

Privacy Policy

Last Updated: Mar 1, 2020

Ellis Day Skin Science understands that your personal information, including your health information, is important to you. Therefore, we have developed this privacy and security policy (this “Privacy Policy”) to describe how your personal information may be collected, used and disclosed by Ellis Day Skin Science, Inc. and its affiliates (collectively, “Ellis Day Skin Science,” “we”, “us”, or “our”). This Privacy Policy applies to websites and/or mobile applications (collectively, the “Website” or “Websites”), and/or other digital services (including our social media pages) or email messages (collectively, the “Products”), that are offered or operated by Ellis Day Skin Science and in which this Privacy Policy is posted or linked.

By using our Websites, purchasing and/or using our Products, and/or providing your personal information to Ellis Day Skin Science, you acknowledge this Privacy Policy, whether or not you register for an account with Ellis Day Skin Science through the Website (an “Account,” and collectively with the Websites and the Products, the “Services”).

PLEASE REVIEW THIS PRIVACY POLICY CAREFULLY. IF YOU DO NOT AGREE WITH ANY PROVISION IN THIS PRIVACY POLICY, PLEASE DO NOT USE THE WEBSITE, PURCHASE OR USE THE PRODUCTS, PROVIDE YOUR PERSONAL INFORMATION TO ELLIS DAY SKIN SCIENCE, OR REGISTER FOR AN ACCOUNT.



This Privacy Policy does not apply to websites or applications that do not link or display this Privacy Policy or that display or link to different privacy policies. In addition to this Privacy Policy, Ellis Day Skin Science has established Terms of Service that set forth the general rules and policies governing your use of the Website. Please review the Terms of Service carefully since they contain provisions that limit Ellis Day Skin Science’s liability to your use of the Website and Products.

A copy of the Terms of Service can be found [here](#).

The Personal Information We Collect Through the Services

In connection with the Services, Ellis Day Skin Science will collect, use and disclose Personal Information as described below.

“Personal Information,” as used in this Privacy Policy, means information associated with or used to identify or contact a specific person. Personal Information we collect may include, but is not limited to, contact information, including, name, email address, mailing address, phone number, age, and gender.

Personal Information also includes certain “Sensitive Personal Information” as may be defined under federal or state law, or as otherwise set forth in Ellis Day Skin Science policies. Sensitive Personal Information may be subject to stricter regulation and consent requirements than other information. Before providing Sensitive Personal Information to us in any manner, including through our Services, you should carefully

consider whether to disclose such Sensitive Personal Information. Sensitive Personal Information that we may collect includes, but is not limited to, location data, health information (including medical records), health background, health status, prescribed and over-the-counter medications, medical ID numbers, driver's license numbers, laboratory testing results, and full-face and similarly identifiable photos.

If you submit any Personal Information to us relating to other people to us in connection with the Services, you represent that you have the authority to do so and that you permit us to use the information in accordance with this Privacy Policy.

Our Use of Personal Information

Any Personal Information you provide to us when you visit or use the Services is voluntary. However, in order to utilize certain Services, you may need to provide Personal Information and/or Sensitive Personal Information.

Subject to the restrictions on the use and disclosure of your Personal Information under applicable law, Ellis Day Skin Science and our service providers may use your Personal Information and your Sensitive Personal Information to:

- Provide teledermatology and related services.
- Provide, operate, analyze usage of and improve the Services.
- Verify your identity as the holder of an Account.
- Administer your Account or process payments and provide you with related customer service.
- Communicate with you about the Services, and to deliver any administrative notices or alerts and communications relevant to your use of the Services.

- Tailor the features, performance and support of the Services to you and your preferences.
- Troubleshoot problems with the Website and provide you with customer support.
- Market our services and those of third parties that we believe may be of interest to you.
- Allow you to participate in sweepstakes, contests, or other promotions. Some of these promotions may have additional rules explaining how we will use and disclose your Personal information.

Disclosure of Personal Information to Third Parties

Your Personal Information and Sensitive Personal Information may be disclosed:

- To our third-party vendors acting on our behalf and to entities with whom we may be collaborating to deliver the Services.
- To third parties to permit them to send you marketing communications.
- By you, on message boards, chat, profile pages and blogs and other services to which you are able to post information and materials. Please note that any information you post or disclose through these services will become public information.

