

## TERMS OF USE AND PRIVACY NOTICE

**Davies MedClinic** provides the Covid Passport Application (“Apps”) for reporting COVID19 test results. The Apps allow for reporting of COVID19 test results performed using Quidel’s SARS Antigen test for Covid-19 (“Antigen”) testing platform. The system enables verification of authenticity of the antigen test taken at one of the Davies MedClinic test locations, management of verifiable test results, and general analysis relating to the test results.

Davies MedClinic remains committed to protecting personal information. This Privacy Notice explains how we handle personal information and what we do to keep personal information secure when using the Apps. We understand there is a lot of information included in this Privacy Notice.

We collect and process personal information when setting up and using the Apps, which includes identifiable information not limited to name, address, email, phone number, and other information that you may or not provide and the results of the Covid-19 test taken at one of the Davies MedClinic locations. User information will be made available to individuals authorized by Davies MedClinic or the Business User (entity or organization that will be using the App to review COVID19 test results) for purposes of reviewing User test results and notifying the User and Davies MedClinic or the Business User of the results.

We use personal information to: (1) provide the User, Business User, and Testing User with access to these Apps; and (2) comply with legal obligations, including reporting Positive Covid-19 test results to the relevant Federal, State and local authorities. (3) the information collected once anonymized can be used in aggregate to identify hot spots, risk groups, and other potential health risks related to Covid-19. (4) In addition, Davies MedClinic may periodically reach out to see if additional health related issues are still occurring for Users who test positive for Covid-19.

Where your location grants you certain rights in relation to your personal information, we will respond to such requests. We store personal information on servers in the United States of America.

If you have questions, comments, or complaints about Davies MedClinic’s privacy practices, please contact us by clicking on the “Contact Us” link in one of our websites or emailing us at [info@daviesmedclinic.com](mailto:info@daviesmedclinic.com).

If we update this Privacy Notice with material changes, we will alert you via the Apps.

**Davies MedClinic** provides the **Covid Passport** Applications (“Apps”) (collectively, the “**Services**”). Throughout this Privacy Notice, references to “**Davies MedClinic**,” “**we**,” “**us**,” and “**our**,” mean the group of Davies MedClinic, headquartered in, San Antonio, TX, United States of America.

We recognize the importance of data protection and privacy and are committed to protecting personal information, including health-related information. This Privacy Notice describes how personal information relating to the Antigen Test, including health-related information, is collected and used by Davies MedClinic and authorized Users of the Apps.

Please read this Privacy Notice carefully before registering to use the Covid Passport Apps as it applies to the processing, transfer and storage of personal information, including health-related data in the cloud by Davies MedClinic and certain affiliated companies as described below. It also applies to the processing of personal information by our affiliated companies and by our processors if required to resolve a customer service issue related to these Apps.

By registering and using this App, you accept this Privacy Notice and you:

- affirm that you are of legal age to accept this Privacy Notice; and
- that you are agreeing either on your own behalf or on behalf of another individual for whom you have actual authority to legally accept this Privacy Notice.

**BY ACCEPTING OR AGREEING TO THIS PRIVACY NOTICE, YOU EXPLICITLY ACKNOWLEDGE THAT YOUR USE OF THIS APP IS SUBJECT TO THIS PRIVACY NOTICE AND TO THE PROCESSING AND TRANSFER OF PERSONAL INFORMATION, INCLUDING HEALTH-RELATED INFORMATION, AS DESCRIBED IN THIS PRIVACY NOTICE.**

**YOU ACKNOWLEDGE THAT YOU ARE NOT UNDER ANY LEGAL OBLIGATION TO PROVIDE PERSONAL INFORMATION TO DAVIES MEDCLINIC.**

## **About the Services**

Covid Passport is a cloud-based system that holds information relating to COVID19 test results. The system includes the following components:

- **Covid Passport App** – Manages user registration for testing. The Covid Passport App stores the User's digital Health Pass certificate / card;
- **Covid Passport Administrator App** – Used by an authorized tester to verify User's identity, verify test kit authenticity, record test results, facilitates testing by an authorized tester; allows platform management and analysis of test results.

For a User to register and set-up a Covid Passport account, the User will need to enter personal information into the Apps.

