

# NIU Health's Privacy Policy

Last Updated August 31, 2021

## 1. Introduction.

This Privacy Policy describes how Hawaikiki Telehealth, LLC d/b/a NIU Health ("NIU Health") collects and uses your information about you through the use of our online interfaces which we own and control including our Website at [www.niuhealth.com](http://www.niuhealth.com), mobile NIU Health, and through email, text, and other electronic communications between you and NIU Health.

NIU Health ("NIU Health," "we," "our," or "us") respects your privacy, and we are committed to protecting it through our compliance with this policy.

This Privacy Policy (our "**Privacy Policy**") describes the types of information we may collect from you or that you may provide when you visit the website at [www.niuhealth.com](http://www.niuhealth.com) (our "**Website**") and the NIU Health Application (our "**Application**") and our practices for collecting, using, maintaining, protecting, and disclosing that information.

This policy applies to information we collect:

- on our Website and Application;
- in email, text, phone conversation, video interaction and other electronic messages between you and our Website and Application;
- when you interact with our advertising and applications on third party websites and services, if those applications or advertising include links to this policy.

It does not apply to information collected by:

- us offline or through any other means, including on any other website operated by NIU Health or any third party;
- any third party, including through any application or content (including advertising) that may link to or be accessible from or on the Website or Application.

**Note, this Policy does not apply to any healthcare related consults or treatment, obtained through our Website or Application, with NIU Health's Providers. Please review NIU HEALTH's Providers' Notice of Privacy Practices describing their collection and use of your protected health information on the Platform, as described in our Terms and Conditions, and the password protected and secure portions of our Website and Application. If you do not agree to be bound by those terms, you are not authorized to access or use our Website, and you must promptly exit our Website or Application.**

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, you

should elect not to use our Website or Application. By accessing or using our Website or Application, you agree to this Privacy Policy. Your continued use of our Website or Application after we make changes is deemed to be acceptance of those changes, so please check this Privacy Policy periodically for updates.

## **2. Information We Collect About You and How We Collect It.**

We collect different types of information about you, including information that may directly identify you, information that is about you but individually does not personally identify you, and information that we combine with our other users. This includes information that we collect directly from you or through automated collection technologies.

### **Generally**

We collect several types of information from and about users of our Website and Application (collectively, “**Personal Data**”), specifically information:

- by which you may be personally identified, such as name, address, e-mail address, home, work, and mobile telephone numbers, date of birth, credit or debit card number (for payment purposes only), audio (including recordings and transcripts), images and videos of you, gender, Social Security Number, your medical history, health insurance subscriber information, and health information;
- about your Internet connection, the equipment you use to access our Website or use our Application and usage details, such as traffic data, logs, referring/exit pages, date and time of your visit to our Website or use of our Application, error information, clickstream data, and other communication data and the resources that you access and use on the Website or through our Application.

We collect this information:

- directly from you when you provide it to us;
- automatically as you navigate through the Website or use our Application. Information collected automatically may include usage details, IP addresses, and information collected through cookies and other tracking technologies; and
- from third parties, for example, our business partners.

### **Information You Provide to Us**

The information we collect on or through our Website or through our Application is:

- information that you provide by filling in forms on our Website or the Application, and videos, images and recordings when interacting with a Provider on our Website or the Application. This includes information provided at the time of registering to use our Website or Application as well as information provided when using our Provider

consultation services, purchasing products, or requesting further services. We may also ask you for information when you report a problem with our Website or Application;

- records and copies of your correspondence (including email addresses) if you contact us; and
- details of transactions you carry out through our Website or through the Application and of the fulfillment of your orders. You may be required to provide financial information before placing an order through our Website or Application.

You also may provide information to be published or displayed (hereinafter, “**posted**”) on public, informational, and/or community areas of the Website or Application or your individual profile and user account on the Platform, transmitted to other users of the Website or Application or third parties (collectively, “**User Contributions**”). Your User Contributions are posted on and transmitted to others at your own risk. Although we limit access to certain pages, please be aware that no security measures are perfect or impenetrable. Additionally, we cannot control the actions of other users of the Website and Application with whom you may choose to share your User Contributions. Therefore, we cannot and do not guarantee that your User Contributions will not be viewed by unauthorized persons.