The Services may contain links to third-party sites and services whose information, privacy and security practices may be different than ours. Before using these third-party sites or providing them with your Personal Information, you should carefully review and evaluate the privacy notices for such sites, as Ellis Day Skin Science has no control over information that is submitted to, or collected by, these third parties.

In certain cases, you may be directed to a third-party site to provide information to complete a transaction in connection with the Website. In such cases, any information



you provide to such third-party sites directly to such third party will be subject to the applicable third party's privacy policy and terms of service. For example, Stripe, Inc. ("Stripe") provides third-party payment processing services for Ellis Day Skin Science. All payments made to Ellis Day Skin Science will be processed by Stripe. The privacy policies of Stripe may differ from those of Ellis Day Skin Science. Any information you submit to Stripe will be governed by its privacy statements. Accordingly, Ellis Day Skin Science encourages you to carefully read Stripe's privacy statements.

ELLIS DAY SKIN SCIENCE DOES NOT CONTROL AND IS NOT RESPONSIBLE FOR, HOW THIRD PARTIES HANDLE YOUR PERSONAL INFORMATION. PLEASE EXERCISE CAUTION AND CONSULT THE PRIVACY POLICIES POSTED ON EACH THIRD-PARTY WEBSITE FOR FURTHER INFORMATION. ELLIS DAY SKIN SCIENCE AND ITS OFFICERS, DIRECTORS, EMPLOYEES, CONSULTANTS, REPRESENTATIVES, AND AGENTS EXPRESSLY DISCLAIM ANY AND ALL LIABILITY RELATING TO THE ACCURACY, QUALITY, AVAILABILITY, RELIABILITY, OR SECURITY OF ANY THIRD-PARTY WEBSITES. Ellis Day Skin Science AND ITS OFFICERS, DIRECTORS, EMPLOYEES, CONSULTANTS, REPRESENTATIVES, AND AGENTS SHALL NOT BE LIABLE FOR ANY UNAUTHORIZED USE OR DISCLOSURE OF YOUR PERSONAL INFORMATION BY ANY SUCH THIRD PARTY IF SUCH PERSONAL INFORMATION IS PROVIDED TO SUCH THIRD PARTY IN COMPLIANCE WITH THIS PRIVACY POLICY.

Other Uses and Disclosures

We may also use and disclose your Personal Information as we believe to be necessary or appropriate:

- To comply with law enforcement requests, for example, to respond to subpoenas, court orders or legal processes.
- In connection with any merger, financing, acquisition, bankruptcy, dissolution, transaction or proceeding involving sale, transfer, divestiture or disclosure of all or a portion of our business or assets to another person or entity.
- To protect the safety of Ellis Day Skin Science, its customers, or any other person in an emergency.
- To fulfill any other obligation of Ellis Day Skin Science as required by law. In the event that we are legally compelled to disclose your Personal Information to a third party.
- To investigate, deter, prevent, defend against or take other action regarding violations of Ellis Day Skin Science's Terms of Service, illegal activities, suspected fraud or situations involving potential threats to the legal rights or physical safety of any person or the security of Ellis Day Skin Science's network or the Services.

Collection and Use of Other Information

Ellis Day Skin Science may automatically collect information about your use of the Services through your browser or device, IP address or through data collection tools, such as web beacons and cookies ("Usage Data"). This may include information about the date and time of your website session, geographic location, and how you have navigated the website, browser and device information and other information collected through our weblogs, cookies, or in other ways. We use Usage Data to manage and secure our websites, network systems, and other assets and to help us understand and improve our Websites and Products design, functionality, and



usability. We also use Usage Data to monitor usage patterns, store information about user preferences and to improve the Services.

We may use and disclose Usage Data for any purpose, except where prohibited by applicable law. If we are required to treat Usage Data as Personal Information under applicable law, then we may use and disclose it for the purposes for which we use and disclose Personal Information as detailed in this Privacy Policy.

In some instances, we may combine Usage Data with Personal Information. If we do, we will treat the combined information as Personal Information as long as it is combined.

Through your browser or device: Certain information is collected by most browsers or automatically through your device, such as your Media Access Control (MAC) address, computer type (Windows or Mac), screen resolution, operating system name and version, device manufacturer and model, language, and Internet browser type and version. We use this information to ensure that the Website functions properly.

