

## **Privacy Policy**

Epitomee Medical Ltd. (“**Epitomee**”, “**we**”, “**us**”, “**our**”) is committed to maintaining the privacy of its users (“**user**”, “**you**”). The following information describes how Epitomee, collects and processes information about you when you use our Website (as defined below).

Our Privacy Policy explains:

- What information we collect and why we collect it.
- How we use that information.
- Your rights with regard to the collection of such information.

By using our Website, you agree to this Privacy Policy.

### **1. General**

Epitomee develops and produces medical devices packaged in capsules and taken by ingestion, intended for weight loss and weight management (“**Services**”). Epitomee operates the Epitomee website (“**Website**”) that provides information about Epitomee and its Services.

Any Personal Information (as defined below) you provide us is made at your free will and consent (where required under applicable data protection laws), and you acknowledge that you are not under any statutory obligation to provide us with your Personal Information (as defined below). However, we must collect or receive some Personal Information to provide the Website, and if you will not provide us with such Personal Information, we will not be able to fulfill certain purposes, for example, provide certain Website’s services– all as described under Section 2 below – “Collection Information” which details the purposes for which each Personal Information is collected.

### **2. Collecting Information**

Please note that the scope of this Privacy Policy is limited only to information collected by Epitomee through your use of its Website. Some information may be automatically collected, and some is collected when you interact with our Website. The type of information that may be automatically collected is non-personal information, which includes your session durations, the content you accessed on the Website, the frequency and scope of your use of the Website and information about your computer and internet connection including the operating system you use and browser type.

Information from which you can be personally identified may also be collected, including but not limited to your full name, email address, phone number, company and the location of the computer through which you used the Website (hereinafter: “**Personal Information**”). Personal Information shall be collected, without limitation, via the following ways;

#### **a. Contact Form**

If you wish to contact us for support regarding our Website, Services, this Privacy Policy or any other matter, we will collect your name, email company, and the content you submitted to facilitate your inquiry.

#### **b. Location Based Information**

If you are interested in testimonials or reports, we will analyze the location of your computer to assure that the information you wish to be provided with, is appropriate to the location of where you are situated.

#### **c. Third Party Advertising**

Epitomee implements practices of using cookies or other third-party advertising services for advertising Epitomee and the Website, and to provide a landing page that enables users to reach out to a relevant professional. Please note that any activity that the user is directed to via the landing page will be operated by a third party who provides a third party application or website (such as Telehealth). Users who choose to be directed to such third party service will be subject to the third party's terms of use and privacy practices. For more information on this matter please see section 8 below *Links to other Websites*.

d. Newsletter

If you wish to subscribe to our newsletter and to be provided with information on Epitomee and the Services, subject to your consent, we will collect your email address, and will send you the required materials.

**3. Use of Information**

We use the Personal Information we collect from you for a range of different business purposes according to different legal bases of processing. We may use or process your Personal Information for the following purposes. One or more purposes may apply simultaneously.

a. Providing the Requested Services

- We collect Personal Information listed in Sections 3(a), (b), (c) to facilitate your inquiry when you choose to contact us and provide you the relevant materials regarding the Website and the Services.
- Such collection of information will enable us to provide you with technical and professional assistance, with regard to the Website you are provided with or Services you wish to be provided with.

We process the Personal Information where it is necessary for the adequate performance of the Services and Website, according to the Terms of Use posted on the Website.

b. Improvement and Development of the Services

- We collect Personal Information to improve and develop our Website and Services and understand feedback on Epitomee's Website to help provide more information on the use of our Services quickly and easily.
- We collect Personal Information for ongoing review and improvement of the information provided on our Website to ensure that they are user friendly.
- We collect Personal Information to improve the management and administration of our business and maintain compliancy with our internal policies and procedures.
- We conduct surveys and research, test features in development, and analyze the information we have to evaluate and improve our Website and Services, develop new features, and conduct audits and troubleshooting activities.

We process this information in light of our legitimate interest in improving the Website and Services to allow our users to have the best experience.

c. Maintain a Safe and Secure Environment

We may use your information to detect and prevent fraud, abuse and security incidents in the following ways;

- Verify and authenticate your identity and prevent unauthorized or illegal activity;
- Enhance the safety and security of our Website;
- Conduct security investigations and risk assessments;
- Prevent or take action against activities that are, or may be, in breach of our Terms of Use or applicable law.

