

Privacy notice Neuroventis – Website and Application

ENGLISH

Document version 3

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This privacy notice refers to Neuroventis Platform v1.X.X

New in this version

- New company name and product name
- New email address for contact
- Update of the intended use of the Neuroventis Platform
- Clarification of personal data in article 2
- Clarification of Lawfulness of processing and legitimate interest in article 3
- Information related to personal data not transferred outside the European economic area added

For further questions, If you have any questions about how your personal data are processed, you can contact the data protection officer of Neuroventis at privacy@neuroventis.care.

Article 1 – GENERAL TERMS

1.1 Your privacy is very important to us. This Privacy Notice (hereinafter "Privacy Notice") is created to inform you about how we treat your personal data, and how you can exercise control over that data. It defines your legal rights and obligations towards Neuroventis. Our Privacy Notice can be subject to future amendment and modification. In this event we will notify you with an invite to take a look at these changes, whom we will clearly indicate in the Privacy Notice.

1.2 Neuroventis BV, with registered offices in Belgium, Groeneweg 35A, 3090 Overijse, and company number 0671.531.790, (hereinafter "**Neuroventis**") processes your personal data and takes responsibility for the processing of your personal data on the Application and Website as a "**data controller**".

1.3 Neuroventis is a software platform that consists out of the Neuroventis Dashboard for the healthcare professionals and Neuroventis Applications for the patients. For the healthcare professionals, the Neuroventis dashboard is intended to monitor, understand and manage patients with neurological disorders. On advice of the healthcare professional, the patient can use the Neuroventis Application to self-manage and understand their disorder. Together with the Neuroventis Dashboard, each Neuroventis Application is specific for a particular neurological disorder:

- The Neuroventis Dashboard and Helpilepsy Application are intended to provide digital tools for patients and healthcare professionals intended to manage the patient's epilepsy.
- The Neuroventis Dashboard and the MigraineManager Application are intended to provide digital tools for patients and healthcare professionals intended to manage the patient's headache disorder.

Optionally, your healthcare professional can access the tracked data through the **Neuroventis Dashboard** to help in monitoring the disease and its evolution.

1.4 The collection and processing of personal data is governed by strict conditions, enforced by the law. Neuroventis acts in accordance with:

- i. the Belgian Privacy Law of 30 July 2018 on privacy protection in relation to the processing of personal data; and/or
- ii. the EU Regulation of 2016 concerning the protection of individuals with regards to the processing of personal data, regarding the free movement of such data and repealing Directive 95/46/EC;
- iii. and/or all (future) Belgian laws regarding the implementation of this Regulation; and/or
- iv. the Code of Conduct for mobile health applications.
- v.

1.5 This Privacy Notice is applicable, inter alia, to how we handle your personal data through our "**Services**" being the services offered, following and linked to our "**Website**" <https://helpilepsy.com/>, <https://migrainemanager.care/> and <https://neuroventis.care/> and the "**Application**", being the designated definition in this Privacy Notice for the following as a whole:

- i. The Neuroventis Dashboard for Patient and Physician;
- ii. The Neuroventis Application Helpilepsy ; and
- iii. The Neuroventis Application MigraineManager.

1.6 In case of use of the Services for someone under the legal age of consent, being 13 years, you need to have the authorisation of the tutor/parent before using the Services.

To be able to provide you our Services, we will first need your express consent (opt-in) of this Privacy Notice. This means you consent to the processing of the personal data that you provide when using our Services.

You are not obliged to provide us with your personal data, however you must understand that we are not able to deliver you the Services in case you refuse to provide us with certain personal data.

Please note that you are also not obliged to install the Application. A patients' refusal to install the Application will not have any impact on the quality of the treatment by their physician.

