

Last Updated: March 23rd, 2020

MaxMD Privacy Policy

Park Avenue Capital, LLC, doing business as “MaxMD” (“MaxMD”, “we”, or “us”), respects and values your privacy.

We will not knowingly use or share your personal information collected on this website, www.maxmdirect.com, and our related websites, www.max.md, www.maxmdirect.com, and www.directmdemail.com (collectively, the “Website”), or provided through a Service except as described in this Privacy Policy.

By using the Website or subscribing to or using a product or service described on the Website (each, a “Service”), you accept and agree to the privacy practices contained in this Privacy Policy.

We encourage you to read this Privacy Policy in full to understand our privacy practices before using the Website, subscribing to a Service or submitting any personal information.

PLEASE NOTE THAT THIS PRIVACY POLICY MAY BE CHANGED FROM TIME TO TIME. We indicate at the top of the page when this privacy policy was last updated.

From time to time, we would like to contact you to:

- A. Provide Service and Website related notices; Communicate with you regarding updates to the Service and Website; and respond to your inquiries, requests and applications.

If you consent to us contacting you for this purpose, please check the “yes” box in your MaxMD account privacy policy settings.

- B. Provide information about other MaxMD products and services that we believe may be of interest to you.

If you consent to us contacting you for this purpose, please check the “yes” box in your maxmd account privacy policy settings.

- C. To conduct surveys and research. If you participate in surveys, we will request certain personal information from you. Participation in these surveys is completely voluntary and it is your choice whether or not to disclose this information. We may use a third-party service provider to conduct these surveys. If we use a third-party service provider, we will notify you who the third-party survey provider is at the time. We will not share the personal information you provide through a survey with other third parties unless we give you prior notice and choice.

1. Data Protection Officer.

We have appointed a data protection officer who is responsible for overseeing questions relating to this Privacy Policy. If you have questions about this Privacy Policy or the way we collect, use, process, store or share your personal information, please contact our Data Protection Officer at PrivacyOfficer@maxmddirect.com or at:

Data Protection Officer
Park Avenue Capital, LLC
2200 Fletcher Avenue, 5th Floor
Fort Lee, New Jersey 07024, U.S.A.

1.201.963.0005

If you are a citizen of the European Union, you have the right to make a complaint at any time to the Information Commissioner's Office (ICO) or the supervisory authority or authorities for data protection issues in your country. We would appreciate the chance to deal with your concerns before you approach the ICO or data protection supervisory authorities, so please contact us at PrivacyOfficer@maxmddirect.com first.

2. Third Party Websites, Plug-ins and Applications.

The Website or a Service may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these links, plug-ins or applications and we are not responsible for the practices employed by them. We cannot guarantee that they will adhere to the same privacy and security practices as us we cannot accept responsibility for any use of your personal information by them. If you click on those links or enable those connections, we encourage you to read their privacy policies before you submit any personal information. Your use of any such resource is at your discretion and at your sole risk.

3. Personal Information We Collect.

Personal Information means information about you that is provided to us that could reasonably be used to identify you. Personal Information includes "Protected Health Information" as defined in the Health Insurance Portability and Accountability Act (HIPAA). It does not include information or data where your identity has been removed or anonymous data.

When you visit our Website, we collect the following personal information about you:

- Unique identifiers and preference information such as your pages visited, internet protocol (IP) address, browser type, operating system or host, computer or mobile device, country of origin and your navigation and clickstream behavior from actions that you take on our Website or through a Service. We may this information share with our service providers for the purposes set forth in this Privacy Policy.
- Information about you from affiliates, subsidiaries, marketing partners, ad networks, and other third parties. We may combine this with information we already have about you.

- Information about you that you share or make visible on the Internet. We may combine such information with information we already have about you.

When you create an account or subscribe to a Service, you will be asked to submit some or all of the following Personal Information to verify your identity and establish an account:

- Name, home or other physical address, email address, phone number, social security number, fax number date of birth and npi number. For Organization Certificates, the applying entity will also be required to provide its name, EIN number, npi number, address, u.r.l. to which the Organizational Certificate is to be issued, and the name of an administrator for such organization, including the administrator's name, physical address, email address, phone number and fax number. This information is used by MaxMD to verify your identity, completing the registration process and creating your account.
- Payment information, such as your credit card number. MaxMD stores and uses this payment information to process payment for your subscription to the Service as well as processing payment for automatic renewals of your subscription.
- A Service may also allow you to securely exchange protected health information as described in Section 5 below.
- If you create a .domain registration account, you will be required to provide (a) the registrant or legal owner of the domain, (b) an administrative contact responsible for matters regarding maintenance and servicing of the domain, (c) a technical contact, and (d) billing contact. For each of the foregoing, we collect the legal or organizational name, street address, phone number, fax number and email address.

