

My Acapella App for Acapella™ Respiratory Therapy System¹

Privacy Policy

Effective as of May 29, 2024.

VisionHealth GmbH and our subsidiaries and affiliates ("VisionHealth," "we", "us" or "our") provides this Training app and related services for ICU Medical, Inc. ("ICU Medical") to support patients using ICU Medical's Acapella Respiratory Therapy System (the "My Acapella App" or "App"). This Privacy Policy describes how VisionHealth processes personal information through the App as a processor for and on behalf of ICU Medical (the "Service").

This Privacy Policy applies to personal information that we process in connection with providing the Service for ICU Medical. ICU Medical retains ownership of your personal data, and, our relationship with ICU Medical is governed by a separate contractual agreement or other applicable legal requirements which restrict our collection, use, disclosure and other processing of your personal information beyond what is described herein. If you have questions or concerns regarding your personal information that we process on behalf of ICU Medical, please direct your concerns to ICU Medical at the contact information listed at the end of this policy.

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Personal information we collect

Information you provide to us. Personal information you may provide to us through the App or otherwise includes:

- **Contact data**, such as your first and last name, salutation, email address, mailing addresses, professional title and company name, and phone number.
- **Account and profile data**, such as the username and password that you may set to establish an online account on the App, date of birth, redemption code, biographical details, photograph or picture, and any other information that you add to your account profile.
- **Communications data** based on our exchanges with you, including when you contact us through

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the App, or otherwise.

- Health data, log entries and other information you enter about your use of the App and/or the Acapella respiratory system.
- **Other data** not specifically listed here, which we will use as described in this Privacy Policy or as otherwise disclosed at the time of collection.

Third-party sources. We may combine personal information we receive from you with personal information falling within one of the categories identified above that we obtain from other sources, such as:

- **ICU Medical**, the distributor of the App and is the manufacturer and seller of the Acapella Respiratory Therapy System.
- **Service providers** that provide services on our behalf or help us operate the Service or our business.

Automatic data collection. We and ICU Medical and our our service providers, may automatically log information about you, your mobile device, and your interaction over time with the App, our communications and other online services, such as:

- **Device data**, such as your mobile device’s operating system type and version, manufacturer and model, browser type, screen resolution, RAM and disk size, CPU usage, device type (e.g., phone, tablet), IP address, unique identifiers (including identifiers used for advertising purposes), language settings, mobile device carrier, radio/network information (e.g., Wi-Fi, LTE, 3G), and general location information such as city, state, country or geographic area.
- **App activity data**, such as pages or screens you viewed, how long you spent on a page or screen, navigation paths between pages or screens, information about your activity on a page or screen, and access times and duration of access., and whether you have opened our communications or clicked links within them.
- **Communication interaction data** such as your interactions with our email or other communications (e.g., whether you open and/or forward emails) – we may do this through use of pixel tags (which are also known as clear GIFs), which may be embedded invisibly in our emails.

For more information concerning our automatic collection of data, please see the [Tracking technologies](#) section below.

Derived data. We may derive certain data or inferences from your recordings and other user-generated content in order to provide the App or Service to you, such as to assess and provide feedback regarding your use of a respiratory therapy device.

Tracking Technologies

Cookies and other technologies. Some of the automatic collection described above is facilitated by the following technologies:

- **Cookies**, which are small text files that websites store on user devices and that allow web servers to record users’ web browsing activities and remember their submissions, preferences, and login status as they navigate a site. Cookies used on our sites include both “session cookies” that are deleted when a session ends, “persistent cookies” that remain longer, “first party” cookies that

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we place and “third party” cookies that our third-party business partners and service providers place.

- **Local storage technologies**, like HTML5, that provide cookie-equivalent functionality but can store larger amounts of data on your device outside of your browser in connection with specific applications.
- **Web beacons**, also known as pixel tags or clear GIFs, which are used to demonstrate that a webpage or email was accessed or opened, or that certain content was viewed or clicked.

For information concerning your choices with respect to the use of tracking technologies, see the [Your choices](#) section, below.