IP Address: Your IP Address is a number that is automatically assigned to your computer by your Internet Service Provider. An IP Address may be identified and logged automatically in our server log files whenever a user accesses the Services, along with the time of the visit and the pages visited. We use IP Addresses for purposes

such as calculating usage levels, diagnosing server problems, and administering the Services. We may also derive your approximate location from your IP Address.

Web Beacons: A “web beacon” is a piece of code that enables us to monitor user activity and website traffic and, consistent with common industry practice, we may use web beacons in commercial emails we send to help us understand if emails are opened.

Cookies: A “cookie” is a randomly-generated unique numeric code stored in the user’s web browser settings or computer’s hard drive. A cookie typically contains the name of the domain (internet location) from which the cookie originated, when it expires, as well as a randomly generated unique numeric code.

Anonymized or Aggregated Information: Ellis Day Skin Science may aggregate information or create anonymized information from your Personal Information, which does not identify you (for purposes of this privacy policy, we refer to this aggregated or anonymized data as (“Anonymous Information”). Ellis Day Skin Science reserves the right to use or disclose Anonymous Information without restriction, subject to applicable law.

Our Advertising: We use third-party advertising companies to serve advertising that may be of interest to you when you access and use the Services and other online services, based on information relating to your access to and use of the Services and other online services, on any of your devices, as well as information received from

third parties. To do so, these companies may place or recognize a unique cookie on your browser (including through the use of pixel tags). They may also use these technologies, along with information they collect about your online use, to recognize you across the devices you use, such as a mobile phone and a laptop. If you would like more information about this practice, and to learn how to opt out of it in desktop and mobile browsers on the particular device on which you are accessing this Privacy Policy, please visit <http://www.aboutads.info/consumers>.

Protection of Personal Information

Ellis Day Skin Science seeks to employ reasonable physical, electronic, and administrative security measures, designed to safeguard your Personal Information within our organization.

However, please be aware that no method of data transmission over the Internet or method of electronic storage can be guaranteed to be perfectly secure. As a result, while Ellis Day Skin Science takes the measures stated above to protect your Personal Information, it cannot ensure or guarantee the security of any information you transmit to Ellis Day Skin Science or through the Website. ACCORDINGLY, ELLIS DAY SKIN SCIENCE DOES NOT COVENANT, REPRESENT, OR WARRANT THAT THE TRANSMISSION OR STORAGE OF YOUR PERSONAL INFORMATION ONLINE WILL BE SECURE, AND YOU PROVIDE ELLIS DAY SKIN SCIENCE WITH PERSONAL INFORMATION AND/OR SENSITIVE PERSONAL INFORMATION, AT YOUR OWN RISK.



Your cooperation is imperative in safeguarding your Personal Information. Choose your Account password carefully, as anyone with access to your Account password will be able to assume your online identity and view your medical information, change your Personal Information, and communicate with your Ellis Day Skin Science health care providers. It is your responsibility to prevent disclosure of your password to others, and to change your password if you feel that its security has been compromised. You may change your password from your Account profile page after logging into your Account.

Additionally, you will periodically receive correspondence from Ellis Day Skin Science at the email address you register with your Account. While these emails will never contain your photos or payment information, they will sometimes include information relating to the details of your treatment (as applicable). Accordingly, it is critical that you safeguard your designated email address and restrict access thereto. The registration of an email address with your Account indicates your consent for Ellis Day Skin Science to transmit your Personal Information, including your Sensitive Personal Information, to such address.

Opting Out Of Future Communications

You can stop receiving marketing emails from Ellis Day Skin Science by clicking the unsubscribe link included at the bottom of a Ellis Day Skin Science marketing email.



To opt out of all emails from Ellis Day Skin Science, you may email support@ellisdayskincare.com.

Accessing, Correcting, Updating, and Deleting Your Personal Information

You may access and update certain information in your Account, or deactivate your Account from your Account profile page after logging into your Account.

You may also, inspect and copy your Personal Information that you have provided to us or amend your Personal Information if you believe your file is incomplete, incorrect or obsolete.

Ellis Day Skin Science will make reasonable efforts to respond promptly to all such requests. Ellis Day Skin Science may impose a fee for the costs associated with your request, including the costs of labor, materials and/or shipping. In certain circumstances, Ellis Day Skin Science may deny your request, for example if we have legal obligations to maintain original copies of certain data and you request it to be modified. If we do, we will inform you of why we have refused a request.