Please keep "Notifications" "ON" to receive status updates and reminders. You must keep your mobile device connected to Wi-Fi or to cellular/mobile data.

Please Note: If a Business User or Testing Facility uses the Covid Passport System to process data regarding tests, such collection, use, and sharing of personal data will be subject to the provisions of any privacy notice, policy, or terms of use of the Business User or Testing Facility.

## **Collection and Processing of Your Personal Information**

The following categories of personal information are processed for Covid Passport:

- Full name
- Date of birth
- Email address
- Phone number
- Driver License Image
- Symptoms
- Medical History
- Other
- Results from the Antigen testing
- Information about the App performance, including crash reports.

The Services will contain additional personal information, including health-related data relating to the User's Antigen testing. That personal information may include the User's name, email, phone number and the functioning of the Covid Passport System, dates of testing and related transmissions, and information about the User's testing, the identity of a tester, or other User identifier. Davies MedClinic may need to access this personal information to support and maintain the Apps and Services and to provide the Business User or Testing Facility with the Services.

## **Davies MedClinic's Use of Your Personal Information**

Davies MedClinic processes personal information, including testing information, for the following purposes:

- to provide Users, Business Users, and Tester with the Apps;
- to keep a record of a User's contact with Davies MedClinic when the User contacts Davies MedClinic directly;
- to provide Davies MedClinic, the Business User and Tester with the Services, including technical support;
- where required by applicable laws governing the use of the Covid Passport system, including for the purposes of applicable regulatory requirements, quality management, including product development and improvement, safety, performance, and vigilance;
- the information collected once anonymized can be used in aggregate to identify hot spots, risk groups, and other potential health risks related to Covid-19;
- Davies MedClinic may periodically reach out to see if additional health related issues are still occurring for Users who test positive for Covid-19;
- where necessary to establish, exercise or defend legal claims;
- as otherwise required by applicable law.

## **Data Storage**

We receive data input into the Apps before it is then stored in cloud servers, which are located in the United States of America. We have implemented appropriate security measures and controls to protect personal information.

## **Other Legal Requirements**

Davies MedClinic may use personal information where legally required and where legally required, we will de-identify, pseudonymise, aggregate and/or anonymize information to comply with our legal obligations as the manufacturer of the Covid Passport App. In such case, this information will be securely held by Davies MedClinic and will not be used to identify you individually by your name or email address outside of Davies MedClinic's use of the Covid Passport App, except where we are under a legal obligation to include this information. Where such use of personal information is subject to legal requirements, we do not require consent.

The legal requirements for which Davies MedClinic will use this information are:

- to monitor and improve the quality, security and effectiveness of the Covid Passport systems;
- to validate upgrades, and to keep the Covid Passport System and/or related mobile applications safe and secure;
- to perform broader analysis to detect systemic issues for public interest in the area of public health;
- to develop and test the Covid Passport System, including new and existing features and functionality and to test and improve the Covid Passport System and/or related applications for product development; and
- where otherwise required by law, including to respond to any competent regulatory, law enforcement body, governmental authorities, to address national security or epidemics, judicial proceeding, court order, government request or legal process served on us, or to protect the safety, rights, or property of our customers, the public, Davies MedClinic or others, and to exercise, establish or defend Davies MedClinic's legal rights or where we believe it is necessary to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of this Privacy Notice, or as evidence in litigation in which we are involved.

We use the terms 'de-identify' and 'pseudonymise' interchangeably.

## **Retention of Personal Information**

Personal information collected via the Services will be retained for purposes of the Business User's COVID19 testing program as well as necessary to comply with applicable laws and regulations. Additional use of personal information by Davies MedClinic beyond the Business User's review of COVID19 testing will be disclosed prior to Davies MedClinic's further use of the personal information.