We also collect, use and share aggregated data such as statistical or demographic data for any purpose. Such aggregated data does not directly or indirectly reveal your identity. For example, and not by way of limitation, we may aggregate certain data about how you use the Website or a Service to calculate the percentage of users accessing a specific Website or Service feature or function. However, if we combine or connect aggregated data with your personal information so that it can directly or indirectly identify you, we treat the combined data as personal information to be used in accordance with this Privacy Policy.

We do not collect any special categories of personal information that include details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, or trade union membership, information. Nor do we collect any information about criminal convictions and offences.

If you fail to provide personal information where we need to collect personal information by law or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you. For example, and not by way of limitation, we may use such personal information to provide the Service to you. In such cases, we may have to cancel the Service you have with us, but we will notify you if this is the case at the time.

4. Methods Used to Collect Information.

We use various methods and technologies to collect personal information about visitors to the Website and subscribers to or users of a Service. These methods and technologies include the following:

- **Direct Interactions.** You may give us your identity, contact and financial data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal information you provide when you:
 - Subscribe to a Service;
 - Attend our events;
 - Create an account on the Website;
 - Submit a support request;
 - Subscribe to our publications;
 - Download whitepapers or other content;
 - Request marketing to be sent to you;
 - Participate in a survey; or
 - Give us feedback.
- **Web logging**
 - As is true of most websites, we gather certain information automatically and store it in log files. This information may include IP addresses, browser type, Internet service provider, referring/exit pages, operating system, date/time stamp and/or clickstream data. We or our marketing partners, on our behalf, may link this automatically collected data to other information we or they collect about you.
- **Cookies and other tracking technologies**
 - We and our service providers may use technologies such as: cookies, beacons, tags and scripts. These technologies are used in analyzing trends, remembering users' settings, administering the Website and Service, tracking users' movements around the Website and Service and to gather demographic information about our user base as a whole. We may receive reports based on the use of these technologies by these companies on an individual user as well as aggregated basis. You may control the use of cookies through your browser settings. If you reject cookies, you may still be able to use our Website, but your ability to use some features or areas of our Website, as well as use of the Service, may be limited. For more information on how we use cookies and other tracking technologies on our website, please contact PrivacyOfficer@maxmddirect.com.

- **Mobile Application.**
 - If you chose to use our mobile application as part of a Service, the mobile application may access other device data or applications, such as your phone's camera, microphone, photos, or contacts on an as-needed basis, **but only if you grant permission at the time.**
- **We also use Local Storage Objects (LSOs) such as HTML5 to collect and store your information and preferences.** Third parties with whom we partner to provide certain features on our Website or a Service may use LSOs such as HTML5 to collect and store information about you. Various browsers may offer their own management tools for removing HTML5 LSOs.

5. Security and Health Insurance Portability and Accountability Act (“HIPAA”).

MaxMD and/or its third-party service providers have implemented reasonable security measures as required by HIPAA that are to protect against the loss, misuse or alteration of your protected health information transmitted through or stored by the Service.

As a subscriber to the MaxMD Application and Direct Secure Messaging Service, you will also be able to send, receive and transmit protected health information with healthcare providers and other persons who have a Direct Certificate or have otherwise implemented a trusted relationship with the subscriber for the exchange of protected health information using the Service. Such information is automatically encrypted when it is transmitted. Such information is also securely stored by the Service in our private cloud at secure facilities in the United States until you delete it from the Service, or the Service is terminated.

If you chose to use the MaxMD Mobile Application in connection with the MaxMD Direct Secure Messaging Service, you can retrieve and view your protected health information on your supported device and this information will be stored on your supported device. The MaxMD Mobile Application requires a pin or biometric lock on the supported device in order for the user to use and view data in the MaxMD Mobile Application. If you chose to view or download your records to your supported device or a third-party application, such as a DropBox® account, MaxMD is no longer responsible for the security of such information. Data on your local device is subject to the security measures that you have enabled on your device.