We process this information in light of our legitimate interest in improving our Website and Services by enabling our users to browse in a secure environment.

d. Personalize Content, Advertising and Marketing

- Subject to your consent and provision of email address, we will send you marketing materials.
- If you have used Epitomee's Website and/or Services in the past, we have a legitimate business interest for matching the data we collect with other data we had already collected. Under this interest, we may expose your browsing activity to our targeted advertisements and make a designated landing page accessible to you.
- We may analyze some of your user activity to understand your needs and interests, optimize the content we send you and make it more suitable and relevant to your needs.
- This will enable us to improve your experience on the Website and Services by providing you with personalized content, recommendations, and features.

We process this information in light of our legitimate interest to personalize your experience on the Website and Services and customize our content.

**1. Disclosure of Information and Transfer of Data**

Except as otherwise provided in this Privacy Policy, we reasonably attempt to ensure that we never intentionally disclose any of your Personal Information, to any third party without having received your permission, except as provided for herein or otherwise as permitted or required under law.

In order to perform our contractual and other legal responsibilities or purposes, we may, from time to time, need to share your Personal Information with third parties. For instance, we may share your Personal Information with our affiliates, subsidiaries or any third-party service providers and individuals to facilitate our Website and Services or any portion thereof, such as marketing, data management or maintenance services. We may also share your information with analytics service providers for analytics services. Such analytics service providers set their own cookies or other identifiers on your computer, through which they can collect information about your usage of our Website. This helps us compile aggregated statistics about the effectiveness of our Website.

The above mentioned third parties may be located in countries other than your own, and we may send them information we receive. When such third-party service providers process your Personal Information on our behalf, we will assure that they comply with obligations similar to those which are set forth in this Privacy Policy. We will also assure that they will abide by our

data privacy and security requirements and will be allowed to use the Personal Information solely for the purposes we set. We will transfer your Personal Information while using appropriate and suitable safeguards, while using a variety of legal mechanisms, including contracts, to ensure your rights and protections travel with your data.

We may also transfer your information, including Personal Information, in connection with a corporate merger, consolidation, the sale of related assets or corporate division or other fundamental corporate changes. Furthermore, information about you may also be released in order to comply with any valid legal obligation or inquiry or process such as a search warrant, subpoena, statute or court order. We will also release specific information in special cases, such as if you use the Website or Services to perform an unlawful act or omission or take any act or omission that may damage Epitomee, its property and goodwill, or if there is an attempted breach of the security of the Website or Services or a physical or property threat to you or others. With respect to our data protection practices, you have the right to file a complaint to any relevant supervisory data protection authority.

## **2. Your Rights**

You have the right at any time to request to access or modify your information. To exercise these options, please contact us at [info@epitomeemedical.com](mailto:info@epitomeemedical.com).

In some jurisdictions, in particular those located within the European Union (the "EU") or within the European Economic Area (the "EEA"), you may be afforded specific rights regarding your Personal Information. Subject to such eligibility, you may have the following rights to:

1. Request a rectification of your Personal Information where the information we hold about you is incorrect or incomplete.
2. Object to the processing of your Personal Information for direct marketing purposes.
3. Object to the processing of your Personal Information where our legal basis for that processing is that such processing is necessary for our legitimate interests.
4. Object to an automated decision-making (including profiling) in certain circumstances.
5. Request the erasure of your Personal Information in certain circumstances, such as where processing is no longer necessary for the purpose it was originally collected for, and there is no compelling reason for us to continue to process or store it;
6. Receive your Personal Information, or ask us to transfer it to another organization that you have provided to us, which we process by automated means, where our processing is either based on your consent or is necessary for the performance of a contract with you.

If you wish to file a request regarding any of the above, you may contact us at: [info@epitomeemedical.com](mailto:info@epitomeemedical.com).

