Notice of Privacy Practices for US Residents under HIPAA

THIS NOTICE DESCRIBES HOW PERSONAL AND MEDICAL INFORMATION ABOUT U.S. RESIDENTS MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Freenome is in the process of developing clinical laboratory testing services using its proprietary artificial intelligence platform. Currently, we do not intend to obtain any personal information about you. However, we may inadvertently receive personal information from you or your doctor when we are contacted by phone or email. In such cases, we want you to know that we are committed to the protection of personal information and protected health information (known as “PHI” and defined in more detail in Section 1 below). When our testing services are commercially available, Freenome will appropriately receive, create, store and disclose PHI. We have implemented privacy and security practices, policies and procedures to protect any personal information or PHI we may receive against unlawful use and disclosure. This Notice is meant to help you understand that any personal information or PHI we may receive now will be protected, and once our tests are available, to let you know what information we collect, how we use that information, and when and to whom we may disclose it.

1. Protected Health Information (PHI) and Our Responsibilities

Freenome is required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and other laws to maintain the privacy and confidentiality of PHI, to provide notice of our legal duties and privacy practices and to notify affected individuals in the event of a breach of their unsecured PHI.

PHI is information which may identify you and relates to your current, past or future health information created or received by Freenome from physicians, patients, health plans or other sources. It is personal or medical information that relates to the physical condition of a patient, the provision of healthcare services to that patient, or payment for the provision of healthcare services to that patient. The term PHI does not generally include publicly available information, or information available or reported in a summarized or aggregated manner.

This Notice describes how we may use or disclose your PHI to carry out treatment, payment or healthcare operations and for other purposes that are permitted or required by HIPAA. This Notice also describes your rights of access to and control of your PHI. When we use or disclose PHI, we are required to abide by the terms of this Notice, or any subsequent updated and published versions of this Notice.

2. Protection of PHI

Access to PHI is restricted to only those employees and contractors of Freenome who need it in order to provide services to clients and patients. Employees and contractors are under confidentiality agreements which require them to keep personal information and PHI confidential. We maintain physical, technical and administrative safeguards to protect PHI against unauthorized use and disclosure. We have a Privacy Officer who is responsible for the development, implementation and oversight of our privacy program, for educating Freenome personnel about our privacy obligations and for responding to any inquiries or concerns about privacy matters pursuant to applicable laws.
3. Information Collected and Created by Freenome

When Freenome provides its services, we will collect information that is minimally necessary to provide our testing services and to obtain payment for our services. Personal and medical information for this purpose may include information about your identity and demographics, such as your name, address, telephone number, social security number, date of birth, medical history, diagnosis, treatment, provider identification, financial responsibility and payment information. When our testing services are commercially available, we will create typical patient medical record information, including our test result which will provide genomic or genetic information, to be used by a physician in the diagnosis of disease or condition or in the treatment of a disease or condition.

4. Uses and Disclosures of PHI for Which Your Authorization is Not Required

When we provide our laboratory testing services, Freenome uses and stores PHI internally and discloses it to healthcare providers who are involved in patient treatment, insurers, third party administrators, plan sponsors and other payors [employers, healthcare provider organizations and others who may be responsible for paying for or administering your health benefits], contracted vendors, consultants, government authorities, and, their respective agents. They are required by law to keep PHI confidential.

Some examples of what we do with information we collect and store, and the reasons it might be disclosed to third parties are described below.

Treatment, Payment and Healthcare Operations. We may use or disclose PHI with or without your authorization as follows:

• Treatment. Freenome is permitted to use and disclose your PHI for your treatment and to coordinate your care with others involved in your care. For example, we will use and disclose PHI to fulfill orders by physicians to perform laboratory testing services.

• Payment. Freenome will use and disclose PHI, as necessary, to obtain reimbursement for testing services from third parties such as insurance companies or health plans. Examples of these payment activities include: claims billing, patient financial support, collections activities, determination of eligibility and obtaining authorization for testing services.

• Healthcare Operations. Freenome may use and disclose PHI for healthcare operations. For example, healthcare operations include quality assessment and improvement, activities designed to improve healthcare or reduce healthcare costs, conducting or arranging for medical review, research protocol development, auditing functions, and internal administration and planning.

• Treatment Alternatives. We may use and disclose medical information to tell you about possible treatment options or alternatives that may be of interest to you.

• Communications about Freenome’s Health-related Products or Services. We may use and disclose medical information to tell you about our health-related products or services that may be of interest to you.

Other Activities Permitted or Required by Law. We may use or disclose PHI for other activities permitted or required by law, with or without your authorization. These activities include the following:

• Required by Law. We may use or disclose PHI to the extent such use or disclosure is required by federal, state or local law and as it complies with and is limited to the requirements of that law. The Secretary of the U.S. Department of Health and Human Services, the Office of Civil Rights and other state and
federal regulatory agencies may, upon request, obtain access to PHI in our possession to review compliance with applicable laws, rules and regulations.

- **Business Associates.** Freenome may disclose PHI to business associates who are third parties who contract with Freenome to provide certain services for us such as quality and compliance reviews and billing services. As provided in HIPAA, we require business associates to sign contracts called Business Associate Agreements stating they will appropriately safeguard your PHI and comply with other HIPAA obligations.

- **Law Enforcement, Judicial and Legal Proceedings.** We use and disclose PHI for certain law enforcement purposes and in response to official subpoenas, court orders, discovery requests and other legal processes.

