PRIVACY POLICY

Freenome, Inc. is a U.S. company and we are committed to protecting your privacy. We comply with U.S. and EU laws in handling any personal information and protected health information. Personal Information provided to us will be transferred to, used and maintained by us in the U.S.

This Privacy Policy describes the practices and guidelines that we follow to help ensure the confidentiality and security of your personal information when you use our websites located at www.freenome.com, any Freenome portal, mobile applications, and any websites or services that reference this Privacy Policy, (the “Websites” or “Services”).

If you live in the U.S., please read our Notice of Privacy Practices for US Residents Under HIPAA. If you live in the EU or Switzerland, please read our Notice of Privacy Practices for EU and Swiss Residents under GDPR. Both of these documents are available on Freenome’s websites.

Some important upfront information for you:

**Important Definitions**

Throughout this Policy, we will use the following terms:

HIPAA. The U.S. Health Insurance Portability and Accountability Act of 1996. This law provides privacy protection for protected health information.

Protected Health Information (PHI). Personal information which can identify a person and is related to past, present or future health conditions, treatments and payments.

GDPR. The E.U. General Data Protection Regulation of 2018. This law protects the privacy of personally identifiable information and restricts its use outside of the European Union.

Personally Identifiable Information (PII). Personal data that can identify an individual and sensitive personal information related to racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation.

Personal Information. When we refer to PII and PHI collectively.

**Security of Your Personal Information**

Freenome takes reasonable and appropriate security precautions to protect PII and PHI in its possession from loss, misuse, unauthorized access, disclosure, alteration and destruction.

We are implementing state-of-the-art physical, administrative and technical safeguards to protect the confidentiality, integrity and availability of personal data residing on, processed by or transmitted by our servers. These safeguards include, among other things, facility and data access control, complex password protection, encryption of data, security monitoring tools and protocols and the appointment of a Security Officer, a Privacy Officer and a Data Protection Officer who oversee and manage privacy and security.

It is important for you to remember that, despite all our security efforts and using industry-recommended practices, it is never possible to completely guarantee against breaches in security.
Information We Collect

Freenome may collect, store, and use PII (such as your name, address, telephone number, and email address) and PHI (such as your diagnosis, treatment information, and payment information) when you voluntarily submit it to us. You may provide this information to us or it may come from your doctors or other healthcare providers when a test is ordered for you. If you live outside the U.S., your information may come to us through distributors who are controllers of the data and provide it to us for healthcare purposes. In these situations, we are processors of personal data. As a “processor”, we do not control the data that comes to us, but rather use it to perform our healthcare services.

We may automatically collect information about you and your computing device when you use, browse, and interact with our Websites. Our Websites and Services collect this information in a variety of ways, including when you view a webpage, click on a link, access our mobile application, or enter data in an online form.

Freenome’s Use of Your Personal Information

Freenome will only use your PII and PHI for the purpose for which it was collected - which means that what we collect we need in order to fully perform our Services or to respond to you. We may use your Personal Information to contact you, to provide information to your doctors, to obtain payment for our services, to respond to your inquiries and requests and to respond to inquiries and requests from your doctors. We only collect the Personal Information that we need to perform our healthcare services, and we obtain the minimum amount necessary for our business purposes.

We may also use your Personal Information to provide you with customer support and to maintain and improve our Services. We may combine your Personal Information with other information about you that is available to us, including information from other sources such as from your doctors, in order to maintain an accurate medical record of patients who receive our testing services.

De-identified (removing identifying information), pseudonymized (replacing identifying information with numbers so that a key is needed to re-identify) and anonymized (irreversibly removing identifying information) data may be used for scientific research purposes related to the purpose for which we originally obtained your data. Our research is conducted for the purposes of improving and developing our cancer diagnostic products. Research data is non-personally identifiable information, so no PHI or PII is used for research purposes.

Sharing Your Personal Information

Freenome may share your Personal Information with you, your healthcare providers and doctors, individuals who you have authorized to receive it and as described in this Privacy Policy. Freenome will not sell or rent your Personal Information to any other company, individual or organization.