#### **Information We Collect Through Automatic Data Collection Technologies**

As you navigate through and interact with our Website and Application, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, specifically:

- details of your access to and use of the Application and website, including traffic data, location data, logs, and other communication data and the resources that the end user accesses and uses on or through the Application and Website;
- information about your mobile device and internet connection, including the device’s unique device identifier, IP address, operating system, browser type, mobile network information, and the device’s telephone number;
- information stored on your mobile device, including in other applications. This may include photographs, audio and video clips, personal contacts, and health information. In particular, we may collect information through your NIU HEALTH application. This data will be used only to provide and improve our services, and will not be used or shared with third parties for marketing purposes; or
- real-time information about the location of your device.

The information we collect automatically may include Personal Data or we may maintain it or associate it with Personal Data we collect in other ways or receive from third parties. It helps us to improve our Website and Application and to deliver a better and more personalized service by enabling us to:

- estimate our audience size and usage patterns;
- forecast future needs, functions, and uses of our services, the Website, and the Application;
- better understand user satisfaction levels and experiences;
- store information about your preferences, allowing us to customize our Website and our Application according to your individual interests;
- recognize you when you return to our Website and our Application;
- in other ways to improve your experience and the quality of our Website, Application, and services.

The technologies we use for this automatic data collection may include:

- **Cookies (or browser cookies).** We and our service providers may use cookies, web beacons, and other technologies to receive and store certain types of information whenever you interact with our Website and Application through your computer or mobile device. A “cookie” is a small piece of data sent from a website and stored on the user’s computer by the user’s web browser while the user is browsing. On your computer, you may refuse to accept browser cookies by activating the appropriate setting on your browser, and you may have similar capabilities on your mobile device in the preferences for your operating system or browser. However, if you select this setting you may be unable to access certain parts of our Website or use certain parts of our Application. Unless you have adjusted your browser or operating system setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website or use our Application.
- **Flash Cookies.** Certain features of our Website and Application may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from, and on our Website and Application. Flash cookies are not managed by the same browser settings as are used for browser cookies. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe’s [website](#).
- **Google Analytics.** We use Google Analytics, a web analytics service provided by Google, Inc. (“Google”) to collect certain information relating to your use of the Website. Google Analytics uses cookies to help the Website analyze how users use the site. You can find out more about how Google uses data when you visit our Website by visiting “How Google uses data when you use our partners’ sites or apps”, (located at [google.com/policies/privacy/partners/](https://www.google.com/policies/privacy/partners/)). We may also use Google Analytics Advertising Features or other advertising networks to provide you with interest-based advertising based on your online activity. For more information regarding Google

Analytics please visit Google's website, and pages that describe Google Analytics, such as [www.google.com/analytics/learn/privacy.html](http://www.google.com/analytics/learn/privacy.html).

- **Facebook.** We use Facebook Pixel, a web analytics and advertising service provided by Facebook Inc. ("Facebook") on our Website and Application. With its help, we can keep track of what users do after they see or click on a Facebook advertisement, keep track of users who access our Website and Application or advertisements from different devices, and better provide advertisements to our target audiences. The data from Facebook Pixel is also saved and processed by Facebook. Facebook can connect this data with your Facebook account and use it for its own and others advertising purposes, in accordance with Facebook's Data Policy which can be found at <https://www.facebook.com/about/privacy/>. Please click here if you would like to withdraw your consent for use of your data with Facebook Pixel <https://www.facebook.com/settings/?tab=ads#> = .
- **Other Third Party Cookies:** We encourage you to review the privacy policies of the other third party cookies deployed on our Website and Application, including LiveRamp's (<https://liveramp.com/privacy/service-privacy-policy/>) and Adobe's (<https://www.adobe.com/privacy/policy.html>).

### 3. How We Use Your Information.

We use your Personal Data for various purposes described below, including to:

- provide our Website or Application to you;
- provide services to you;
- provide you with information you request from us;
- enforce our rights arising from contracts;
- notify you about changes; and
- provide you with notices about your account.

