

Last update: 19th of May 2021

Privacy Policy

florio® ITP App

We appreciate your interest in florio ITP. This product allows you to record and display data related to your immune thrombocytopenia disease (ITP), your treatment and your well-being.

HEALTH DATA CONTAIN MOST SENSITIVE INFORMATION, AND THE PROTECTION OF YOUR DATA HAS HIGHEST PRIORITY FOR US. This Privacy Policy ("**App Privacy Policy**") explains which personal data are processed when you download, sign-up to use and use the App, and how we use these data. The App Privacy Policy also contains a description of your rights as a user. Please read this App Privacy Policy carefully.

1. **WHO IS RESPONSIBLE FOR PROCESSING MY DATA?**

Florio GmbH ("**Florio GmbH**", "**we**" and "**us**"), as controller within the meaning of the General Data Protection Regulation ("**GDPR**"), is responsible for the lawfulness of the processing of your data. You can contact us at any time using the contact details below:

Florio GmbH
Wilhelm-Wagenfeld-Strasse 22
80807 München
Germany
Phone: +49 89 321 977 090
Email: info@florio.com

You can contact the data protection officer at any time using the contact details below:

Data Protection Officer
Florio GmbH
Wilhelm-Wagenfeld-Strasse 22
80807 München
Germany
Email: privacy@florio.com

2. **WHICH PERSONAL DATA WILL BE PROCESSED?**

Personal data such as your name, address, or telephone number are not required for the use of the App, except as indicated in this App Privacy Policy. We process personal data only if you make these data available to us on a voluntary basis.

We process your personal data listed below, including sensitive health data, to the extent you make them available to us via the App:

- Data that you provide directly when you register for, or use, the App. This data will vary, but typically consists of identifiers like your name, email address, and other similar contact data. We also receive data from the communications you send to us, such as customer service inquiries, product reviews, and other feedback regarding the App.
- information about demographics (e.g., your age, country, language preference)

- information about your treatment plan (e.g. product name, dose and frequency)
- information about your medications taken (e.g., date/time taken, dose, product name);
- information about your thrombocyte (platelet) count;
- information about your symptoms such as bleeds, petechiae or bruise (e.g., location on the body, time/date, cause);
- information about other symptoms such as fatigue (date, severity) and your well-being;
- Information on activity automatically collected and stored within the last six months through your smartphone's functionalities or any other device, such as a wearable (e.g. a smartwatch), that you use, based on platforms such as Apple HealthKit or Google Fit, depending on the individually selected settings of your smartphone or device which may include your activity levels (steps taken, heart rate, calories burned, walks and runs, heart points, motion minutes, standing hours, stair-steps, basic energy consumption, energy consumption during exertion, duration of a workout, resting heart rate), nutrition information, or sleep pattern data.

With your expressed consent, we also collect data about your device and your use of the App. We use technologies to maintain and improve security, to deliver updates and to better understand how users use our App.

3. FOR WHICH PURPOSES AND ON WHICH LEGAL BASIS WILL MY DATA BE PROCESSED?

We process your data for the following purposes and on the following legal bases:

- to provide the App to the extent necessary for the performance of the contract which we have concluded with you based on the terms of use for the App according to Art. 6 (1) lit. b GDPR;
- to provide customer support, respond to your questions or requests for information and communicate with you to the extent this is necessary for the purposes of our legitimate interest in ensuring efficient and user-friendly communication with the users according to Art. 6 (1) lit. f GDPR;
- to improve the App's security to the extent this is necessary for the purposes of our legitimate interest in protecting the App and the information processed in the App against risks, including the loss of data or unauthorised access to data according to Art. 6 (1) lit. f GDPR.