We may occasionally hire third-party service providers to provide limited services on our behalf, such as our billing vendor, cloud service providers and auditors. Freenome will give these service providers only the Personal Information they require to perform the contracted-for services, and we require such providers to agree to contractual terms to maintain the confidentiality of the information they receive.

We may need to access or disclose your PII or PHI to comply with the law or legal process and to exercise our legal rights or defend against legal claims. We may share Personal Information and any additional information available to us in order to investigate, prevent or take action regarding illegal activities, suspected fraud, or as otherwise required by law, such as for public safety purposes. We do not use Personal Information for profiling or other automated decision purposes.
Cookies

Certain elements of our Services and/or html email correspondence may use session cookies, persistent cookies or web beacons to anonymously track unique visitors, save website preferences, and to allow us to recognize visits from the same computer and browser. You have the option to reject some or all Website cookies on your computer and still use the Services. If you choose to reject all cookies, your access to the Websites may be limited.

Aggregate Data Collection

Freenome tracks visits to our Websites using visitor logs and tracking-codes to compile anonymous aggregate statistics. This aggregate information is collected service-wide, and includes anonymous website, application, and device statistics. When you browse our Websites and access our applications our system automatically collects information such as your web request, Internet Protocol (“IP”) address, browser type, browser language, domain names, referring and exit pages, Uniform Resource Locator (URL), platform type, location, unique device identifier, pages viewed and the order of these page views, the amount of time spent on particular pages, the date and time of your request and one or more cookies that may uniquely identify your browser.

When you access our Websites through a mobile device, we may receive or collect and store unique identification numbers associated with your device or our mobile application (including, for example a Unique ID for Advertisers (“IDFA”), Google Ad ID, or Windows Advertising ID), mobile carrier, device type, model and manufacturer, mobile device operating system brand and model, phone number, and, depending on your mobile device settings, your geographical location data or similar information regarding the location of your mobile device.

Third-Party Services Related to Customized Messages

Freenome uses certain third-party services and analytics providers to send you customized notifications (if you have provided us your email address), analyze trends, administer the Services, improve the design of our Services, and otherwise enhance, monitor, and troubleshoot the Services we provide.

Freenome does not transmit PHI or PII to these third-party service providers and we do not directly display advertisements in our applications or services.

Linked Sites

Freenome may provide links to websites operated by third parties that are not covered by this Policy. Freenome does not maintain these sites and is not responsible for the privacy practices of sites it does not operate. We encourage you to review the privacy policies posted on those websites.

Information Access, Updates and Choice

You may choose to provide information to Freenome by completing a contact form, sending us an email, engaging with our customer service team or otherwise contacting us. If you are a Freenome Portal user, you may have an opportunity to elect to receive certain communications from us. Freenome email correspondence will include instructions on how to update certain Personal Information and how to unsubscribe from our emails, newsletters, and postal mail correspondence.

You may “opt out” of receiving communications from us related to our products and services and/or to request the removal of your contact information from our database by writing to us at the privacy email address set forth below. However, Freenome cannot withdraw any previous disclosures made with your authorization, and we reserve the right to retain and disclose your information as permitted or required by law or regulation. You may also request access to your Personal Information by writing to us using the contact information below.
Children’s Privacy

Freenome Services are directed toward adults. We do not knowingly collect any Personal Information from children under the age of 13. If you are under 13, you must have permission from your parent or legal guardian before accessing or using our Websites or Services. If we become aware that we have collected any Personal Information from children under 13, we will promptly remove such information from our servers.

Storage and Retention of Personal Information

We store your Personal Information using state-of-the-art technical tools, such as data encryption, access control to all systems, sharing only the minimum amount necessary with the minimum number of employees (and trained contractors) to perform our Services. We also have password protection, firewall protection and recovery mechanisms for data loss.

Personal Information is stored for as long as necessary to run your test, manage your account with us, ensure that the results are complete and accurate, bill for our services, and within industry regulations. Additionally, pseudonymized and anonymized data may be stored for additional years if necessary for research record keeping and regulatory submissions.

Physician contact information is kept until they are no longer customers. We will remove personal data of physicians who stop ordering tests from us.

