

MySurgery - Privacy Policy

1. Introduction

At InformedConsent Ltd (trading as MySurgery) we are committed to protecting your personal data and respecting your privacy. Transparency and clarity are important for us and we want you to feel in control of and understand how we handle your personal data. We appreciate that you do not want your personal data distributed indiscriminately and in this policy we explain how we collect information, what we do with it and what rights you have in relation to your personal data.

We may revise this policy from time to time and will notify you if we are making any significant changes which we think should be brought to your attention. This Privacy Policy was last updated on 22 October 2019.

Please read this policy carefully so that you understand the terms and how they apply to you.

If you have any questions about how we process your information, please do not hesitate to get in touch by contacting us at DPO@mysurgery.me.

2. Important information and who we are

This is the Privacy Policy for the website mysurgery.me, including without limitation, the subdomains patients.mysurgery.me, portal.mysurgery.me and any other subdomains related to the mysurgery.me website (together the “**Website**”) and the services offered on the Website, including the animated videos which provide certain information about particular surgeries and procedures (the “**Services**”). The Website and the Services are operated by or on behalf of InformedConsent Ltd (trading as MySurgery) (**we, us and our**). We are a limited company, registered in England. Our registered company number is 11413980, and our registered office is at 6 Jonathans, Dene Road, Northwood, HA6 2AD, United Kingdom.

For the purposes of the General Data Protection Regulation (GDPR), when you access the Website or the Services we are acting as the data controller (this is a legal term that describes a person or entity that controls the way your data is used and processed). We are registered under the Data Protection Act 2018 with the Information Commissioner’s Office (the UK data protection regulator). Our registration number is ZA481702 and can be viewed online at www.ico.org.uk. You can also access useful guidance and information about your rights in relation to your personal data on that website.

By accessing or using the Website or the Services you acknowledge and consent to the collection and use of information in accordance with this Privacy Policy and our terms and conditions of service and use (“**T&Cs**”). This Privacy Policy should be read in conjunction with the T&Cs. By accessing the Website or the Services you agree that we may treat your information as set out in this Privacy Policy. If you do not agree with any of the terms of this Privacy Policy or the T&Cs, you should refrain from using the Website and the Services.

Please take the time to read and understand how this policy applies to you, according to the different categories of user described below and referred to throughout this document:

- as a **Patient**, who has been referred by a surgeon, doctor, other healthcare professional to access the Website or the Services as part of the process of assisting you in deciding whether to provide your medical consent to a surgery or procedure which has been proposed by that surgeon, doctor, other healthcare professional;
- as a **Healthcare Professional User (HCP)**, being an individual who accesses the Website or the Services in your capacity as a person responsible (whether as a surgeon, doctor or other healthcare professional) for the medical care and treatment of Patients, and with permission from those Patients to monitor such activity and other data as they may submit to the Website or in connection with the Services in relation to their decision regarding whether to provide medical consent to a surgery or procedure; or
- as a **Healthcare Administrator**, being an individual or entity responsible for the management and oversight of a healthcare institution and its HCPs, or an employee of a healthcare organisation, and who is a registered user of the Website for the purposes of managing and/or supporting HCPs engaged in medical care and treatment, as well as viewing practice summaries and statistics for your clinical practice, or being an administrator involved in a clinical study or research project.

We reserve the right to change this Privacy Policy from time to time by changing it on the Website.

3. Information we may collect from you

Personal data, or personal information, means any information about an individual from which that person can be identified (**Personal Data**). It does not include data where sufficient information has been removed or randomised such that an individual can no longer be identified directly or indirectly (**Anonymous Data**).

We collect information about you if you use the Website or the Services. We may collect, use, store and process the following different kinds of Personal Data about you that you submit through your use of the Website and the Services:

- **Identity information** including your name and date of birth that you provide in order to access the Website and the Services;
- **Contact information** including your email address;
- **Usage information** including data measuring your use of the Website and the Services including viewing statistics regarding your access to and viewing of the animated videos which form part of the Services; and
- **Technical information** including additional data which, when you access the Website and the Services we may (like most modern websites and online applications - for more information, please refer to the 'All About Cookies' website (allaboutcookies.org)), by means of cookies and/or other similar technologies, automatically collect about you – such as the type of internet browser or mobile device you use, any website from which you have come to the Website, your IP address (the unique address which identifies your computer or mobile device on the internet) and/or the operating system of your computer or mobile device. See the Cookies & other technologies section for more information.

