

OPH Precision Health, Inc.

Rejoyn Privacy Notice

Last Updated: April 2024

PRIVACY NOTICE

Welcome to the Otsuka Precision Health, Inc. (“**OPH/we/us/our**”) Privacy Notice (“**Privacy Notice**”) for Rejoyn, a downloadable prescription digital therapeutic mobile application (“**App**”). This App is intended for the treatment of major depressive disorder (MDD) symptoms as an adjunct to clinician-managed outpatient care in adult patients with MDD age 22 years and older who are on antidepressant medication. It is intended to reduce MDD symptoms. This Privacy Notice applies to users of the App (“**you/your**”) and explains how your information is collected, used, shared, and protected by OPH.

This App is not subject to the Health Insurance Portability and Accountability Act and is instead governed by the terms of this Privacy Notice.

Please read this Privacy Notice carefully, as it describes how we may use and disclose your personal information (“**PI**”). From time to time, we may supplement this Privacy Notice with additional information about our privacy practices related to a particular feature of the Application. We may also request express consents related to certain uses and disclosures of your PI, such as when you register an account in the App. If you do not agree with the terms of this Privacy Notice, please refrain from using the App. Please see our Terms of Use regarding your legal rights in any dispute involving our App.

1. About the App

The App must be installed on your mobile device for use, and certain PI as described below will be received by OPH and its third-party partners and services providers, as described in this Privacy Notice. To begin using the App, you will need to enter an access code provided to you. You will then be prompted to create a user account with your name, mobile phone number and email address. In order to protect your privacy, do not share your password with anyone.

As part of using the App, you will receive electronic communications from OPH or an OPH third-party service provider or partner, to include periodic messages via email and/or SMS text message, such as personalized messages and reminders. By using the App, you agree to receive communications by these methods, to include messages using a live or automated system. You will also have the option to consent to participate in surveys, questionnaires, and other activities via SMS text messages and other methods. Where you have consented to receive such messages, you authorize us to make or initiate SMS text messages, emails and phone calls to you, including messages using an automated system. You acknowledge and understand that any text messages, phone calls and emails you receive from OPH may be unencrypted and carry some risk that the information in the messages could be read by an unauthorized person. You further acknowledge and understand that we cannot guarantee the security and confidentiality of the unencrypted communications that we send to you, and we are not responsible for any unauthorized access that occurs during or after the transmission of the communications to you.

2. Data Collection

We collect a few categories of PI through the App, including: (1) information you affirmatively provide to us; and (2) device and user activity information that is automatically collected by the App, as further described below.

- **Information You Provide.** As previously described, the App will require you enter a username, mobile phone number, email address, a password of your choosing, and an access code during the registration process. During your use of the App, you may also provide us with additional information including medical information.

- **Information Automatically Collected by the App.** The App may automatically collect certain basic information about your device (e.g., IP address, device identifier, model, operating system version, location information, device time zone information, and log activities) related to the App, including your use and response to various activities, and offered features, as well as associated date/time information.

Where you submit or enable us to collect any PI relating to another person in connection with the App, you represent that you have the authority to do so and to permit us to use the PI in accordance with this Privacy Notice.

We may also collect information that does not identify you or your device and may de-identify your PI so that it no longer identifies you or your household in compliance with applicable laws, this Privacy Notice, and the Terms of Use for the App (collectively, "**De-identified Information**"). This may include general usage and statistical information. De-identified Information is not PI and is therefore outside the scope of this Privacy Notice.