International Users

Our Services are located in the United States. If you choose to use the Services from the European Union or other regions of the world with laws governing data collection and use that may differ from U.S. law, then please note that you are transferring your information outside of those regions to the United States for storage and processing. By providing your information, you consent to any transfer and processing in accordance with this Policy.

Freenome will treat all personal information received from the EU/EEA and Switzerland in accordance with the Privacy Shield Principles and GDPR requirements. (See Notice of Privacy Practices Under GDPR for EU Residents and Privacy Shield for EU and Swiss Residents for full details)

For EU and Swiss Individuals: Privacy Shield Notice for Personal Data Transfers to the United States

To protect your privacy and security, we may take steps to verify your identity, before granting access to data. If you are resident in the EEA or Switzerland, we will process any access request you make in accordance with our commitments under the EU-U.S. Privacy Shield or the Swiss-U.S. Privacy Shield.

Freenome complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries (and Iceland, Liechtenstein, and Norway) and Switzerland transferred to the United States pursuant to Privacy Shield. Freenome has certified that it adheres to the Privacy Shield Principles with respect to such data. If there is any conflict between the policies in this privacy policy and data subject rights under the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, please visit https://www.privacyshield.gov/.

With respect to personal data received or transferred pursuant to the Privacy Shield Frameworks, Freenome is subject to the regulatory and enforcement powers of the U.S. Federal Trade Commission.

Freenome has certified that it adheres to the Privacy Shield Principles of:
Notice

Freenome’s participation in the Privacy Shield applies to all personal data that is subject to this Privacy Policy and is received from the EU, European Economic Area (EEA), and Switzerland. Personal information received under the Privacy Shield may include information such as name and email address, health information, contact details, and billing information. Freenome uses this information to deliver its services and to bill for payment for such services.

Access

Pursuant to the Privacy Shield Frameworks, EU individuals have the right to obtain our confirmation of whether we maintain personal information relating to you in the United States. Upon request, we will provide you with access to the personal information that we hold about you. You may also correct, amend, or delete the personal information we hold about you. An individual who seeks access, or who seeks to correct, amend, or delete inaccurate data transferred to the United States under Privacy Shield, should direct their query to dpo@freenome.com. If requested to remove data, we will respond within a reasonable timeframe.

Choice

Freenome will not use personal data for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual unless Freenome has received the individual’s affirmative and explicit consent [opt-in].

We will provide an individual opt-out choice, or opt-in for sensitive data, before we share your data with third parties other than our agents, or before we use it for a purpose other than which it was originally collected or subsequently authorized. To request to limit the use and disclosure of your personal information, please submit a written request to dpo@freenome.com.

Accountability for Onward Transfer

Freenome contracts with third parties who perform functions on our behalf, including data processing services. These entities may have access to personal information for limited, specific purposes needed to perform these functions. Freenome requires these third parties to safeguard personal information by contract, obligating them to provide at least the same level of protection as is required by this Policy.

Freenome’s accountability for personal data that it receives in the United States under the Privacy Shield and subsequently transfers to a third party is described in the Privacy Shield Principles. In particular, Freenome remains responsible and liable under the Privacy Shield Principles if third-party agents that it engages to process the personal data on its behalf do so in a manner inconsistent with the Principles, unless Freenome proves that it is not responsible for the event giving rise to the damage.

Freenome may be required to disclose an individual’s personal information in response to a lawful request by public authorities, including to meet national security or law enforcement requirements.

Data Integrity and Purpose Limitation

Freenome will use personal information only in ways that are compatible with the purposes for which it was collected or subsequently authorized by the individual. Freenome will take reasonable steps to ensure that personal information is relevant to its intended use, accurate, complete, and current and obtain the minimum amount of information necessary to fulfill its provision of healthcare services.
Audit and Enforcement

We conduct periodic internal and third-party compliance audits of our relevant privacy practices, procedures, and our information and data processing systems, to verify adherence to this Policy. Any employee that we determine is in violation of this Policy will be subject to retraining, disciplinary action up to and including termination of employment and potential reporting to authorities.

The Freenome privacy and security program is subject to inspection by the Secretary of Health and Human Services (HHS) with respect to personal health information; the investigatory and enforcement powers of the Federal Trade Commission (FTC) with respect to Privacy Shield and the applicable Supervisory Authority in the EU with respect to GDPR. Freenome commits to cooperate in any investigations by or inquiries from these regulators.