We also process your data, including sensitive health data, for the following purposes and on the following legal bases:

- to provide the individual functions of the on the basis of your explicit consent given to us according to Art. 6 (1) lit. a and Art. 9 (2) lit. a GDPR; this includes providing you with printable summary reports you can generate within the App that display data and trends based on the data you record in the App;
- to improve the App on the basis of your separate optional consent given to us according to Art. 6 (1) lit. a and Art. 9 (2) lit. a GDPR;

- to comply with local laws, for example on the reporting of any incidents, to the extent this is necessary for compliance with a legal obligation to which we are subject to or on the basis that such processing is necessary for reasons of substantial public interest according to Art. 6 (1) lit. c, f and Art. 9 (2) lit. g GDPR;
- to provide documentation for evidence purposes to the extent this is necessary for the establishment, exercise or defence of legal claims, including in connection with court proceedings according to Art. 6 (1) lit. f and Art. 9 (2) lit. f GDPR;
- to understand how you access and navigate the App, on the basis of your separate optional consent given to us according to Art. 6 (1) lit. a GDPR. For this purpose, we use technologies on your device to customise and improve the App through certain content and functionalities and offer you a more personalised user experience. Read more about this at <https://florio-itp.com/legal under Service Providers>.

We can only make the App available to you if you consent to the processing of your health data for the purposes outlined here except for the purposes that are indicated as optional. If you do not want your health data to be processed for the outlined purposes, please do not sign-up for or use the App. You can withdraw your consent at any time without the lawfulness of processing your data prior to the withdrawal being affected. However, in this case, you can no longer use the App, because the respective data processing is mandatory in order to provide the App.

We will furthermore anonymise your data, which means that you can no longer be identified based on these data. These anonymised data may then be processed for science and research purposes. We may also share the anonymised data with third parties for science and research purposes if approved by an external Data Governance Board. We have set up such an independent Data Governance Board, consisting of external medical professionals and representatives of patient organizations, to govern the use of anonymised data being shared with third parties for science and research.

We will not use your personal data for marketing purposes.

4. WITH WHOM WILL MY DATA BE SHARED?

Your data will not be shared with any third parties without your prior consent, unless this is expressly stipulated in this App Privacy Policy or we are legally obliged to do so. We may share your data as follows:

- **Your physician:** the App allows you to share summary reports displaying data and trends based on the data you record in the App with your physician in order to assess your individual health situation. If you decide to do so, summary reports will be shared with your physician through the App.
- **Service providers:** we cooperate with third parties that perform services and process data, some of which is personal data (including health data), according to our instructions in relation to the App, for the purposes of processing information or operating the App, as well as providing content and programs. Such third parties are restricted from processing the data for any purpose other than to provide these services. Read more about this at <https://florio-itp.com/legal>
- **Authorities:** to the extent required by law or necessary for the use in legal proceedings, we may also share your personal data, with local or foreign government authorities, supervisory authorities, law enforcement authorities, courts and tribunals, namely

- health data
 - for the establishment, exercise or defence of legal claims and
 - for reasons of public interest in the area of public health;
- other personal data
 - for compliance with legal requirements and
 - on the basis of our legitimate interest.
- For example, we may be required by vigilance regulations to report any incidents to supervisory authorities. Where we share your data with service providers acting as controllers for these purposes, we do so on the basis of your corresponding consent given to us when signing up for the App.
- Potential asset purchasers: if we sell or transfer assets or if we intend such sale or transfer, a merger or a transfer or company restructuring, in particular for the purpose of due diligence processes, we may transfer your personal data, (except health data), to one or more third parties as part of such transaction or restructuring, on the basis of our legitimate interest for continuing business or making business transactions or on the basis of your consent, where required.
- Other categories of recipients: we may also share your
 - health data with third parties where this is necessary for the establishment, exercise or defence of legal claims or for the protection of vital interests of a third party
 - other personal data with third parties where this is necessary for the purposes of our own, or a third party's, legitimate interests relating to law enforcement, litigation, criminal investigation, protecting the safety of persons, or to prevent death or imminent bodily harm, unless we deem that these interests are overridden by your interests or fundamental rights and freedoms which require the protection of your personal data.

5. **WILL MY DATA BE STORED AND PROCESSED OUTSIDE THE EU/EEA?**

The App is hosted on servers in Germany, which means that your data are stored in Germany.