4. If you are a HCP or Healthcare Administrator:

We may collect the following additional data (the below categories of information are not collected from Patients):

- **Employee information** including Identity Information and Contact Information of you (as an individual user) and/ or your employees (as a business, healthcare organization, department, hospital, Trust, NHS entity, private practice). You should be aware and properly inform your employees on the processing of your own and their personal data according to the provisions of the GDPR.
- **Practice information** including data relating to the management of a healthcare organisation, such as performance assessments and ratings, number of patient registrations, staff and patient demographic information, and number and type of treatments offered and patient outcomes.

5. Anonymised Data

We also collect, use and share anonymised data about our users, such as statistical or demographic data, in order to help us and the third parties we collaborate with to improve existing technologies and develop advanced new technologies to improve the Website and/or the Services.

Anonymised data could be derived from your de-identified personal data having been combined with a pool of data from/of other users of the Website or the Services, but is not considered personal data as it has been sufficiently anonymised such that it cannot be used to directly or indirectly reveal your

identity. For example, we may anonymise your data by aggregating your non-identifying data with that of other Patients, including your **Usage information** to calculate the usage habits or trends of users accessing the Website or the Services and to inform how we develop and improve the Website and the Services.

6. How is your personal data collected?

We use different methods to collect data from and about you, including through:

- **Direct interactions:** you may provide us with your identity and contact details when you access the Website or the Services. You may provide further data by submitting information to the Website, responding to surveys or providing feedback.
- **Automated technologies or interactions:** when you interact with the Website or the Services, we will automatically collect technical data about the device you are using, your usage data, browsing actions and patterns and (if you enable location sharing) your location data, using cookies or other similar technologies (explained further below).

7. How we use your Personal Data and purposes for processing your data

We take the protection of your personal information very seriously and will only ever use your Personal Data lawfully and in accordance with the requirements of Data Protection Legislation (including the GDPR).

8. Common legal grounds for processing your data:

The most common purposes for which we use your personal data and the legal grounds on which we do so are as follows:

- to enable us to perform our contract we have entered into or are about to enter into with you to provide you with the Services and information offered through the Website, subject to our T&Cs, and to improve the Services;
- where it is necessary for our legitimate interests (or those of a third-party) as a commercial organisation for the purposes of managing and planning our business, and your interests and fundamental rights do not override those interests, in which case we may (keeping our information secure at all times and in a way that is proportionate and respects your privacy rights) use your personal information which we collect in the course of running and/or improving our business and developing new products and services, including to:
 - audit the access to the Website and usage and other data from the Services;

- improve the layout and/or content of the pages of the Website or the Services and customise or improve them for users;
- identify and verify visitors to the Website and/or users of the Services;
- conduct analysis and carry out research to further and improve the medical/informed consent process in relation to surgeries or procedures;
- analyse usage data to provide to HCPs and Healthcare Administrators in connection with your decision to provide medical/informed consent to a particular surgery or procedure;
- forecast demand of service and to understand other trends in use, including which features users use the most and find the most helpful, and what features users require from us. This does not involve making any decisions about you - it is only about improving the Services we deliver to you and other users. Strict confidentiality and data security provisions will apply at all times;
- troubleshoot bugs within the Website and Services; and
- troubleshoot and help you with any questions/enquiries; or
- where we need to comply with a legal or regulatory obligation.

9. Legal grounds for processing Special Category Data:

Due to the nature of the Services, if you are a Patient accessing the Website or the Services we may collect and process certain types of data about you which are classified by law as being **Special Category Data**. This may include information about your health and other medical data (including data regarding any surgery or procedure you may be considering), which we collect in order to effectively provide the Services to you. In order to lawfully process such data, we will only do so where one of the following conditions applies:

A. Where necessary for the purposes of preventative or occupational medicine, medical diagnosis, the provision and management of healthcare and treatment

As necessary for reasons of public interest in:

- preventative or occupational medicine;
- medical diagnosis;
- the provision and management of healthcare and treatment; or
- the management of healthcare systems,

we may process your Special Category Data in order to facilitate the delivery and improvement of the Services (at all times, where applicable and appropriate, having taken suitable measures to safeguard your fundamental rights and interests through the irreversible anonymisation of your data).