Article 2 – COLLECTED PERSONAL DATA

2.1 Data you communicate to us:

	Data	Details	Context
Category 1	Your user details	<ul style="list-style-type: none"> ▪ Information concerning your Neuroventis user account; ▪ your contact information; and ▪ if you contacted Neuroventis via social media. <p>This includes: timezone and hospital of neurologist.</p>	<ul style="list-style-type: none"> ▪ during your registration and use of our Application and/or Services; ▪ via your patient, who referred you as their physician; and ▪ via social media (for instance when you like or contact us on Facebook).
Category 2	Your communications through our Services	<ul style="list-style-type: none"> ▪ Information about the communication you had with Neuroventis, or through the Application and/or Services. 	<ul style="list-style-type: none"> ▪ during your registration and use of our Application and/or Services; and ▪ by filling out questionnaires (for instance when you give us feedback, or when you use our Support function).
Category 3	Your health data (only for Application)*	<ul style="list-style-type: none"> ▪ Information about your health conditions, and other health related information; and ▪ health information from third party devices. <p>This includes: Explicit consent given, data from 3rd party devices (only Helpilepsy), approximate frequency of disease, appointment answers (prep & feedback)*.</p>	<ul style="list-style-type: none"> ▪ during your registration and use of our Application and/or Services; ▪ upon the connection of third-party devices or services to Neuroventis, such as Google Fit or Apple Health (but only with your explicit, prior consent).
Category 4	Your usage of our Services	<ul style="list-style-type: none"> ▪ Your usage data obtained by placing cookies (see our Cookie Policy) ▪ Information relating to more "technical" aspects of your use of the Application and/or Services. <p>This includes: Firebase Cloud Messaging ID*, account creation date, last action date, conversations through support systems, engagement with</p>	<ul style="list-style-type: none"> ▪ By placing cookies (see our Cookie policy)

		mobile app (scrolls, clicks...), engagement with emails (opening, clicking...), engagement with website (visits...), engagement with web app (scrolls, clicks...).	
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* only personal data from Helpilepsy and MigraineManager applications

2.2 Data minimization:

To minimize the data collected, a lot of data fields are optional, leaving the choice to you to fill them in. If you decide not to fill certain fields, you might not experience the full Neuroventis Services.

Article 3 – PURPOSES OF THE PROCESSING OF DATA

We want to highlight that Neuroventis collects and processes your personal information for one overarching goal, i.e. to offer you a safe, comfortable and personalized Neuroventis-experience.

Most of the personal information we process is provided to us directly by you.

Legitimate interest means that the interest of Neuroventis prevails over your interest, because the processing of your personal data shall not create a risk to your fundamental rights and freedoms.

The processing of your personal data might be necessary for the performance of the agreement between you and Neuroventis and will be legally defined.

That being said, your personal data will only be processed for the following purposes:

3.1 General purposes

	Data	Legal Basis	Purpose
Category 1	Your user details	Execution of the agreement	In order to enhance your account on the Application and to ensure that you can make optimal use of the Application and the Services based on the execution of the agreement, which you requested; and In order to properly and easily address or notify you, or to be addressed by you, all based on the execution of the agreement, which you requested.
Category 2	Your communications through our Services	Execution of the agreement (and where necessary explicit consent)	In order to enhance your account on the Application and to ensure that you can make optimal use of the Application and the Services based on the execution of the agreement, which you requested; and In order to properly and easily address or notify you, or to be addressed by you, all based on the execution of the agreement, which you requested.
Category 3	Your health data (only for Neuroventis Platform)*	Your explicit consent	Health-related information will be processed by Neuroventis, so you are able to use the Application and/or Services, based on the execution of our agreement; or in case the information was retrieved from third-party devices and services, upon your (explicit and preliminary) consent. <i>Before you connect a third-party device and service to the Neuroventis Platform, we suggest you take a look at their settings.</i>

Category 4	Your usage of our Services	Explicit Consent and Legitimate interest	To maintain the safety of your data in our Application and/or Services and improve them, based on the "legitimate interest" of Neuroventis to improve the Application and/or Services.
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3.2. Scientific research purposes

Additionally, some of your personal data - including health-related information (categories 1 to 4), in addition to being collected, will be added to a special database.

Before we do this:

- Only for internal use: the data will be pseudonymized (= only with additional information can you be linked to the data again)
- For external use: the data will be made anonymous (= under no circumstances will you ever be able to be linked to the data again). Neuroventis chooses to do so, because such database allows us to conduct further scientific research, in accordance with Article 89 GDPR.

This database will not contain any personally identifiable data, and if we provide this data to third parties, Neuroventis will make sure it is anonymized. This means that in no way you can ever be linked to this transferred data. This is based on explicit and preliminary consent and legitimate interest of Neuroventis to improve the application and services.