3. How We Use and Disclose Your Personal Information

We use and share your PI outside OPH, including with third-party partners and service providers, as described in this Privacy Notice, App, and otherwise pursuant to the Terms of Use and your consent or direction. Specifically, we may use and share your PI consistent with applicable laws for the following purposes:

- **To Provide the App and Related Services to You.** We primarily use your PI to enable the App's core functions such as the provision of activities, exercises, and other features to you, communicating with you, including by email, text message, and push notifications, and otherwise maintain the App, such as for product safety and security purposes, general management, and operation of our systems, diagnosing and fixing technical issues, monitoring performance, and to enforce the App Terms of Use. We also use your PI to respond to your requests, questions and comments and provide customer support, including call center technical support.
- **To Improve the App and Services.** We use certain information collected by the App for essential functions, as necessary, to improve the App and Services. By using the App, you understand and agree that your PI will be de-identified (as set forth above) and used to improve the quality of the App and the Services. For example, we use data collected regarding any issues you experience while using the App, to make updates, repair or develop the App or Services, which will ensure that the App and Services work properly for you and other users.
- **To Develop Other Products and Services.** To the extent legally permissible, we may use and disclose your PI to engage in research and development activities to develop new features of the Application or other products or services. For example, we may collect data regarding your experience with the Application to better understand how it works for you and other users in order to develop new products and services that could benefit from such insights.
- **To Create De-Identified Information.** To the extent legally permissible, we may use your PI to create De-Identified Information. We may use and disclose the De-Identified Information to provide, maintain, and improve the Application; conduct research and development activities to develop new features of the Application or other products or services; conduct and publish scientific research; or for other purposes permitted by applicable law. As discussed above, this Privacy Notice does not apply to De-Identified Information.
- **As Authorized by You.** We may collect, use, and share your PI as authorized by you in the App and in accordance with the Terms of Use for the App.

We may also use PI as we believe to be necessary or appropriate for certain essential purposes, including:

- **To Comply with Applicable Law.** We may use and share PI with third parties if we believe that an applicable law, rule, or regulation requires us to do so. We will also make our internal practices, books and records relating to our use and disclosure of PI available to applicable regulators in compliance with applicable law. We also use PI to comply with our obligations to monitor and evaluate the safety and efficacy of the App and may be required to make reports about safety or efficacy to applicable regulators.
- **To Respond to Subpoenas and Other Legal Process.** We may use and share PI with third parties to comply with a subpoena or similar legal process.
- **To Protect Our Legal Rights.** We may use and share PI with third parties to establish and protect our rights, privacy, safety or property, security and/or that of our affiliates, you, or others, or to defend against legal claims.
- **To Investigate or Address Suspected Wrongdoing.** We may use and share PI with third parties when we believe it is necessary to investigate, prevent or take action regarding safety and security issues, illegal activities, suspected fraud or situations involving potential threats to the physical safety of any person.
- **In Connection with Corporate Changes.** We may use and share your PI with third parties if OPH is involved in a merger, acquisition, sale of all or a portion of its assets, bankruptcy, or other corporate restructuring.

4. How Personal Information May Be Disclosed

We use and share your PI as described in this Privacy Notice and the Terms of Use for the App, and otherwise pursuant to your consent or direction. Specifically, we may use and share your PI consistent with applicable laws for the following purposes:

- We may share certain of your PI with your healthcare provider if permitted by you.
- We may access and share your App usage data with our affiliates and third-party partners and service providers, including Rejoyn nurses, and care team members and customer support, when you contact customer support for help setting up your Rejoyn account, help using the App, or any other questions regarding the Services; and where you have expressly consented to the receipt of phone and text message support from Rejoyn nurses, care team members and customer support in the App.
- We may share your PI with, including to perform technology, business, or other professional functions for us (examples include software development, information technology services, maintenance and hosting of our App, App improvements, performance and analytics providers, communications services, and other such vendors). We only provide such affiliates and third parties with information so they can perform required functions.
- We also may disclose information about you for the essential purposes identified above, including but not limited to where we are required to do so by law or legal process, to comply with our legal obligations in connection with the App, to prevent harm or financial loss, to investigate or address fraudulent or illegal activity, or for safety and security reasons.
- We reserve the right to transfer the information we maintain in the event we sell or transfer all or a portion of our organization or assets. If we engage in such a sale or transfer, we will make reasonable efforts to direct the recipient to use your personal information in a manner that is consistent with this Privacy Notice.

5. Your Ability to Access, Update, Limit and Remove Your PI

We are committed to protecting the privacy and security of your information. We may use and share your App data for the purposes described in this notice and in a manner consistent with your privacy choices.