You may at any time make a request for Ellis Day Skin Science to delete your Personal Information. Ellis Day Skin Science will comply with all such requests as soon as reasonably practicable, but only to the extent such requests are not in conflict with

any requirements to retain such information pursuant to applicable law, contract or otherwise. When we delete your Personal Information, it will be deleted from the active database, but may remain in our archives.

Persons under the Age of 18

Ellis Day Skin Science does not knowingly collect Personal Information from anyone between the ages of thirteen (13) and eighteen (18) without authorization from the parent or legal guardian of such individual. A parent or guardian of a person under the age of eighteen (18) may review and request deletion of such individual's Personal Information as well as prohibit our use thereof. If you are a parent or guardian of an individual under the age of eighteen (18) and believe your child has disclosed Personal Information to Ellis Day Skin Science without your consent or authorization, please contact us at support@ellisdayskincare.com.

Updates to This Privacy Policy

The "LAST UPDATED" legend at the top of this Privacy Policy indicates when this Privacy Policy was last revised. Any changes will become effective when we post the revised Privacy Policy on the Services. Your use of the Services following these changes means that you accept the revised Privacy Policy.

Social Media Plugins



When you use our Websites, Products, or Accounts online, Social Media operators can place a cookie on your computer to recognize individuals who have previously visited the Websites. If you are logged into a Social Media account while using the Websites, Products, or Accounts online, the social plugins may allow that Social Media to receive information that you have accessed and used the Websites, Products or Accounts. The social plugins may also allow the Social Media operator to share information about your activities in or through the Websites with other Social Media users. For example, Facebook Social Plugins allows Facebook to show your Likes and comments on our pages to your Facebook friends. Facebook Social Plugins also allows you to see your friends' Facebook activity through the Services. Ellis Day Skin Science does not control Social Media plugins or the content they create, collect, share, or process. For more information about Social Media plugins, please refer to the privacy statements and other legal notices of the Social Media platform.

Your California Privacy Rights

If you are a California resident under age 18 and are a registered user of any of the Services, then you may request that we remove any information you publicly posted on or in the Services. To request removal, please send a request with a detailed description of the specific post to the support contact information below. (You also may be able to log in to your account and delete your own information as set forth above). Ellis Day Skin Science reserves the right to request that you provide



information that will enable us to confirm that the post that you want removed was created and posted by you.

Ellis Day Skin Science will make a good faith effort to delete or remove your post from public view as soon as reasonably practicable. Please note, however, that your request that we delete your post does not ensure complete or comprehensive removal of your post. Your post may remain on backup media, cached or otherwise retained by Ellis Day Skin Science for administrative or legal purposes or your post may remain publicly available if you or someone else has forwarded or re-posted your post on another website or service prior to its deletion. Ellis Day Skin Science may also be required by law to not remove (or allow removal) of your post.

California Civil Code Section 1798.83 permits individual California residents to request certain information regarding Ellis Day Skin Science's disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please write or send an email to:

Privacy Office

Ellis Day Skin Science, Inc

329 Oyster Point Blvd., 3rd Floor



South San Francisco, CA 94080

privacy@ellisdayskincare.com

Be sure to include your name, address, and email address if you want to receive a response by email. Otherwise, we will respond by postal mail within the time required by applicable law.

Jurisdictional Issues

The Services are controlled and operated by us from the United States and are not intended to subject us to the laws or jurisdiction of any state, country or territory other than that of the United States.

Contact Us

If you have questions or concerns about this Privacy Policy, please contact us at privacy@ellisdayskincare.com. For any other questions, please send an email to hello@ellisdayskincare.com.

California Consumer Privacy Act Addendum

Pursuant to the California Consumer Privacy Act of 2018 (“CCPA”), Ellis Day Skin Science, Inc. (“**Ellis Day Skin Science**,” “**we**” or “**our**”) is providing the following details



regarding the categories of Personal Information that we collect, use, and disclose about California residents. This CCPA Addendum does not apply to our job applicants, employees, contractors, owners, medical staff members, directors, or officers where the Personal Information we collect about those individuals relates to their current, former, or potential role at Ellis Day Skin Science.

Under the CCPA, **“Personal Information”** is information that identifies, relates to, or could reasonably be linked with a particular California resident or household. The CCPA, however, does not apply to certain information, such as information subject to certain other privacy laws, such as the California Confidentiality of Medical Information Act (**“CMIA”**). As a result, this Addendum does not apply with respect to medical information that we collect about California residents that is subject to CMIA, which may include information provided when they request or obtain medical products or services via Ellis Day Skin Science.