You should consult your personal Supported Device, third party application or security software provider for more information as to how to best protect such information.

Please be aware that no data transmission over the Internet can be guaranteed to be 100% secure and this is not a guarantee that your personal information (including protected health information) will not be accessed, disclosed, altered or destroyed by breach of any physical and technical safeguards in place. All information you transmit on or through the Website and Service is at your sole risk.

You are responsible for maintaining the secrecy of your unique password(s) and account information, and for controlling access to your account(s) at all times.

6. How We Use the Personal Information Collected.

We may use your personal information collected for the following purposes:

- To communicate with you regarding updates to the Service and Website and to respond to your inquiries, requests and applications and/or to send important notices. To conduct surveys and research. To create your Website or Service account and allow use of the Service.
- To better understand how the Service and Website are being used and to improve the Service and Website.
- To provide personalized Website and Service content based on your activity and preferences.
- To communicate with you regarding updates to the Service and Website and to respond to your inquiries, requests and applications and to send important notices.
- To conduct surveys and research.
 - If you participate in surveys, we will request certain personal information from you. Participation in these surveys is completely voluntary and you therefore have a choice whether or not to disclose this information. We may use a third-party Service Provider to conduct these surveys. We will not share the personal information you provide through a survey with other third parties unless we give you prior notice and choice.
- To further develop our products and services and to improve our business.
- To track your use of the Website and Service as reasonably necessary to prevent illegal activities and to enforce our Terms of Use and Authorized User Agreement.
- We may also send you emails with information about MaxMD products and services that we believe may be of interest to you. If you wish to opt-out of receiving these emails from us, please follow the instructions contained in that email.

7. How We Share Personal Information Collected.

We do not sell or rent personal information or protected health information we collect through the Website or Service to any third party for its own marketing purposes. We will get your express consent before we share your personal information with a third party for their own marketing purposes.

We may share your personal information and protected health information as follows:

- We may disclose your personal information and protected health information to our Service Providers who provide certain services to us or on our behalf, such as operating, providing and supporting the Service, analyzing data, verifying your identity, processing payments or performing marketing or consulting services. These Service Providers will only have access to the personal information or protected health information needed to perform these functions on our behalf.
- If you sign up for a .domain registration, we will share the information outlined in Section 3 above with NIC.MD (Moldata) for purposes of establishing your domain registration. For information about how Moldata uses this information, please refer to their privacy practices.
- Some of our pages use framing techniques to serve content to or from third parties while preserving the look and feel of our Website or the Service. Please be aware that you are providing personal information to these third parties and not directly to MaxMD.
- Our Website may offer a publicly accessible blog. You should be aware that any personal information you provide in these areas may be read, collected and used by others who access them. To request removal of personal information from our blog or community forum, contact us at PrivacyOfficer@maxmddirect.com.
- We may also disclose personal information about visitors to our Website or users of the Service as follows:
 - As required by law, such as to comply with a subpoena or similar legal process.
 - When we believe in good faith that disclosure is necessary to protect our rights or property, protect your health and safety or the health and safety of others, or to investigate illegal activity or fraud or to respond to a government request.
 - In the event of a merger, acquisition, asset sale or in the unlikely event of bankruptcy, personal information (and protected health information) maintained by or on behalf of MaxMD may be transferred to its successors or assigns.
 - To any other third party with your prior consent.
 - We may also share information relating to users of the Website or Service with affiliated or unaffiliated third parties on an anonymous, aggregate basis. While this information will not identify you personally, in some instances these third parties may be able to combine this aggregate information with other data they have about you, or that they receive from third parties, in a manner that allows them to identify you personally.

8. Children's Privacy.

Children under the age of 18 are not permitted to create an account or use the Service, and we do not knowingly collect personal information from children under 13 years of age, except personal information and protected health information sent, received, transmitted or stored through the

Service by a parent or legal guardian who is authorized to do so. If you believe that we may have improperly collected any information from or about a child under the age of 18, please contact us at PrivacyOfficer@maxmddirect.com.