- **Public Health Activities.** We are permitted to use and disclose PHI for certain public health activities as stated in HIPAA.

- **Health and Safety.** We use and disclose PHI to prevent or reduce the risk of serious and imminent threat to the health and safety of an individual or the general public.

- **Research.** We typically do not use or disclose any PHI for research purposes. However, if Freenome does ever use and disclose PHI in connection with research performed by Freenome and by researchers contracted with Freenome, this research generally is subject to the oversight of an Institutional Review Board (IRB) - an independent committee responsible for ensuring the protection of individual research subjects, appropriate patient authorization and an adequate plan to safeguard PHI.

- **Family and Friends.** Under certain circumstances, we may disclose PHI to family members, other relatives, or close personal friends or others whom you identify as persons authorized to receive healthcare information about you to the extent it is directly relevant to their involvement with your care or payment related to your care.

- **Military and Veterans.** If you are a member of the armed forces, we may release medical information about you as required by military command authorities if and to the extent permitted by law. We may also release medical information about foreign military personnel to the appropriate foreign military authority.

- **De-Identified PHI.** We may de-identify your PHI by removing identifying features as determined by law to make it extremely unlikely that any information could identify you. We will use this de-identified information for healthcare operations improvement, research and potential medical product development.

5. **Uses and Disclosures That Require Your Authorization**

We may not make the following uses or disclosures without your authorization:

- **Psychotherapy Notes.** We must obtain authorization for any use or disclosure of psychotherapy notes except to carry out certain treatment, payment or healthcare operations.

- **Marketing.** We must obtain your authorization for uses or disclosures of your PHI for marketing purposes, except if the communication is in the form of a face-to-face communication with you and you are aware that the communication is with a marketing professional from Freenome.

- **Sale of PHI.** We must obtain an authorization for any disclosure of PHI which involves a sale of your PHI.
Except as otherwise described in this Notice, we will not use or disclose your PHI without your written authorization. If you sign an authorization and later wish to revoke you, you may do so in writing. However, to the extent that Freenome has taken action in reliance on your authorization, your revocation will not apply to already-completed actions.

6. Your Rights with Respect to PHI

You have the following rights with respect to your PHI. To exercise any of these rights, please contact our Privacy Officer using the contact information at the end of this Notice.

• **Access.** You, or your authorized representative, have a right to review and obtain a copy of existing PHI contained in medical and billing records about you, including copies of completed clinical laboratory test reports. You must make your request in writing and this right is limited to existing records that are maintained, collected, used or disseminated by Freenome. We may charge a fee for any copies that you request.

• **Restrictions on Uses and Disclosures.** You have a right to ask us in writing to restrict use or disclosure of your PHI related to your treatment, payment or routine healthcare operations. In addition, you may request PHI disclosure restrictions to family members, other relatives or close friends involved in your care. We are not required to agree to your restrictions, unless the requested restriction involves a disclosure to a health plan and you have paid for the applicable services in full.

• **Alternative Communications.** You may request, in writing, to receive confidential communications containing your PHI from us in ways or at locations that are outside our usual process. We will make every effort to accommodate reasonable requests.

• **Amendments or Corrections to PHI.** You have a right to request that we amend the records described above for as long as we maintain them. You must make the request in writing and give us a reason for the amendment (or correction). We may deny your request if: (i) we determine that we did not create the record, unless the originator of the PHI is no longer available to act on the requested amendment; or (ii) if we believe that the existing records are accurate and complete.

• **Accounting.** You may request a list (or accounting) of disclosures made by Freenome to any third party in the six years prior to the date on which the accounting is requested. This right does not apply to certain disclosures, including, but not limited to, disclosures made for the purposes of treatment, payment or healthcare operations; disclosures made to you or to others involved in your care; disclosures made with your authorization; and, disclosures made for national security, intelligence agency, correctional institution or for law enforcement purposes. You must make any request for an accounting in writing and we may charge a fee to fill more than one request in any given year.

• **Breach Notification.** Freenome will notify you in writing if we discover that there has been a breach of your PHI. You will not receive a notice if Freenome determines, after reasonable investigation and risk assessment, that the situation presented a low probability of the compromise of your privacy or your PHI. This low probability determination will be based on factors set forth in HIPAA. Freenome will conduct this determination according to the legal requirements and our internal policies and procedures. If we determine that your data and privacy are at risk, we will notify you in a timely fashion, as required by HIPAA, and not later than 60 days after discovery of the breach.

• **Copy of this Notice.** You may obtain a paper or electronic copy of this Notice upon request.
7. Effective Date, Distribution and Updates of This Notice

This Notice is published on the Freenome website at www.freenome.com/NoticeofPrivacyPractices and is made available in printed form upon request. This Notice is effective as of October 1, 2018. Freenome reserves the right to amend this Notice from time to time. When changes are made, we will promptly post the updated Notice on our website.

8. Questions or Complaints

If you have any questions or comments about this Notice or if you have any complaints about our privacy practices, please contact us using the following contact information:

Compliance/Privacy Officer
Freenome, Inc.
259 East Grand Avenue, Suite 3434
South San Francisco, CA 94080
privacy@freenome.com

You also may contact the Secretary of the Department of Health and Human Services at:

The U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201
(202) 619-0257
Toll Free: 1-877-696-6775

Please provide as much information as you can so that the question or complaint can be fully addressed. Freenome will not retaliate against any person who files a complaint.