You can request that your data shall not be used for these scientific or statistical purposes by sending an e-mail to privacy@neuroventis.care.

3.3 Direct marketing

Your personal data will only be used for direct marketing purposes if you give your explicit and preliminary consent by signing up for our mailing list.

In case you subscribe, and you are added to Neuroventis' direct mailing list, Neuroventis may use your personal data to send you marketing material as well as other material relating to Neuroventis, her products and/or services.

Neuroventis can also transfer some of your personal data to her partners, for direct marketing purposes relating to Neuroventis, her products and/or services.

This consent can be revoked at all times, for free and without motivation, by clicking the unsubscribe button below every promotional e-mail.

3.4 Transfer to third parties

Neuroventis will also appeal to **third parties** in executing the agreement, to provide the requested service

- In order to communicate with you and provide you the means to communicate with your patient/physician
- In order to capture your feedback on our Application and/or Services
- In order to optimize your experience with our Application and/or Services
- In order to be easily addressed we work with social media channels
- In order to provide your medical institution with the data relating to the treatment you are receiving

Neuroventis won't sell, let, hand out your personal data nor place them at disposal of third parties, except in the situations provided for in this Notice, or unless your explicit and preliminary consent.

Neuroventis has taken all legal and technical precautions to prevent unauthorized access and use.

We guarantee a similar level of protection by imposing contractual obligations to these sub-processors that are similar to this Privacy Notice and guarantee that the medical secrecy rules that protect patient medical data will at all times be respected.

If you are directed to another application, platform or website through the Application or Website, other terms and conditions and other privacy and cookie policies may apply. You should take into account and read these terms and conditions and privacy and cookie policies of the other applications, platforms and websites you visit.

In case of whole or partial reorganization or cession of Neuroventis' activities, whereby Neuroventis reorganizes, transfers, ceases her business activity or in case Neuroventis goes bankrupt, your personal data may be transferred to new entities or third parties. In that case, Neuroventis shall inform you beforehand of the fact that your personal data will be transferred to a third person.

3.5 Legal requirements:

In extraordinary circumstances it may occur that Neuroventis is obliged to transfer your personal data following a court order, or in order to comply with imperative laws and/or regulations. Neuroventis will, if reasonably possible, try to inform you beforehand, unless revealing this information is subject to legal constraints.

3.6 Personal data is not transferred outside the European Economic Area:

Neuroventis collects your personal data and stores them in Europe. Neither Neuroventis nor any of its processors will transfer your personal data outside the European Economic Area.

Article 4 – DURATION OF THE PROCESSING

We will store and process your personal data for the period we're legally obliged to do so, or for as long as this is essential for the purposes of the processing, or the contractual relationship between you and Neuroventis.

You may at all times cease to

- use the Application and/or;
- uninstall it and/or;
- delete your account (in your settings).

If you delete your account, you will be given the choice whether you also wish us to delete any data that you asked us to back up. If you do wish us to delete your data, this means you are pursuing your right to erasure (**see art. 5.2**).

If you do not delete your account, Neuroventis will keep the data you have backed up, as it contains medical information that could be important for you in the future. In that way, you can benefit from a back-up service, whilst not being an active user of other Neuroventis Services – including but not limited to the Services as we defined above.

However, if you aren't using Neuroventis anymore, we will contact you occasionally (= at least once every 3 years) to ask if you wish us to retain the data.

Should Neuroventis cease to be able to keep your data, it will be sent to you in an electronic and commonly-used format.

If you do not exercise your right of deletion, your personal data will be kept for the following periods: if you aren't using Neuroventis anymore, we will contact you occasionally (= at least once every 3 years) to ask if you wish us to retain the data. If after 30 years, you haven't done any action in our platform, your personal identifiable data will be deleted.

Article 5 – YOUR RIGHTS

Depending on the processing and the legal basis, there are a number of possibilities available to you to keep control over your personal data:

5.1. Right of access and right to obtain a copy

You have the right to freely obtain at any moment access to your personal data, as well as to be informed about the purpose of the processing by Neuroventis. We would like to invite you to check our Terms of Use for some extra information on this topic.

5.2. Right to rectification, erasure or restriction

You have the choice to share your personal data with Neuroventis.

