types of information that we share about people other than yourself. We are providing this CCPA-specific privacy notice to supplement the information and disclosures already contained in our privacy policy. If you need more assistance regarding your rights, please email us at: [gal@zibrio.com](mailto:gal@zibrio.com).

**Note** that while a category may be marked that does not necessarily mean that we have information in that category about you.

Category of Personal Information That We Collect	To Whom We Disclose Personal Information for Business Purpose	To Whom We Sell Personal Information
<b>Identifiers:</b> email address, full name, birthdate, height, gender, shoe size, unique device identifier, IP address, operating system, browser type, and mobile network information.	Service Providers  Government entities, law enforcement, lawyers, auditors, consultants and other parties as required by law	None
<b>Health/Wellness information you share with us through our app:</b> sleep, medications, mood, medical conditions, fitness, and strength, falling history.	Service Providers  Government entities, law enforcement, lawyers, auditors,	None



<b>Health/Wellness information we share with you:</b> BMI and balance score/analysis.	consultants and other parties as required by law	
<b>Financial information:</b> When you purchase a product or a subscription through our website, we may collect billing address, shipping address, payment information (including credit card numbers), email address, and phone number, or other financial information.	Service Providers Government entities, law enforcement, lawyers, auditors, consultants and other parties as required by law	None
<b>Commercial information:</b> such as information about products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	Service Providers Government entities, law enforcement, lawyers, auditors, consultants and other parties as required by law	None
<b>Network activity data:</b> internet or other electronic network activity information, such as browsing history, search history, and information regarding an individual's interaction with an internet website, application, or advertisement.	Service Providers Government entities, law enforcement, lawyers, auditors, consultants and other parties as required by law	None
<b>Geolocation data:</b> None	None	None
<b>Electronic and sensory data:</b> None	None	None

Your California Privacy Rights

If you are a California resident, you may exercise the following rights (please note that for most information, you may access, change and delete your personal information on your own through the app):

**Right to Know and Access.** You may submit a verifiable request for information regarding the: (1) categories of personal information collected or disclosed by us; (2) purposes for which categories of personal information are collected by us; (3) categories of sources from which we collect personal information; and (4) specific pieces of personal information we have collected about you during the past twelve months.

**Right to Delete.** Subject to certain exceptions, you have the option to delete personal information about you that we have collected from you.

**Verification.** Requests for access to or deletion of personal information are subject to our ability to reasonably verify your identity in light of the information requested and pursuant to relevant CCPA requirements, limitations, and regulations.

**Right to Equal Service and Price.** You have the right not to receive discriminatory treatment for the exercise of your CCPA privacy rights, subject to certain limitations.

**Shine the Light.** We do not rent, sell, or share your personal information with nonaffiliated companies for their direct marketing purposes, unless we have your permission.

**Submit Requests.** You may access, change and delete your personal information and account through the App. you can also reach out to us at [gal@zibrio.com](mailto:gal@zibrio.com).

## **EEA/UK Addendum**

The following Addendum applies to customers who reside in the European Economic Area ("EEA") and the United Kingdom, the provisions of which shall prevail over conflicting provisions in this Privacy Policy for EEA/UK residents only.

### **Data controller**

For the purposes of data protection law, the controller is ZIBRIO, INC., which can be contacted at:

**Address:** Privacy Officer, 2450 Holcombe Blvd, Houston, Texas, 77021.

**Email:** [gal@zibrio.com](mailto:gal@zibrio.com)

### **Types of information we collect**

Generally, we collect information from people in the EEA/UK in a similar manner, and for similar legitimate business purposes, as described above.

### **Our legal basis for processing**

Our legal basis for processing your personal information will typically be one of the following:

- **Consent.** You have actively consented for us to process data by completing a form on the site, or have indicated your consent with another affirmative act.
- **Legitimate interests.** We have a Legitimate Interest in processing your personal data, and our reasons for it do not override your data protection rights. Our Legitimate Interests in processing your personal information are:
  - o to ensure our Services meet the high standard of usability and security you would expect;
  - o to help us identify areas for improvement;
  - o to enable us to communicate effectively regarding our Services; and
  - o to enable us to process applications, contacts, queries, or complaints.
- **Legal obligation.** It is necessary for us to process your personal information for us to comply with our legal or regulatory obligations.
- **Contractual obligation.** It is necessary for us to process your personal information to perform the tasks associated with a contract to which you are a party, or to take steps at your request prior to you entering into a contract.