## **Disclosure of Personal Information by Us**

We may share your personal information as follows:

- We share personal information with third-party suppliers solely to provide, maintain, host, and support the Services. Where we provide personal information to third-party suppliers to assist us with the provision of the Services, they are required to keep your personal information confidential and secure and to use personal information to the minimum extent necessary.
- Where possible, Davies MedClinic uses third party service providers to report system errors so that we can support and improve the Services and in such instances the information sent to such third parties will not involve the use of personal information.
- Covid Passport may collect location information using smartphone location services functionality when a smartphone camera is used to verify that a test has been performed. Smartphone location services often include features that collect a User's precise location data, including GPS signals, device sensors, Wi-Fi access points, and cell tower IDs. This information may be collected by an application's location services if a User grants access to his or her location. For more information on privacy practices regarding this data, please see the applicable support website for your smartphone device. We will not use your personal information derived from the application's location services.
- We will not sell or license your personal information to third parties except in connection with the sale, merger, or transfer of a product line or division, so that the buyer can continue to provide you with the Services. For the avoidance of doubt, we will never sell personal information to third parties for commercial purposes.
- We reserve the right to disclose your personal information to respond to authorised information requests from government authorities, to address national security situations, or when otherwise required by law. Furthermore, where permitted or required by law, we may also disclose the information we collect from you where we believe it is necessary to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of this Privacy Notice, or as evidence in litigation in which we are involved.

## **Security of Personal Information**

Davies MedClinic has implemented appropriate security controls within the Services to protect personal information from accidental or unlawful destruction or accidental loss, alteration, disclosure, or access.

Information collected via the Services is encrypted before transmission to ensure that it will remain secure and confidential. The Services include various security measures to enhance the security of your profile and to prevent unauthorised access to, or disclosure of, personal information. Only those authorized by Davies MedClinic or the Business User will have access to a User's profile and only through unique IDs and passwords.

Please be aware that the Services may be unavailable during periods of routine maintenance.

## **How Davies MedClinic Protects Children's Privacy**

Children may be tested through the Business User's COVID 19 testing. At any time, a parent/guardian may stop the collection of a child's personal information, including health-related information, by contacting Davies MedClinic or the Business User and requesting that the account be deleted. This action will delete the account associated with the child, but Davies MedClinic will retain aggregated and de-identified information and may need to retain certain personal information as required by law.

## **How Individual Users Can Access and Correct Personal Information and Your Rights**

Depending on your place of residence, you may have the right to: (a) access the personal information we hold about you; (b) request we correct any inaccurate personal information we hold about you; (c) delete any personal information we hold about you; (d) restrict the processing of personal information we hold about you; (e) object to the processing of personal information we hold about you; and/or (f) receive any personal information you have provided to us on the basis of your consent in a structured and commonly used machine-readable format or have such personal information transmitted to another company. Please note that Davies MedClinic is not required by law to adopt or maintain systems that are technically compatible with other companies. It may not be possible for Davies MedClinic to directly transmit personal information to another company.

To request the exercise of these rights, you may contact us using any of the methods set out in the section entitled **Contact Us**.

## **Contact Us**

If you have questions, concerns or complaints about your personal information in the Covid Passport System or wish to exercise your data protection rights, please contact us by clicking on the "Contact Us" link in one of our websites or emailing us at [info@daviesmedclinic.com](mailto:info@daviesmedclinic.com). Alternatively, you may write to us at:

Attn: Davies MedClinic, 9503 Middlex Dr, San Antonio, TX 78217

In all communications to us, please include the email address used to register for the App and a detailed explanation of your request.

## **Changes to this Privacy Notice**

This Privacy Notice is kept under regular review. If we make material changes to our privacy practices, an updated version of this Privacy Notice will reflect those changes. You will be alerted to updates to this Privacy Notice via the App.

Without prejudice to your rights under applicable law, we reserve the right to update and amend this Privacy Notice without prior notice to reflect technological advancements, legal and regulatory changes and good business practices to the extent that it does not change the privacy practices as set out in this Privacy Notice.

## **U.S. SPECIFIC PROVISIONS**

### **California**

California Civil Code Section 1798.83 permits residents of the State of California to request from certain businesses with whom the California resident has an established business relationship a list of all third parties to which the business, during the immediately preceding calendar year, has disclosed certain personally identifiable information for direct marketing purposes. Davies MedClinic is required to respond to a customer request only once during any calendar year. To make such a request you should send a letter to Davies MedClinic, California Privacy Rights, 9503 Middlex Dr, San Antonio, TX 78217. In your request, please attest to the fact that you are a California resident and provide a current California address for our response. Please be aware that not all information sharing is covered by the California Privacy Rights requirements and only information sharing that is covered will be included in our response.