- **Withdrawing Consent.** If you disagree with the terms in this notice, your sole and exclusive remedy is to discontinue your use of the App. Your continued use of the App constitutes your acceptance of this notice. Where you have consented to OPH processing your PI in the App, you may withdraw those consents at any time, as indicated below in the “In-App Consent Changes” below or by submitting a privacy request to OPH by calling us at 1-833-468-7852 or emailing us at privacyofficer@otsuka-oph.com. We will process your request to withdraw your consent choices, in our reasonable discretion subject in all cases to the deadlines and other requirements of applicable laws. Any PI collected prior to the processing of your withdrawal request may be used or shared by OPH in accordance with your consent choices and as described in this notice. Users in certain states have the right to appeal our decisions on these requests. To appeal our decision on your request, you may contact our Privacy Office at 1-833-468-7852 or emailing us at privacyofficer@otsuka-oph.com.
- **Withdrawal from Future Collection of PI.** You can stop future processing of your PI by deleting the App from your device using the standard uninstall process available on your device or discontinuing your use of the App. Any PI collected prior to your uninstall may be retained by us and used or shared as described in this notice.
- **In-App Consent Changes.** You can change some of your privacy choices in the App, once you have created an account and start using the App under “Privacy choices” by tapping the “Profile” icon in the main menu. You can change any of your privacy choices made in the App by calling us at 1-833-468-7852 or emailing us at privacyofficer@otsuka-oph.com. As noted in the Terms of Use for the App, some App features and services may not be accessible at certain times and periods, for any reason, which include if your smartphone is not connected to an internet service. Where your smartphone is not connected to the internet and you modify or withdraw your consent elections in the App, the App will process such requests once your smartphone is re-connected to the internet. We will process these requests in our reasonable discretion subject in all cases to the deadlines and other requirements of applicable laws. Any PI collected prior to the processing of your offline request may be retained by us and used or shared in accordance with your consent choices and as described in this notice.
- **Updating User Information.** Within the App you will be able to update or edit your username, password, and phone number, under “Edit Profile” by tapping the “Profile” icon in the main menu. The email address you use to set up your App account cannot be modified as it is tied to the access code you received from the pharmacy with your prescription. If you want to delete the email address you used to set up your App account, your sole and exclusive remedy is to uninstall or delete the App from your smartphone and request a new access code from your pharmacy.
- **App-Notification Changes.** Within the App you will be able to turn off App Notifications under “Reminders” by tapping the “Profile” icon in the main menu.
- **SMS Text Opt-Out.** If you do not want to receive future SMS text messages from the App, using your mobile device, you should text STOP in response to the SMS text message you receive from the App. The number associated with the SMS text message you receive is for SMS texts only. If you require live technical support to opt-out of SMS text messaging, reach out to 1-833-468-7852.
- **Commercial Email Opt-out.** To the extent we are permitted by law to send you any market research or promotional emails, you can opt-out of such communications by following the instructions contained in the communication or notifying us via the contact information provided below. If you do opt-out of receiving messages from us, we may still send you important messages relating to your treatment and use of the App.
- **Other Privacy Practice Questions.** You can also ask other questions about OPH’s privacy practices using the contact information provided above.

- **Agent Designation.** You may authorize another person (your "**Agent**") to submit a request to withdraw or modify your privacy elections, by submitting any such privacy requests by calling us at 1-833-468-7852 or emailing us at privacyofficer@otsuka-oph.com. Shortly after you (or your Agent) submit a request, we will contact you (usually via email) with instructions on how to verify the submitted request before we fulfill it.