B. You have given your explicit consent to such processing of your personal data

Where no grounds set out in A above apply, and where you have consented to the processing, we will also use your personal data to:

- provide your surgeon, doctor or other health professional with usage information regarding your use of the Website and the Services including viewing statistics regarding your access to and viewing of the animated videos which form part of the Services; or
- to (always having removed personal identifiers, such as your name, address and contact details) improve the Website and the Services so that we can deliver better services to you and other users, and further research into improvement of the process of medical consent. This does not involve making any decisions about you - it is only about improving our services and software so that we can deliver a better experience to you and other users. Strict confidentiality and data security provisions apply at all times.

10. No General Marketing to Patients

For Patient users, to assist the surgeon, doctor or other healthcare professionals involved in your care, we may contact you via email, requesting you to fill out a survey or answer questions about the Services. Please note, we will only contact you with information related to your use of the Website and the Services. We will not, without your express opt-in permission, use it to send you general marketing emails on behalf of third-parties.

11. Purposes for which we will use your Personal Data

When processing your personal data, we will always rely on one or more of the following lawful grounds:

- Ground 1:** It is necessary in order for us to perform a contract we have entered, or are about to enter, into with you (such as our T&Cs, to provide the Services to you).
- Ground 2:** It is necessary for our legitimate interests (or those of a third-party) as a commercial organisation for the purposes of managing and planning our business and your interests and fundamental rights do not override those interests.
- Ground 3:** You have provided your express consent to the processing of your personal data for the relevant specified purpose.
- Ground 4:** It is necessary for the purposes of preventative or occupational medicine, medical diagnosis or the provision and management of healthcare and treatment, or the management of healthcare systems.
- Ground 5:** It is necessary for reasons of public interest to ensure high standards of quality and safety of healthcare and medical devices.
- Ground 6:** It is necessary for the purposes of complying with a legal or regulatory obligation.

12. Information sharing

If you are a Patient, we may share your information with:

- your surgeon, doctor or healthcare professionals responsible for your care and other non-clinical healthcare personnel involved in the administration of your care, for the purposes explained above so they can verify your use of the Website and the Services as part of the process of you deciding whether to provide your medical/informed consent to a surgery or procedure which has been proposed by that, or another appropriate, surgeon, doctor, other healthcare professional;
- if required or authorised by law or a legal process, such as to law enforcement bodies to assist in their functions and courts of law; and
- third-parties in connection with negotiations prior to any merger, sale of our assets, financing or acquisition of part or all of our business to another company (at this stage, we would only share Anonymous Data and not your personal information).

In the event that we undergo re-organisation or are sold to a third-party, you agree that any personal information we hold about you may be transferred to that re-organised entity or third-party.

We may disclose your personal information if required to do so by law or if we believe that such action is necessary to prevent fraud or cyber-crime or to protect the Services or the rights, property or personal safety of any person.

We may disclose aggregate statistics about visitors to the Website and users of the Services in order to describe our services to prospective partners, sponsors and other reputable third-parties and for other lawful purposes, but these statistics will include no personally identifiable information.

13. Security

We place great importance on the security of all personal information associated with our users. We have security measures in place to attempt to protect against the loss, misuse and alteration of personal information under our control. For example, our security and privacy policies are periodically reviewed and enhanced as necessary and only authorised personnel have access to personal information. Whilst we cannot ensure or guarantee that loss, misuse or alteration of information will never occur, we use all reasonable efforts to prevent it.

You should bear in mind that submission of information over the internet is never entirely secure. We cannot guarantee the security of information you submit via the Website whilst it is in transit over the internet and any such submission is at your own risk.

14. Data Storage, Security and Transfers

We are committed to protecting the security of your data by endeavouring to ensure appropriate technologies and processes are maintained to avoid unauthorised access or disclosure. We store all your personal data on secure servers.

Your personal information which we collect is generally transferred to and stored on secure third-party servers located in the UK or European Economic Area (EEA). Such storage is necessary in order to process the information. Where your data is processed or stored outside of the UK or EEA, we ensure a similar degree of protection is afforded to it by ensuring that at least one of the following safeguards is in place:

- we will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission;
- where we use certain service providers, we may use specific contractual terms approved by the European Commission which give personal data the same protection it has in the EEA; and
- where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US.

Any transfers made will be in full compliance with the Data Protection Legislation.