How we use your personal information

We may use your personal information for the following purposes or as otherwise described at the time of collection:

App and Service delivery and operations. We may use your personal information to:

- provide the features of the App and perform the Service;
- enable security features of the App and Service;
- communicate with you about the App and Service, including by sending App-related announcements, updates, security alerts, and support and administrative messages; and
- provide support for the App and Service, and respond to your requests, questions and feedback.

App and Service personalization, which may include using your personal information to:

- understand your needs and interests;
- personalize your experience with the App and our App- related communications; and
- remember your selections and preferences.

App and Service improvement and analytics. We may use your personal information to help us and ICU Medical analyze your usage of the App, improve the App and the Service, help us understand user activity on the App, including which pages are most and least visited and how users move around the App, as well as user interactions with our emails. **Compliance and protection.** We may use your personal information to:

- comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas, investigations or requests from government authorities;
- protect our, your or others’ rights, privacy, safety or property (including by making and defending legal claims);
- audit our internal processes for compliance with legal and contractual requirements or our internal policies;
- enforce the terms and conditions that govern the Service; and
- prevent, identify, investigate and deter fraudulent, harmful, unauthorized, unethical or illegal activity, including cyberattacks and identity theft.

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Data sharing in the context of corporate events, we may share certain personal information in the context of actual corporate events – For more information, see [How we share your personal information](#), below.

To create aggregated, de-identified and/or anonymized data. We may create aggregated, de-identified and/or anonymized data from your personal information and other individuals whose personal information we collect. We make personal information into de-identified and/or anonymized data by removing information that makes the data identifiable to you and we will not attempt to reidentify any such data. You agree that such aggregated, de-identified and/or anonymized data is not part of your personal information and that such data may be used for, and shared with ICU Medical, for our lawful business purposes including to analyze and improve the App,

No sale of personal information. We will not sell, rent, or lease your personal information.

Further uses, in some cases, we may use your personal information for further uses, in which case we will ask for your consent to use of your personal information for those further purposes if they are not compatible with the initial purpose for which information was collected.

Retention

We generally retain personal information to fulfill the purposes for which we collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements, to establish or defend legal claims, or for fraud prevention purposes. To determine the appropriate retention period for personal information, we may consider factors such as the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorized use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

When we no longer require the personal information we have collected about you, we may either delete it, anonymize it, or transfer the data to ICU Medical, as directed by ICU Medical.

How we share your personal information

We may share your personal information with the following parties and as otherwise described in this Privacy Policy, in other applicable notices, or at the time of collection.

Affiliates. Our corporate parent, subsidiaries, and affiliates.

Service providers. Third parties that provide services on our behalf or help us operate the Service or our business (such as hosting, information technology, customer support, email delivery, marketing, consumer research and website analytics).

Third parties designated by you. We may share your personal information with third parties where you have instructed us or provided your consent to do so.

ICU Medical, who distributes the App and is the manufacturer and seller of the Acapella respiratory system. App available to you.

Professional advisors. Professional advisors, such as lawyers, auditors, bankers and insurers, where necessary in the course of the professional services that they render to us.

Authorities and others. Law enforcement, government authorities, and private parties, as we believe in good faith to be necessary or appropriate for the [Compliance and protection purposes](#) described above.

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Business transferees. We may disclose personal information in to an acquirer, successor, or assignee of VisionHealth as part of any merger, acquisition, sale of assets, or similar transaction, and/or in the event of an insolvency, bankruptcy, or receivership in which personal information is transferred to one or more third parties as one of our business assets.

We make commercially reasonable efforts to verify that the parties with whom the Kata Acapella App shares personal information provide a level of protection of personal information consistent with the practices described in this Privacy Policy, except that all such parties described above other than service providers and affiliates may, to the extent permitted by law, use personal information as described in their own privacy policies

Your choices

In this section, we describe the rights and choices available to all users. Users who are located in the European Union or United Kingdom can find additional information about their rights in our Kata App GDPR notice, available at <https://kata-inhalation.com/en/terms-of-use/>.

Access or update your information. If you have registered for an account with us through the Service, you may review and update certain account information by logging into the account.

Opt-out of communications. You may opt-out of marketing-related emails by following the opt-out or unsubscribe instructions at the bottom of the email, or by [contacting us](#). Please note that if you choose to opt-out of marketing-related emails, you may continue to receive service-related and other non-marketing emails.