Complaints

In compliance with the Privacy Shield Principles, Freenome commits to resolve complaints about our collection or use of your personal information. EU and Swiss individuals with inquiries or complaints regarding our Privacy Shield Policy should first contact Freenome, at dpo@freenome.com or you can mail us at: Data Protection Officer, Freenome, 259 E. Grand Avenue, South San Francisco, CA, USA 94080.

Freenome has committed to refer unresolved privacy complaints under the Privacy Shield Principles to an independent dispute resolution mechanism, the BBB EU PRIVACY SHIELD, operated by the Council of Better Business Bureaus. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit www.bbb.org/EU-privacy-shield/for-eu-consumers for more information and to file a complaint. This service is provided free of charge to you.

Freenome has further committed to cooperate with the panel established by the EU data protection authorities (DPAs) and the Swiss Federal Data Protection and Information Commissioner (FDPIC) with regard to unresolved Privacy Shield complaints concerning human resources data transferred from the EU and Switzerland in the context of the employment relationship.

If your Privacy Shield complaint cannot be resolved through the above channels, under certain conditions, you may invoke binding arbitration for some residual claims not resolved by other redress mechanisms. See Privacy Shield Annex 1 at https://www.privacyshield.gov/article?id=ANNEX-I-introduction.

Legal Basis for Processing Personal Data Under GDPR

We process your personal data in order to perform our testing services and to bill for these services. You have most likely provided your consent for our testing through your doctor. Additionally, our processing is necessary based on our legitimate interest of providing our healthcare services to you. We process and store your contact information so that we may contact you regarding the delivery of our healthcare services — for doctors use in treatment purposes and for patients test result reports. This personal information may come to us from you, your doctors, or your pathology lab and will be used to perform our testing services as you would expect when laboratory testing is ordered for you by your doctor.

Freenome may also use pseudonymized or anonymized data for scientific research purposes related to our cancer diagnostic product improvement and development. PHI and PII are not used for this purpose; and therefore, your identity is not known during our research activities.
For EU Individuals: Your Rights under the General Data Protection Regulation

In some regions (like the European Economic Area and Switzerland), you have certain rights under applicable data protection laws, which include the right (i) to request access and obtain a copy of your personal information, (ii) to request rectification or erasure; (iii) to restrict the processing of your personal information; and (iv) if applicable, to data portability. In certain circumstances, you may also have the right to object to the processing of your personal information.

You may also have the right to make a GDPR complaint to the relevant Supervisory Authority. A list of Supervisory Authorities is available here: http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm. If you need further assistance regarding your rights, please contact us using the contact information provided below and we will consider your request in accordance with applicable law. In some cases our ability to uphold these rights for you may depend upon our obligations to process personal information for security, safety, fraud prevention reasons, compliance with regulatory or legal requirements, or because processing is necessary to deliver the services you have requested. Where this is the case, we will inform you of specific details in response to your request.

If you would like to exercise any of the above rights, please contact our Data Protection Officer at dpo@freenome.com.

Changes to Our Privacy Policy

We reserve the right to update and revise this Privacy Policy as necessary. If we change our Privacy Policy and Notices, we will post those changes on our Websites to keep you aware of what information we collect, how we use it, and under what circumstances we may disclose it. Changes to this Privacy Policy are effective when they are posted on this page.

Contact Us for Questions and Complaints

You can contact Freenome using our Website contact page or sending an email to one of the addresses below. We address questions and complaints about privacy and the collection or use of Personal Information in a timely manner. Please include your contact information and a detailed description of your request or privacy concern.

Freenome Inc.
259 East Grand Avenue, Suite 3434
South San Francisco, CA, USA 94080

For our US Privacy Officer, please email: privacy@freenome.com.
For our EU/Swiss Data Protection Officer, please email: dpo@freenome.com.

If you feel that your complaint has not been addressed, you can also contact:

For HIPAA in the US: Office of Civil Rights at the Department of Health and Human Services website: www.hhs.gov/hipaa


Effective Date: February 12, 2019