Sources of Personal Information

We collect Personal Information from:

- Our interactions with you, such as through our websites, surveys, emails, social media, sweepstakes or other promotions, and any other online or offline interactions; and
- Our affiliates, publicly available online sources, joint marketing partners, and business partners.

Categories of Personal Information Collected



We collect the following categories of Personal Information as listed in the CCPA:

Identifiers, such as name, contact information, IP address and other online identifiers;

Certain personal information, as defined in the California customer records law, such as name and contact information;

Certain characteristics of protected classifications under California or federal law, such as gender;

Commercial information, such as transaction information and purchase history;

We do not collect biometric information, such as fingerprints and voiceprints;

Internet or network activity information, such as browsing history and interactions with our website;

We do not collect geolocation data, such as device location;

Certain audio, electronic, visual and similar information, such as photographs;

Professional or employment-related information, such as work history and prior employer;

We do not collect education information subject to the federal Family Educational Rights and Privacy Act, such as student records; and

Inferences drawn from any of the Personal Information listed above to create a summary about, for example, an individual's preferences and characteristics.

Use of Personal Information

We use these categories of Personal Information for the purposes of operating, managing, and maintaining our business, providing our products and services, including the services we deliver to the medical practices and other healthcare entities who provide you with medical care, and accomplishing our business purposes and objectives, including using Personal Information to:

- Develop, operate, and improve our products and services;

- Fulfill your requests, process your transactions, communicate with you, administer your account and provide related customer service;
- Personalize, advertise, and market our products and services;
- Allow you to participate in sweepstakes, contests, or other promotions;
- Conduct research, analytics, and data analysis;
- Maintain our property and our records, and undertake quality and safety assurance measures;
- Conduct risk and security control and monitoring, and detect and prevent fraud;
- Perform identity verification, accounting, audit, and other internal functions, such as internal investigations and record-keeping;
- Carry out corporate transactions, such as mergers, joint ventures or acquisitions; and
- Comply with law, legal process, and internal policies, and exercise and defend legal claims.

Disclosure of Personal Information

We have disclosed the following categories of Personal Information as listed in the CCPA to third parties for our operational business purposes within the preceding 12 months:

Identifiers, such as name, contact information, IP address and other online identifiers;

Certain personal information, as defined in the California customer records law, such as name and contact information;

Certain characteristics of protected classifications under California or federal law, such as gender;

Commercial information, such as transaction information and purchase history;

We do not collect biometric information, such as fingerprints and voiceprints; Internet or network activity information, such as browsing history and interactions with our website;

We do not collect geolocation data, such as device location;

Certain audio, electronic, visual and similar information, such as photographs;

Professional or employment-related information, such as work history and prior employer;

We do not collect education information subject to the federal Family Educational Rights and Privacy Act, such as student records; and Inferences drawn from any of the Personal Information listed above to create a summary about, for example, an individual's preferences and characteristics.

We have disclosed these categories of Personal Information to: our affiliated entities; trusted third-party service providers; licensed medical providers, so that they may provide you with the teledermatology and related products and services you request.

We have not sold Personal Information, as "sale" is defined in the CCPA.

Individual Rights and Requests

If you are a California resident, you may request that we:

- Disclose to you the following information covering the 12 months preceding your request:
 - The categories of Personal Information we collected about you and the categories of sources from which we collected such Personal Information;
 - The specific pieces of Personal Information we collected about you;
 - The business or commercial purpose for collecting (if applicable) Personal Information about you; and
 - The categories of Personal Information about you that we otherwise shared or disclosed, and the categories of third parties with whom we shared or to whom we disclosed such Personal Information (if applicable).
- Delete Personal Information we collected from you.



To make a request for the disclosures or deletion described above, please contact us at privacy@ellisdayskincare.com. We will respond to your request consistent with applicable law.

You have the right to be free from unlawful discrimination for exercising your rights under the CCPA.

Changes to this CCPA Addendum

We may change or update this CCPA Addendum from time to time. When we do, we will post the revised CCPA Addendum on this page with a new “Last Updated” date.

Contact Us

If you have any questions regarding this CCPA Addendum, please contact us at privacy@ellisdayskincare.com.

Last Updated: March 1, 2020.