9. Special Notice for Users Located Outside the United States.

The Website and Service are currently provided from the United State for use by persons in the United States. If you chose to access the Website or Service from any jurisdiction outside the United States, any personal information that we collect from you may be transferred to and stored at a destination outside of your country of residence, including the United States. Many of our third-party service providers are also based outside the European Economic Area (EEA). Their or our processing of your personal information will involve a transfer of your personal data outside the EEA. **By using the Website or subscribing to a Service, you hereby consent to the collection, transfer, storage, processing, and other use of your information in the United States or another destination outside of your country of residence.** You acknowledge that your personal information may be subject to the privacy and data protection laws and regulations of the United States, which may not be the same as applicable laws and regulations in your country of residence.

10. Accessing, Changing and Managing Your Personal Information.

The Website and/or Service may allow you to directly view, edit or delete personal information about you online. If this option is not available, you can update your personal information by contacting our Privacy Office at PrivacyOfficer@maxmddirect.com or the address or phone number listed above in this Privacy Policy. We will use commercially reasonable efforts to respond to your request within 30 days.

11. Data Security.

We have put in place appropriate security measures designed to prevent your personal data from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data to perform services on your behalf and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

12. Data Retention.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including but not limited to, for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal information, we consider 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, as well as applicable legal requirements.

By law, we have to keep basic information about our customers (including contact, identity, financial and transaction data) for six years after they cease being customers for tax purposes.

For legal and audit purposes, we currently keep log data for up to eight (8) years.

In some circumstances you can ask us to delete your data. See request erasure below for further information.

13. Your Legal Rights.

Under certain circumstances, you may have rights under data protection laws in relation to your personal information. These rights may include the following:

- **Request access to your personal information.**
 - You may request a copy of the personal information we retain.
- **Request correction of your personal information.**
 - You may correct any personal information we retain about you if it is incorrect or incomplete.
- **Request erasure of your personal information.**
 - You may ask us to delete your personal information if there is no good reason for us to continue to retain it. You also may ask us to delete personal information in instances where (a) if you have successfully exercised your right to object to our processing of such personal information, (b) if we processed or are processing such personal information in violation of applicable law, or (c) if we are required to erase your personal information by law. However, we may not always be able to comply with your request due to legal or technological reasons. If this is the case, we will notify you at the time you request deletion of your personal information.
- **Object to processing of your personal information.**
 - You may object to our processing of your personal information if we are using it for marketing purposes. You may also object to our processing of your personal information in instances where we are relying upon our, or a third party's, interests to process your personal information, if you believe it impacts your fundamental rights or freedoms.
- **Request restriction of processing your personal data.**

- You may request that we suspend processing of your personal information if (a) you need it to defend, establish or exercise legal claims, (b) we need to verify our legitimate right to use your personal information in an instance where you have requested we stop processing it, (c) our processing of such personal information is unlawful but you do not want us to erase it, or (d) you want us to establish the personal information's accuracy.
- **Request transfer of your personal data.**
 - If you request us to transfer personal information you provide to us in an automated manner or to perform a contract with you, we will use commercially reasonable efforts to provide this information to a third party in a machine-readable format.
- **Right to withdraw consent.**
 - You have the right to withdraw your consent to our processing of your personal information if we are relying upon your consent to process such information. This will not affect any processing of such personal information before you withdraw your consent. If you withdraw your consent, we may not be able to provide you with a product or service for which you have subscribed. If this is the case, we will notify you at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us at:
PrivacyOfficer@maxmddirect.com.

NO FEE USUALLY REQUIRED

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

WHAT WE MAY NEED FROM YOU

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal information (or to exercise any of your other rights). This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

TIME LIMIT TO RESPOND

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

14. Changes to Privacy Policy.

We reserve the right to change or amend this Privacy Policy at any time. If we make a change, we will post the revised Privacy Policy on the Website and revise the “Last Updated Date” at the top of this Privacy Policy. If you have provided us with your email address, we will also notify you by email of material changes to this Privacy Policy by sending an email to the email we have on file prior to the effective date of the changes. We will use commercially reasonable efforts to notify you of any changes to this Privacy Policy by email at least fifteen (15) days before the effective date of the changes. We will also provide a notification to registered users the next time they login to any Service with the revised Privacy Policy and users will be asked to acknowledge that they have read and accept the changes by clicking “I Accept.” Your continued use of the Website or any Service following the posting of changes to this Privacy Policy means you accept those changes. Any amendment or change to this Privacy Policy will not apply to any dispute that we had actual notice of prior to the effective date of the amendment or change.