### Your data rights

In addition to your rights described in the general Privacy Policy, EEA/ UK residents have certain other rights defined in the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. We will handle your request in accordance with the law. This means there may be legal reasons why we cannot fulfill all requests.

- **Consent withdrawal.** You have the right to withdraw your consent in relation to our processing of your personal information based on your consent. You can unsubscribe from our marketing/ app notification emails at any time by contacting us or by clicking on the “unsubscribe” link.
- **Erasure.** You have the right to request the deletion of your personal information in certain circumstances.
- **Restriction of processing.** You have the right to request that we restrict the processing of your personal information in certain circumstances.
- **Object to processing.** You have the right to object to the use or disclosures of your personal information in certain circumstances.
- **Data portability.** You have the right to request we transmit your personal information to you or another company in certain circumstances.

We process all requests in accordance with the law, and there may be legal reasons why we cannot fulfill all requests. To exercise these rights, please contact us at [gal@zibrio.com](mailto:gal@zibrio.com).

### **International transfer**

We operate in the United States and transfer, store, and process personal information outside of the EEA/UK, using applicable approved data transfer mechanisms (for example, Data Processing and IDTA agreements) to ensure that your personal data is adequately safeguarded.

### **Cookies**

With appropriate consent, we use cookies to help us collect, analyze, improve, secure, and market our website, and to support functionality which enhances your browsing experience. We do not use cookies through our app. For more information, please see our separate Cookies Policy.

### **Questions & Concerns**

If you have any comments or questions, or are concerned about the way in which we have handled any privacy matter, you can contact us:

[gal@zibrio.com](mailto:gal@zibrio.com)

### **Complaints (UK)**

We hope that we will be able to resolve any questions or concerns you have. However, you also have the right to lodge a complaint about our processing of your personal information with the Information Commissioner's Office, which is the Supervisory Authority in the UK. Contact details are as follows: <https://ico.org.uk/concerns/> or 0303 123 1113 or [casework@ico.org.uk](mailto:casework@ico.org.uk).

### **Australia Addendum**

The following applies to our customers from Australia. We are committed to the Australian Privacy Principles (APPs) as set out in the Privacy Act 1988 (Privacy Act).

Therefore, we will: disclose to you what personal information we collect about you and how we use it; store your information securely; and allow you to exercise the following rights:

- Right of access to the personal information held about you;
- Right of correction to correct or change your information; and
- Right to consent or reject the processing of personal information.

These principles and rights are reflected throughout our general privacy policy.

To exercise these rights, you may access, change and correct personal information on your own via the app, or you may contact us at [gal@zibrio.com](mailto:gal@zibrio.com) and reference your Australian privacy rights. We may need to request specific information from you to help us confirm your identity and that you are entitled to make such a request. This is to ensure that personal information is not disclosed to any person who has no right to receive it.

#### Sensitive Information

If it is necessary to provide specific services to you, we may collect and use an information about you which is sensitive information under the Privacy Act. Under the Privacy Act, “sensitive information” includes but is not limited to health information about an individual. We will only collect and use sensitive information from you if you agree to provide it to us, you authorize us to obtain it from a third party or where the collection of the information is required or authorized by or under an Australian law or a Court/Tribunal order or otherwise where the collection is not prohibited under the Privacy Act. We will only use sensitive information in accordance with the Privacy Act and for the purpose for which it is provided. For more information about the processing of health information please see our separate HIPAA Privacy Notice.

#### Disclosure of Personal Information to Overseas Recipient

We may disclose your personal information to a third-party service providers (currently, Galen Data, Inc and Squarespace) located outside Australia for the purposes indicated in the privacy policy. Please note that some of our third-party service providers may include cloud-based service provider who may store and process personal information in the cloud within or outside Australia. ZIBRIO may, for the purposes indicated in the privacy policy, store, process or use your personal information on the cloud located within or outside Australia. It is our policy to share your personal information overseas in a way that requires the strictest privacy and security standards, during transit and at the overseas location. We take reasonable steps to ensure that the overseas recipients of your personal information are bound by a substantially similar or comparable privacy standards.