If you use the support functionality of the App, the personal data shared with us may be transferred to the third-party provider ZenDesk, which may process data outside the EEA to provide the requested support services. Any such transfer of personal data outside the EEA is based on binding company-wide guidelines (BCR) issued by ZenDesk, which are based on GDPR requirements. They can be found here: <https://www.zendesk.co.uk/company/privacy-and-data-protection/>. Binding company-wide policies are privacy policies that are followed by EU-based companies within a group of companies for the transfer of personal data outside the EU.

6. **HOW IS MY DATA PROTECTED?**

We take reasonable steps to protect your data from loss, misuse, unauthorised access, disclosure, alteration or destruction by taking security precautions that provide for industry-standard protection. However, data transmission over the Internet cannot be guaranteed to be completely secure. The

App is regularly tested by external security experts, who probe our systems for vulnerabilities, and confirm that defences against malicious attack or accidental data loss are as strong as possible.

7. **FOR HOW LONG WILL MY DATA BE STORED?**

We will store your data only for the period necessary to fulfil the purposes outlined in this App Privacy Policy. After that, we will delete your data in line with our general data procedures, unless statutory retention obligations (in particular due to commercial and tax law provisions) preclude this or a prolonged storage is necessary in the specific individual case for the purposes of our legitimate interests (the necessity of processing data for the establishment, exercise or defence of legal claims).

8. **WHICH RIGHTS DO I HAVE, AND HOW CAN I EXERCISE THEM?**

Subject to the statutory provisions, including the corresponding local laws, you have a number of rights in connection with our processing of your personal data, which we will outline in more detail below. To exercise these rights, including the withdrawal of your consent, or if you have any questions, requests or complaints about the processing of your data in relation to the App, please contact info@florio.com.

- **Access**: you have the right to request access to your personal data processed by us and a copy of this data (right of access).
- **Rectification**: you have the right to have any incorrect data rectified and, taking into account the purposes of the processing, to have incomplete personal data completed (right to rectification).
- **Erasure**: you have the right, if there are justified grounds, to request the erasure of your data (right to erasure).
- **Restriction of processing**: you have the right to request the restriction of processing of your data, provided that the statutory prerequisites apply (right to restriction of processing).
- **Data portability**: you have the right to receive the data provided by you in a structured, commonly used and machine-readable format and to transmit those data to another controller or, to the extent that this is technically feasible, have them transmitted by us (right to data portability).
- **Right to object**: you have the right, on grounds relating to your particular situation, to object to any processing of your data for the purposes of legitimate interests pursued by us or a third party (right to object). If data is processed by us for direct marketing purposes, you have the right to object at any time to such processing without any particular reasons being required. We do not conduct direct marketing.
- **Automated individual decision-making**: you have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you, provided the statutory prerequisites do not apply. We do not conduct an automated decision-making.
- **Withdrawal of consent**: you have the right to withdraw your consent at any time without giving reasons and with effect from the date of withdrawal. The withdrawal of your consent will not affect the lawfulness of processing your data based on consent before this consent

was withdrawn. Withdrawal of your consent will mean that, from the time you withdraw, it may be impossible to operate the App.

- Complaint: notwithstanding any other remedies, you are also entitled anytime to file a complaint with a supervisory authority, for example in your country of origin.

9. **WHAT DO I NEED TO KNOW ABOUT LINKS TO OTHER WEBSITES?**

The App may contain links to external websites that we believe may provide useful information to the users of the App. This App Privacy Policy and the obligations under it do not apply to such external websites (unless these websites are owned by us and directly link to this App Privacy Policy). We suggest contacting such external websites directly for information on their privacy and security policies. We cannot be held liable for the content provided on such websites.

10. **HOW CAN THIS APP PRIVACY POLICY BE CHANGED?**

We reserve the right to make changes to the App Privacy Policy in the future. In case of material changes (e.g., in particular, any changes that materially affect your rights), we will notify you, such as on our website and/or publish a temporary notice on the App. The App Privacy Policy in the respective applicable version can be accessed and viewed on our App at any time.

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