## **3. Notice to California Residents**

This section is designated for California residents and is provided under the California Consumer Privacy Act, as amended by the California Privacy Rights Act of 2020 ("California Privacy Laws"). It explains your privacy rights, provides "notice at collection", and provides certain mandated disclosures about how we handle your Personal Information. This section uses certain terms that have the meanings given to them by the California Privacy Laws, unless

otherwise specified. Please note that some of the disclosure obligations required under the California Privacy Laws are satisfied within other sections of this Privacy Policy.

The California Privacy Laws permit some users to request to exercise certain rights. If these rights are applicable to you, you are afforded with the following rights:

a. Right of access

You can request Epitomee for certain information about our practices with respect to your Personal Information. In particular, you can request to receive information on the following:

- The categories and specific pieces of your Personal Information that we have collected.
- The categories of sources from which we collected your Personal Information.
- The business or commercial purposes for which we collected or shared your Personal Information.
- The categories of third parties with which we shared your Personal Information.

b. No Sale of your Personal Information

Please note that Epitomee does not engage in practices that are considered a “sale of Personal Information” as defined under the California Privacy Laws.

c. Right to Limit Use and Disclosure of Sensitive Personal Information

We do not share sensitive Personal Information for cross-context behavioral advertising, and we do not sell sensitive Personal Information.

d. Exercising your California Law Rights

Please note that we will be required to verify your identity and request before an action is taken to exercise your rights. As a part of this process, government identification may be required. Moreover, you may designate an authorized agent to make a request on your behalf. We make our best efforts to respond to a verifiable consumer request within 45 days of its receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing. Any disclosures we provide, will only cover the 12 months period preceding your verifiable request’s receipt. If, for some reason, we cannot reply within such time frame, our response will include an explanation for our inability to comply. If you wish to exercise your California Privacy Laws rights, please contact us at: [info@epitomeemedical.com](mailto:info@epitomeemedical.com).

**4. Additional Notice to US Residents**

For California residents - please see the relevant section above. The section is applicable to residents of certain U.S. states (depending on the applicable state law, acting in an individual or household context and not in a commercial or employment context or as a representative of business). Under these state laws, you have the right to be provided with clear and accessible privacy notice that includes the categories of Personal Information processed, purpose of

processing, categories of Personal Data shared with third parties, categories of third parties with whom data is shared and instructions for exercising consumer rights and appealing decisions. Section 3 and 4 of the Privacy Policy describe our collection and processing of Personal Information the categories of Personal Information collected, and the purposes for which Personal Information is collected, stored or used. We will not collect additional categories of Personal Information or use the Personal Information we collected for materially different, unrelated, or incompatible purposes without obtaining your consent, unless we are otherwise entitled, required or permitted under applicable laws. Section 5 of the Privacy Policy **“Disclosure of Information and Transfer of Data”** describes the categories of third parties we share Personal Information with for a business purpose.

In addition to the rights listed under the **“Privacy Rights”** section above, under the US states you have the right to opt-out from **“Sale”** of Personal Data. Under US privacy laws, in principle, the term “sale” is referring to disclosing or making available Personal Information to a third-party in exchange for monetary or other valuable consideration, including for targeted advertising purposes. **We do not “sell” information as this term is commonly understood, meaning - we do not, and will not, disclose your Personal Information in direct exchange for money or some other form of payment.** However, subject to the definition of the term “sale” under applicable US privacy laws, our practice of using cookies or other third-party advertising services and sharing Personal Information for such purpose is considered as a “sale”.

#### **Appeal Rights:**

Depending on your state of residency, you may be able to appeal a decision we have made in connection with your privacy rights request, by contacting us as instructed in our response. Please send your appeal request with a summary of the request and decision you want to appeal to [info@epitomeemmedical.com](mailto:info@epitomeemmedical.com).

Not more than 60 days after receipt of an appeal, and always in accordance with the timelines set by the applicable US Privacy Laws, we will inform you in writing of any action taken or not taken in response to the appeal, including a written explanation of the reason for the decision.

If you are not happy with our response, depending on your jurisdiction, you may have the right to lodge a complaint against us with the relevant State’s Attorney General.

#### **5. CAN SPAM Act**

The CAN-SPAM Act is a Federal US law that sets the rules for commercial email, establishes requirements for commercial messages, gives recipients the right to have emails stopped from being sent to them, and spells out tough penalties for violations.