You have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete. Please note that you can change your account information in the Application at any time on the “Settings-Account” page.

You can also request the processing of your personal data to be restricted, if you think your data is inaccurate and you subsequently notified us about this.

Additionally, you have the right to request Neuroventis to erase your data in as far as we were not able to anonymize it.

Yet, with regard to certain personal data provided by you, Neuroventis is bound by certain legal obligations, pursuant to which Neuroventis is not allowed to fulfill erasure or restriction rights.

Also, Neuroventis cannot delete data stored on your device.

5.3. Right to object

You have the right to object to the processing of your personal data when you have serious and legitimate reasons to do so.

You also have the right to object to the use of your personal data for purposes of direct marketing. In such case specific reasoning will not be requested.

5.4. Right to data portability

You have the right to obtain your personal data, which is processed by Neuroventis in a structured, commonly used format and/or to transfer this data to another data controller.

5.5. Right to withdraw consent

When the processing is based on prior consent you have the right to withdraw this consent. When you withdraw your consent, Neuroventis will no longer process your personal data to achieve the purposes for which your consent was collected. In such case, Neuroventis will delete that personal data, unless we still need to process it for other purposes based on our legitimate interest, its necessity for the performance of the agreement, or to comply with a legal obligation, as specified in this Privacy Notice.

5.6. Right to request not to be subject to automated decisions and profiling

Neuroventis doesn't carry out automated decision-making or profiling on the personal data it collects from you which significantly affects you.

5.7. Exercising your rights

Unless it is disproportionate or excessive, you have the right to exercise your rights without charges. If you make a request, we will answer in a reasonable time frame.

Please contact us at privacy@neuroventis.care if you wish to make a request.

5.8. Right to file a complaint

If you have any concerns about our use of your personal information, you can make a complaint to us at either through e-mail at privacy@neuroventis.care;

or by mail to, Neuroventis BV, Groeneweg 35A, 3090 Overijse, Belgium

In case you're not satisfied of our handling of your complaint, you have the right to file a complaint with the Belgian Data Protection Authority, which is the Lead Supervisory Authority of Neuroventis:

Belgian Data Protection Authority

Drukpersstraat 35, 1000 Brussels,

Tel +32 (0)2 274 48 00, Fax +32 (0)2 274 48 35,

e-mail: contact@apd-gba.be

However, you are always free to contact your own European data protection authority.

This does not affect a procedure before the civil court.

If you have suffered damages caused by the processing of your personal data, you can file a claim for damages.

Article 6 – SAFETY AND CONFIDENTIALITY

6.1. We have adopted safety measures which are suited on both a technical and an organisational level to avoid the destruction, the loss, the forgery, the adjustment, the non-authorized access or the notification of the personal data by accident to a third party, as well as the non-authorized processing of these data. Nevertheless, if these events would occur and would affect your personal data, Neuroventis will inform you of the breach without undue delay, including a summary description of the potential impact and a recommendation on measures to mitigate the possible adverse effects of the breach.

Neuroventis has made sure to encrypt all communications concerning your health-related data. Also, the information on the Neuroventis servers, in Europe, with Amazon Web Services (AWS), can only be read by Neuroventis and/or her team members and/or her employees in possession of the right key. The outside world cannot access this information. This is ensured through a Data Processing Agreement between Neuroventis and AWS.

6.2. Please note that the automatic transfer of data to the physician is only possible after the patient has correctly made the link to the physician through their mobile device. Doing this correctly, is the patients' sole responsibility.

6.3. At the same time, you also share responsibility for maintaining the privacy and security of the Application and/or Services, for example: by not allowing any third party to use your personal Neuroventis account on the Application and/or Services and avoiding all other non- authorized access to your login and access code. You are solely responsible for the use of the Application and/or Services on your devices, IP-address and identification data, as well as for its confidentiality.

6.4. In any case, you need to immediately notify Neuroventis of any unauthorized use of your personal Account by sending an e-mail to privacy@neuroventis.care.

Article 7 – APPLICABLE LAW AND JURISDICTION

This Privacy Notice is managed, interpreted and executed in accordance with Belgian law which exclusively applies to every potential dispute.

The courts and tribunals of Brussels have exclusive jurisdiction to settle any dispute arising out of or in connection to the interpretation or execution of the present Privacy Notice.