#### Third-party online advertising

We use third party providers to present advertising relevant to your interests when you access our website, generated from data relating to your access and use of the website and your other browsing history. These third party providers place cookies on your browser (see our Cookies Policy for more information) to collect information about your past use of our website and then places ads on sites across the Internet that are more likely to be of interest to you.

In Australia, the Australian Digital Advertising Alliance (“ADAA”) has developed the Australian Guideline for Third Party Online Behavioral Advertising. More information and an opt out page to manage online behavioral advertising preferences with ADAA member companies are available at <https://www.youronlinechoices.com.au/>.

See also: Network Advertising Initiative (NAI) <http://optout.networkadvertising.org/>  
Digital Advertising Alliance (DAA) – <http://optout.aboutads.info/>  
Digital Advertising Alliance EU (EDAA) – <http://www.youronlinechoices.com/>  
DAA AppChoices page – <http://www.aboutads.info/appchoices>.

### **Contact us**

If you need further assistance, please contact us at [gal@zibrio.com](mailto:gal@zibrio.com).

If you have contacted us with a privacy related complaint and you are not satisfied with our handling of that complaint, you may refer that complaint to the Office of the Australian Information Commissioner:

**Address:** Office of the Australian Information Commissioner, GPO BOX 5218, Sydney NSW 2001

**Telephone:** 1300 363 992

**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

### **Canada Addendum**

The following applies to our customers from Canada. ZIBRIO complies with the requirements of Canadian data protection legislation, including:

- Personal Information Protection and Electronic Documents Act ('PIPEDA')
- Personal Information Protection Act (Alberta) (' Alberta PIPA ')
- Personal Information Protection Act (British Columbia) ('PIPA BC')
- An Act Respecting the Protection of Personal Information in the Private Sector ('Quebec Privacy Act'), (collectively, 'Canadian Privacy Statutes').

Under Canadian law, you have a right to access any personal information we hold about you. Most personal information is accessible to you at any time to view and correct through our app. Notwithstanding, you may ask us to access and/or correct your information by contacting our designated privacy officer at [gal@zibrio.com](mailto:gal@zibrio.com)

Please note that we may require you to send us proof of your identity before providing you with access to your personal information. If you send us a request to access or correct information, then we will contact you within 30 days (although it may take us longer to fully respond to your request).

Please view our general privacy policy and HIPAA Privacy Notice to learn what personal information we collect and for what legitimate purposes, how we use or share personal information with third parties, how we store and protect personal information, and how you may consent or object to email communications with us.

#### Cross-border transfers of personal information

For customers from Alberta and Québec: ZIBRIO may disclose your personal information to a third-party service providers (currently, Galen Data Inc. and Squarespace) located outside Canada (currently, in the United States) for the purposes indicated in this privacy policy. Please note that some of our third-party service providers may include cloud-based service provider who may store and process personal information in the cloud within or outside Canada. ZIBRIO may, for the purposes indicated in the privacy policy, store, process or use your personal information on the cloud located within or outside Canada. It is our policy to share your personal information overseas in a way that requires the strictest privacy and security standards, during transit and at the overseas location. We take reasonable steps to ensure that the overseas recipients of your personal information are bound by a substantially similar or comparable privacy standards.

Interest-Based Ads – Many advertising companies that collect information for interest-based advertising are members of the Digital Advertising Alliance (DAA) or the Network Advertising Initiative (NAI), both of which maintain websites where people can opt out of interest-based advertising from their members. To opt-out of website interest-based advertising provided by each organization's respective participating companies, visit the DAA's opt-out portal available at <http://optout.aboutads.info/>, the DAA of Canada's opt-out portal available at <https://youradchoices.ca/en/tools>, or visit the NAI's opt-out portal available at <http://optout.networkadvertising.org/?c=1>.

#### **Contact Us**

If you have any questions, or complaints, regarding the collection or use of your personal information, or if you wish to withdraw your consent to us using your data, please contact us at [gal@zibrio.com](mailto:gal@zibrio.com).

If you are not satisfied with our response to your query or complaint, you may also contact the Office of the Information and Privacy Commissioner of Canada at this link: <https://www.priv.gc.ca/en/contact-the-opc/>