Blocking images/clear gifs: Most browsers and devices allow you to configure your device to prevent images from loading. To do this, follow the instructions in your particular browser or device settings.

Mobile location data. You can disable our access to your device's precise geolocation in your mobile device settings.

Do Not Track. We may use third-party service providers' web analytics and cookies to track and monitor usage of the App, which allows us to improve the platform, obtain aggregate reporting and metrics and improve your experience. You have the ability to opt out of having your activity tracked by managing your cookies via your device setting and turning off all cookies.

Declining to provide information. We need to collect personal information to provide certain services. If you do not provide the information we identify as required or mandatory, we may not be able to provide those services.

Delete your content or close your account. You can choose to delete certain content through your account. If you wish to request to close your account, please [contact us](#).

Your Rights

Right of access. You may have the right to obtain from us confirmation as to whether or not personal information concerning you is processed, and, to request access to, or a copy of, the personal information.

Right to rectification. You may have the right to obtain from us the rectification of inaccurate personal information about you.

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Right to erasure. Under certain circumstances, you may have the right to request the erasure of your personal information, and we may be obligated to erase that personal information, as long as it is not required for legal or regulatory purposes.

Right to restriction of processing. Under certain circumstances, you may have the right to request the restriction of processing your personal information. In that case, your data will be marked and may only be processed by us for certain limited purposes.

Right to data portability. Under certain circumstances, you may have the right to receive your personal information that you have provided to us, in a structured, commonly used and machine-readable format, and you may have the right to transmit that data to another entity without hindrance from us.

Right to object. Under certain circumstances, you may have the right to object, on grounds relating to your particular situation, at any time to the processing of your personal information by us, and we may be required to no longer process your personal information.

Other sites and services

The Service may contain links to websites, mobile applications, and other online services operated by third parties. In addition, our content may be integrated into web pages or other online services that are not associated with us. These links and integrations are not an endorsement of, or representation that we are affiliated with, any third party. We do not control websites, mobile applications or online services operated by third parties, and we are not responsible for their actions. We encourage you to read the privacy policies of the other websites, mobile applications and online services you use.

Security

We employ technical, organizational and physical safeguards designed to protect the security and confidentiality of personal information we collect, prevent unauthorized access or disclosure of personal information in our custody and maintain data accuracy. However, security risk is inherent in all internet and information technologies and we cannot guarantee the security of your personal information.

International data transfer

We are headquartered in Germany and may use service providers that operate in other countries. Your personal information may be transferred to locations where privacy laws may not be as protective as those in your state, province, or country. However, you are advised that such transfer to third party countries will always be in accordance with the provisions of the Privacy Policy, i.e., by obtaining your consent, when necessary, or by adopting appropriate safeguards. For example, with respect to transfers to countries not providing an adequate level of data protection, we may base the transfer on appropriate safeguards, such as the EU standard contractual clauses. To the extent permitted by local law, your use of the Kata Acapella App or provision of any personal information constitutes, where legally permitted, your consent to the cross-border transfer of personal information and other activities identified in this Privacy Policy.

Children

The Service is not intended for use by anyone under 18 years of age. If you are a parent or guardian of a child from whom you believe we have collected personal information in a manner prohibited by law, please

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[contact us](#). If we learn that we have collected personal information through the Service from a child without the consent of the child's parent or guardian as required by law, we will comply with applicable legal requirements to delete the information.

Changes to this Privacy Policy

We reserve the right to modify this Privacy Policy at any time. If we make material changes to this Privacy Policy, we will notify you by updating the date of this Privacy Policy and posting it on the Service or other appropriate means. Any modifications to this Privacy Policy will be effective upon our posting the modified version (or as otherwise indicated at the time of posting). In all cases, your use of the Service after the effective date of any modified Privacy Policy indicates your acknowledging that the modified Privacy Policy applies to your interactions with the Service and our business.

How to contact us

We welcome your questions, comments, and concerns about privacy. Please send us any and all feedback pertaining to privacy, or any other issue through the contact information below.

- **Email:** usersupport@kata-inhalation.com
- **Mail:** VisionHealth GmbH | Landsberger Str. 72 | 80339 München | Germany
- **Phone:** +49 89 6142 429 – 22

Or

- **Email:** myacapella@icumed.com