15. Retention

We retain personal data for as long as necessary to provide the Services and fulfil our contract with you, to fulfil the purposes we have collected it for, or for other essential purposes such as complying with our legal obligations, and enforcing or complying with our agreements. Because these needs can vary for different data types in the context of different products, actual retention periods can vary.

We may also retain aggregate information without limit beyond this time for research purposes and to help us develop and improve our services. You cannot be identified from aggregate information retained or used for these purposes.

16. Your rights

The information we provide in this section is a brief summary of your rights under the GDPR and relevant local legislation (such as the Data Protection Act 2018 in the UK) and you should still read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.

- **Right to understand how your data is used:** You have the right to know how we will use your personal information. This is described in this Privacy Policy;

- **Right to withdraw consent:** To the extent that we process data on the basis of your consent, you have the right to withdraw that consent at any time by emailing DPO@mysurgery.me. If you have given additional consent for your data to be shared to a third-party, you have the right to withdraw this consent at any time by email. Withdrawal will not affect the lawfulness of any processing undertaken prior to your withdrawal;
- **Right of access:** Understand and request a copy of information we hold about you (known as a Subject Access Request). You can make such a request by email;
- **Right to rectification of your Personal Information:** Ask us to rectify any information which you believe is inaccurate or erase information we hold about you, subject to limitations relating to our obligation to store medical records for prescribed periods of time;
- **Right to restrict our processing:** Ask us to restrict our processing of your personal data or object to our processing of your data for any specific purpose;
- **Rights in relation to automatic decision making:** If we use any systems which make decisions about you by automated means, we will tell you about the existence of such systems and the outcome of such decisions and you have the right to appeal such decisions to a human decision-maker;
- **Right to data portability:** You may ask for your data to be provided in exercise of this right, and we will provide an extract of your data record in our standard format. However, we will not carry out any reformatting, conversion or migration of that data to other systems; and
- **Right to object to use of data for marketing:** Prevent the use of your personal information for direct marketing purposes.

You may also contact the Information Commissioner's Office (the data protection regulator in the UK): Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, telephone: 0303 123 1113 (local rate).

17. Cookies & other technologies

When you access the Website and the Services, a web server sends a cookie or other similar technology to your computer or mobile device (as the case may be). Cookies are small pieces of information which are issued to your computer or mobile device (as the case may be) when you visit a website which store and sometimes track information. A number of cookies we use last only for the duration of your web session and expire when you close your browser. Other cookies are used to remember you when you return to the Website and will last for longer.

The cookies and/or other similar technologies we use collect information, such as the type of internet browser or mobile device you use, any website from which you have come to the Website, your IP address and/or the operating system of your computer or mobile device.

We use cookies to remember that you have visited us before. This means we can identify the number of unique visitors we receive. This allows us to:

- make sure we have enough capacity for the number of users that we get;
- customise elements of the promotional layout and/or content of the pages of the Website and the Services; and
- collect anonymous statistical information about how you use the Website and the Services (including your usage data and access to the Services and which devices you use to access them) and where you have come to the Website or the Services from, so that we can improve the Website and the Services.

Most web and mobile device browsers automatically accept cookies but, if you prefer, you can change your browser to prevent that or to notify you each time a cookie is set. You can also learn more about cookies by visiting the 'All About Cookies' website (allaboutcookies.org) which includes additional useful information on cookies and how to block cookies using different types of browser or mobile device.

Please note, however, that by blocking or deleting cookies used on the Website or the Services, you may not be able to take full advantage of the Website and the Services.

18. External links

The Website and the Services may, from time to time, contain links to external sites. We have not reviewed the content of and are not responsible for the privacy policies or the content of such sites.

19. Changes to this Privacy Policy and Further Information

We may revise this Privacy Policy from time to time and in doing so we may change what kind of information we collect, how we store it, who we share it with and how we use it. The most current version of the policy will govern our use of your information and will always be available on the Website - please regularly refer to the Website for the latest version of our privacy policy. If we make a change to this policy that we believe, in our sole discretion, is material, we may notify you via email to the email address you have provided to us in connection with your use of the Services. By continuing to access or use the Website or the Services after those changes become effective, you agree to be bound by the revised Privacy Policy.

Please submit any questions, concerns or comments you have about this Privacy Policy or any requests concerning your personal data by emailing DPO@mysurgery.me, or writing to us at: Data Protection Officer, 6 Jonathans, Dene Road, Northwood, HA6 2AD, United Kingdom.