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

- to provide and improve our Website, Application, products, and services. For example, we may convert our recordings to text and perform machine learning on data we receive;
- to provide you with information, products, or services that you request from us or that may be of interest to you;

- for purposes of quality, improvement of health status, customer and patient experience, customer and patient engagement and/or behavior modification, efficiency, cost effectiveness and/or other purposes relating to the provision of telehealth services;
- to process, fulfill, support, and administer transactions and orders for products and services ordered by you;
- to provide you with notices about your NIU Health account;
- to contact you in response to a request;
- to administer surveys;
- to fulfill any other purpose for which you provide it;
- to carry out our obligations and enforce our rights arising from any contracts entered into between you and us or between us and health plans or other benefit programs including for billing and collection;
- to notify you about changes to our Website, our Application, or any products or services we offer or provide through them;
- in any other way we may describe when you provide the information; and
- for any other purpose with your consent.

We may also use your information to contact you about goods and services that may be of interest to you, including through newsletters. If you wish to opt-out of receiving such communications, you may do so at any time by clicking unsubscribe at the bottom of these communications or by visiting your Account Preferences page.

Some information NIU Health collects constitutes protected health information (“PHI”) under the U.S. Health Insurance Portability and Accountability Act (“HIPAA”). As set forth above, NIU Health’s medical Providers (or your own medical provider if you do not use a NIU Health Medical Provider) will provide you with a **Notice of Privacy Practices** describing their collection and use of your PHI. NIU Health will use PHI only for the purpose for which it was collected and we only collect the information we need to fully perform our services and to respond to you or your Provider. We may use your PHI to contact you, to provide requested services, to provide information to your Providers and insurers, to obtain payment for our services, to respond to your inquiries and requests, and to respond to inquiries and requests from your Providers and benefits program. We may combine your information with other information about you that is available to us, including information from other sources, such as from your Providers, insurers, or benefits program, in order to maintain an accurate record of our participants. PHI will not be used for any other purpose, including marketing, without your consent.

We may de-identify or aggregate your Personal Data so that it no longer reasonably identifies you. In this case, we may use this de-identified data without restriction and for any purpose, including to improve our Website, Application, and products and services.

#### **4. Disclosure of Your Information.**

We do not share, sell, or otherwise disclose your Personal Data for purposes other than those outlined in this Privacy Policy. We may disclose your Personal Data to a few third parties, including:

- our affiliates and third-party service providers that we use to support our business;
- to a company we merge, acquire, or that buys us, or in the event of change in structure of our company of any form;
- to comply with our legal obligations;
- to enforce our rights; and
- with your consent.

We do not share, sell, or otherwise disclose your Personal Data for purposes other than those outlined in this Privacy Policy. However, we may disclose aggregated information about our users, and information that does not identify any individual, without restriction.

We may disclose Personal Data that we collect or you provide as described in this privacy policy:

- to affiliates, contractors, service providers, and other third parties we use to support our business. The services provided by these organizations include providing IT and infrastructure support services, and ordering, marketing, and payment processing services;
- to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Data held by NIU Health about our Website and Application users are among the assets transferred;
- to fulfill the purpose for which you provide it. For example, we may disclose your personal information to a Provider;
- for any other purpose disclosed by us when you provide the information;
- with your consent.

We may also disclose your Personal Data:

- to comply with any court order, law, or legal process, including to respond to any government or regulatory request;
- to enforce or apply our **Terms & Conditions** (<https://www.niuhealth.com/terms-and-conditions/>) and other agreements, including for billing and collection purposes; and
- if we believe disclosure is necessary or appropriate to protect the rights, property, or safety of NIU Health, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

## 5. Choices About How We Use and Disclose Your Information.

We offer you choices on how you can opt out of our use of tracking technology, disclosure of your Personal Data for our advertising to you, and other targeted advertising.

We do not control the collection and use of your information collected by third parties described above in [Disclosure of Your Information](#). These third parties may aggregate the information they collect with information from their other customers for their own purposes.