6. State-Specific Notices

In addition to your privacy choices as described in the section above, we provide any additional privacy rights with respect to our collection, use or disclosure of your PI afforded by applicable laws (including but not limited to the California Consumer Privacy Act and similar laws in other states):

- You may request a copy of the following: (1) Categories of PI we collected about you in (at least) the last 12 months; (2) the categories of sources from which the PI is collected; (3) the business or commercial purpose for collecting the PI; (4) the categories of third parties with whom we shared PI in (at least) the last 12 months; and (5) the specific pieces of your PI we have collected, used or disclosed.
- You may request that we provide you access to your PI that we have collected. In addition, you may ask for a copy of your PI in a portable and readily usable format that allows you to transmit your PI to another entity. Note that requests for copies of your PI are limited to the extent the request is not feasible.
- You may request that we (and our service providers) delete your PI. Note that deletion requests are subject to a number of limitations, for example, we may keep PI as permitted by law, such as for tax, legal, or other record keeping purposes, to maintain your account, and for other internal business purposes as permitted by law and described in this Privacy Notice.
- You may request that we correct any inaccurate PI we maintain about you.
- We do not "sell" your PI to third parties as that term is used in the California Consumer Privacy Act or similar laws in other states and only share PI with service providers and others as described above. Similarly, we do not use your PI for purposes of targeted advertising or profiling to make decisions that would produce legal or similarly significant effects concerning you.

You can submit any such privacy requests via our privacy request form or by calling us at 1-833-468-7852 or email at privacyofficer@otsuka-oph.com. Shortly after you (or your Agent) submit a request, we will contact you (usually via email) with instructions on how to verify the submitted request before we fulfill it. We will fulfill these requests in our reasonable discretion subject in all cases to the deadlines and other requirements of applicable laws. Users in certain states have the right to appeal our decisions on these requests. To appeal our decision on your request, you may contact our Privacy Office using the contact information provided below. We may not, and will not, discriminate against anyone for exercising their privacy rights. We do not provide a financial incentive or a price or service difference to anyone in exchange for collection, retention, or sale of their PI.

For Nevada residents, please note that we do not sell PI as defined by Nevada law, but you can submit any privacy requests to us via the contact information provided below.

7. Retention

We will retain the PI described in this Privacy Notice for as long as necessary for the purposes for which it was collected, to resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements, and comply with applicable laws.

Our App is primarily intended for use within the United States. While our primary data centers are in the United States, we may transfer information outside of the United States. By providing your PI, you consent to any transfer and processing in accordance with this Privacy Notice and understand that we operate under applicable laws within the United States.

8. Security

- **App Safeguards.** The security of PI provided to OPH is important to us, and we take reasonable steps designed to protect your PI. We maintain safeguards intended to protect your PI. The App was designed to include physical, administrative, and technical safeguards.
- **Risk of Security Incidents.** Although we endeavor to secure PI, we cannot guarantee such security because no systems are invulnerable to all security threats. In the event we discover a security incident impacting your PI, where required, we will provide notice to you and to applicable regulators as required by applicable law. To the extent the law allows us to provide such notification to you via e-mail, you agree to accept notice in that form.
- **Your Responsibilities.** You are responsible for the security of your password. Do not share your password with anyone. You are also responsible for safeguarding and securing your smartphone. If you leave your smartphone unattended, or if it is lost or stolen, you understand that your PI in the App may be accessible to others.

9. Minors

As noted in our Terms of Use, the App is only intended for use by individuals at least 22 years old and permitted for use by individuals at least 18 years of age. Minor children are not eligible to use the App, and we ask that they do not submit any PI to us. We do not knowingly attempt to solicit or receive any information from minor children and if you become aware that a minor has provided us with any PI through the App, please contact us at privacyofficer@otsuka-oph.com. We will endeavor to delete such information from our files within a reasonable time.

10. Links to Other Websites and Third-Party Content

Our App may contain links to third party websites or apps. Please be aware that we are not responsible for the content or privacy practices of such third parties' websites, apps, or services, and we encourage you to read the privacy statements of any such parties.

11. Changes to This Privacy Notice

This Privacy Notice may be updated from time to time in our discretion. We will post any revised Privacy Notice to the App and the changes will be effective upon posting. We encourage you to review the Privacy Notice periodically.

12. Questions and Support

If you have any questions regarding our privacy practices in connection with the App, contact us either phone at 1-833-468-7852, via email at: privacyofficer@otsuka-oph.com, or by regular mail to: Otsuka Precision Health, Inc., Attn: Privacy Officer, 508 Carnegie Center Drive Princeton, NJ 08540.