To be in accordance with CAN SPAM, we agree to the following:

- Not use false or misleading subjects or email addresses.
- Identify the commercial message sent to you as an advertisement when required.
- Include the physical address of our business or site headquarters.
- Monitor third-party email marketing services for compliance, if one is used.
- Honor opt-out/unsubscribe requests quickly.
- Allow users to unsubscribe by using the link at the bottom of each email.

If at any time you would like to unsubscribe from receiving future emails, you can email us at [info@epitomeemedical.com](mailto:info@epitomeemedical.com) and we will promptly remove you from ALL correspondence.

## **6. Cookies**

We may use “cookies” and/or other technologies or files (collectively, “**cookies**”) to identify how visitors make use of our Website. This aggregated tracking information may be used to help us improve and enhance the Website’s experience for all of our users. In addition, cookies are used for adjusting the Website to your personal preferences. Cookies contain information such as the pages you visited, the length of time you stayed on the Website, the location from which you accessed the Website and more. If you would prefer not to have cookies stored on your Device, you may modify your browser settings to reject most cookies, or manually remove cookies that have been placed on your computer. However, by rejecting the cookies, you may be unable to fully access the offerings on this Website. To find out more about cookies, visit [www.allaboutcookies.org](http://www.allaboutcookies.org).

## **7. Opt In or Opt Out**

You are always in control of your data, and if you choose to receive information from us, or others, you can change your mind later. If, at any time, you would like to stop receiving such information or opt out of a feature, you may notify us by writing to [info@epitomeemedical.com](mailto:info@epitomeemedical.com). You should be aware, however, that it is not always possible to completely remove or modify information in our databases and servers, although we will always make reasonable efforts to do so upon your request.

## **8. Links to Other Websites**

The Website may provide links to other websites. Please be aware that these other websites are not covered by our Privacy Policy or any of Epitomee’s data protection practices. This Privacy Policy does not cover the information practices exercised by other providers of products or services, advertisers or other websites, companies or individuals, which are not owned or controlled by Epitomee. We suggest that when linking to another website via the Website, you always read that website’s privacy policy before volunteering any personally identifiable information.

## **9. Data Security**

We deploy industry standard measures to ensure the security, confidentiality, integrity and availability of the Personal Information we process. We maintain physical, technical and administrative safeguards, and test and update these periodically. We endeavor to restrict access to Personal Information on a ‘need to know’ basis for the provision of the Website to you. No such measures are perfect or impenetrable. In the event of a security breach, we will take all reasonable action to minimize any harm. Although we will do our best to protect Personal Information, we cannot guarantee the security of data transmitted to our Website, and transmission is at the users own risk.

## **10. Data Retention**

Generally, Epitomee does not retain information longer than necessary and for its reasonable business and lawful needs. If you withdraw your consent to us processing your Personal Information, we will erase your Personal Information from our systems, unless the Personal

Information is required for Epitomee to establish, exercise or defend against legal claims or it is necessary for the performance of the requested Services and Website.

#### **11. Children's Privacy**

The Website and Services are not intended for children under the age of 16. We do not, knowingly or intentionally, collect information about children who are under 16 years of age.

**IF YOU ARE UNDER THE AGE OF 16 YOU MAY NOT USE THE WEBSITE OR SERVICES, UNLESS PARENTAL CONSENT IS PROVIDED ACCORDINGLY**

#### **12. Questions Regarding Our Privacy Policy**

If you have any questions regarding this Privacy Policy or the practices described above, you are always welcome to contact us at [info@epitomeemmedical.com](mailto:info@epitomeemmedical.com).

#### **13. Revisions and Modifications to our Privacy Policy**

We reserve the right to revise, amend, or modify this Privacy Policy at any time. When changing the policy, we will update this posting accordingly. Please review this Privacy Policy often so that you will remain updated regarding our current policies.

#### **14. Governing Law and Jurisdiction**

This Privacy Policy will be governed and interpreted pursuant to the laws of the State of Israel without giving effect to its choice of law rules. You expressly agree that the exclusive jurisdiction for any claim or action arising out of or relating to this Privacy Policy shall be to the competent courts in Tel Aviv, Israel, to the exclusion of any other jurisdiction.

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