In addition, we strive to provide you with choices regarding the Personal Data you provide to us. We have created mechanisms to provide you with control over your Personal Data:

- **Tracking Technologies and Advertising.** You can set your browser or operating to refuse all or some cookies, or to alert you when cookies are being sent. If you disable or refuse cookies, please note that some parts of our Website or Application may then be inaccessible or not function properly
- **Promotional Offers from NIU Health.** If you do not wish to have your email address used by NIU Health to promote our own products and services, you can opt-out at any time by clicking the unsubscribe link at the bottom of any email or other marketing communications you receive from us or logging onto your Account Preferences page. This opt out does not apply to information provided to NIU Health as a result of a product purchase, or your use of our services.
- **Location Information.** You can choose whether or not to allow the Application to collect and use real-time information about your device's location through the device's privacy settings. If you block the use of location information, some parts of the Application may then be inaccessible or not function properly.
- **Targeted Advertising.** To learn more about interest-based advertisements and your opt-out rights and options, visit the [Digital Advertising Alliance](#) and the [Network Advertising Initiative](#) (NAI) websites ([aboutads.info](http://aboutads.info) and [www.networkadvertising.org](http://www.networkadvertising.org)). Please note that if you choose to opt out, you will continue to see ads, but they will not be based on your online activity. We do not control third parties' collection or use of your



information to serve interest-based advertising. However, these third parties may provide you with ways to choose not to have your information collected or used in this way. You can also opt out of receiving targeted ads from members of the NAI on its website.

## **6. Your Rights Regarding Your Information and Accessing and Correcting Your Information.**

You may review and change your Personal Data by logging into the Application or Website and visiting your Profile and User account .

You can review and change your Personal Data by logging into our Website or Application and visiting either the User Preferences sections of our Application or Website. You may also notify us through the [Contact Information](#) below of any changes or errors in any Personal Data we have about you to ensure that it is complete, accurate, and as current as possible or to delete your account. We cannot delete your personal information except by also deleting your account with us. We may also not be able to accommodate your request if we believe it would violate any law or legal requirement or cause the information to be incorrect.

With respect to any Personal Health Information NIU Health may obtain, you have certain rights under HIPAA to access your data, to restrict use and disclosure of it, to request communication methods, to request corrections to your data, to receive an accounting of disclosures and to receive notice of any breach. See the **Notice of Privacy Practices** provided to you by NIU Health's Providers or any other Provider for more information.

## **7. Do Not Track Signals.**

We currently do not use automated data collection technologies to track you across websites. We currently do not honor do-not-track signals that may be sent by some browsers.

Some web browsers permit you to broadcast a signal to websites and online services indicating a preference that they "do not track" your online activities. At this time, we do not honor such signals, but we currently do not use automated data collection technologies to collect information about your online activities over time and across third party websites or other online services (behavioral tracking).

## **8. Data Security.**

Information transmitted over the Internet is not completely secure, but we do our best to protect your Personal Data. You can help protect your Personal Data and other information by keeping your password to our Website confidential.

We have implemented measures designed to secure your Personal Data from accidental loss and from unauthorized access, use, alteration, and disclosure. We use application timeouts and encryption technology for information sent and received by us.

The safety and security of your information also depends on you. Where you have chosen a password for the use of our Website or Application, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

Unfortunately, the transmission of information via the Internet is not completely secure. Although we work diligently to try and protect your Personal Data, we cannot guarantee the security of your Personal Data transmitted to our Website or on or through our Application. Any transmission of Personal Data is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website, in your operating system, or in the Application.

## **9. Changes to Our Privacy Policy**

We will post any changes to our Privacy Policy on our Website. If we make material changes to our Privacy Policy, we may notify you of such changes through your contact information and invite you to review (and accept, if necessary) the changes.

We may change this Privacy Policy at any time. It is our policy to post any changes we make to our Privacy Policy on this page with a notice that the Privacy Policy has been updated on the Website's home page or the Application's home screen. If we make material changes to how we treat our users' Personal Data, we will notify you by email to the email address specified in your account and/or through a notice on the Website's home page or the Application's home screen. The date this Privacy Policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and for periodically accessing the Application or visiting our Website and reviewing this Privacy Policy to check for any changes.

## **10. Contact Information.**

You may contact us through the contact information below.

If you have any questions, concerns, complaints or suggestions regarding our Privacy Policy or otherwise need to contact us, you may contact us at the contact information below or through the "Contact Us" page on our Website or in the Application.

### **How to Contact Us:**

NIU HEALTH

Attn: Manager/Compliance

Tony Trpkovski, M.D.

1450 Ala Moana Blvd., Suite 2230  
Honolulu, HI 96814

Telephone: (808) 888-4800  
Email: [drt@niuhealth.com](mailto:drt@niuhealth.com)