

## **Darmiyan, Inc. Privacy Policy**

Last updated: May 15, 2023

Darmiyan, Inc., is the Company behind the product BrainSee. Darmiyan Inc.'s subsidiaries, and affiliates (“Darmiyan,” “Us,” “We,” and “Our”) is dedicated to protecting your personal information, and We strive to be clear about how We collect, use, disclose, transfer, and store it. “Personal Information” is information that can be used to identify or contact you individually, such as your name or email address. This privacy policy (the “Privacy Policy” or the “Policy”) explains our information practices. This Privacy Policy applies to the Darmiyan software application (the “App”); the communications and health-related information sent and received through the App; the Darmiyan website (the “Website”); any other application, software, services, websites, and other related services provided by Us or any third party designated by Us (collectively, the “Services”).

Please be sure to read this entire Privacy Policy before using or submitting information through the Services. This Privacy Policy is incorporated into Darmiyan’s Terms of Service at [www.darmiyan.com](http://www.darmiyan.com). Any capitalized term that is not defined in this Policy shall have the meaning given to it in the Terms of Service.

### **1. Information We Collect**

#### **A. Information You Provide Directly**

Some Services enable you to give Us information directly. For example:

- The App enables users to create an Account. In creating an Account, We may ask you to provide certain information about yourself. For example, you may submit your name, your date of birth, your sex, the City you live in, and a valid email address to create an Account.
- Some of the Services enable users to communicate with other people and share Health Information through these communications. These communications will be transmitted through Our systems and may be temporarily processed and stored.

The decision to provide Us your Personal Information accurately is voluntary. However, if you choose not to provide the requested information accurately, you may not be able to use certain features of the Services.

## B. Information About Your Use of the Services

In addition to the information you provide, We may collect information about your use of the Services through software on your device and other means. For example, We may collect:

- *Device Information.* Darmiyan automatically collects device-specific information, such as your hardware model, IMEI number and other unique device identifiers, MAC address, IP address, operating system versions, and settings of the device you use to access the Services (collectively, “Device Identifiers”). We may associate your Device Identifiers with your Account.
- *Log Information.* When you use the Services or view content provided by Us, We automatically collect and store information, such as the time and duration of your use of the Services, details of how you use the Services, and any information stored in cookies that We have set on your device.
- *Location Information.* When you use the Services, We may collect and process information about your actual location. We may use various technologies to determine location, including your device’s IP address, your device’s GPS signal, or information about nearby WiFi access points and cell towers that may be transmitted to Us when you use the Services.
- *Session Trackers.* In operating the Services, We may use cookies and similar session tracking technologies (“Session Trackers”). Session Trackers help provide additional functionality to the Services, customize users’ experiences with the Services, and help Us analyze usage of the Services more accurately for research and product development purposes. We (including third parties that We work with) may place Session Trackers on your device for security purposes, to facilitate navigation of the Services, and to personalize your experience while using the Services.  
If you would prefer not to accept Session Trackers while using the Services, follow the instructions provided by your website or mobile browser (usually located within the “Help,” “Tools,” or “Edit” facility) to modify you Session Tracking settings. Please note that if you disable Session Trackers, you may not be able to access certain parts of Our Services and other parts of Our Services may not function properly.
- *Web Beacons.* In addition to Session Trackers, We may use web beacons (also known as “clear GIFs”), which are transparent graphic images placed on a web

page or in an email and indicate that a page or email has been viewed or tell your browser to get content from another server. We use web beacons to measure traffic to or from, or use of, Our online forms, tools or content items and related browsing behavior and to improve your experience when using the Services. We may also use customized links or other similar technologies to track hyperlinks that you click and associate that information with your Personal Information in order to provide you with more focused communications.

### C. Non-Personal Information

We may modify and combine Personal Information in a manner that does not personally identify you or any other individual and thus, no longer constitutes Personal Information. We may use this non-Personal Information, such as aggregate user statistics and usage information, for any lawful purpose.

#### 2. How We Use Your Information

We may use information We collect for a variety of reasons related to Our operation and your use of the Services. Examples of ways in which Darmiyan may use your Personal Information include, but are not limited to, the following:

- to register you for a Service;
- to provide a Service you request;
- to provide customized content and provide personalized services based on your past activities on the Services;
- to send you promotional communications;
- to send you important notices about the Services, such as upcoming changes or improvements;
- to understand the way people use the Services so that We can improve them and develop new products and services;
- to respond to your inquiries or requests (e.g., if you contact Us to ask a question or report an issue with the Services, We may use the Personal Information you provide to answer your questions or resolve your problem);
- to improve the content, appearance, and utility of the Services; and
- otherwise with your consent.

### 3. Who We Share Your Data With

User Personal Information will be transferred to affiliated companies and service providers (sub-processors) of Darmiyan that have contractual obligations to Darmiyan, such as IT providers, to perform contractual obligations. In case third parties come into contact with user Personal Information, Darmiyan shall have made use of legal, technical and organizational measures and regular monitoring regarding such parties' compliance with the relevant data protection regulations and with this Privacy Policy.

We may disclose Personal Information, where permitted by law, when needed to affect the sale or transfer of business assets, to enforce our rights, including Terms of Service, protect Our property, or protect the rights, property or safety of others, or as needed to support external auditing, compliance and corporate governance functions. We will also always disclose Personal Information when required to do so by law, including law enforcement agencies and courts.

Please note that We may anonymize and/or aggregate your Personal Information to allow us to disclose information that is not personally identifiable. For example, we may publish reports that contain aggregated and statistical data. These reports do not contain any information that would enable the recipient to contact, locate or identify you.

### 4. Updating Your Personal Information and Information Retention

If you wish to modify, verify, correct, delete, or update any of your Personal Information collected through the Services, you may contact Us at [brainsee@darmiy.com](mailto:brainsee@darmiy.com). We will retain your Personal Information for the period necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or permitted by law.

We aim to maintain Our services in a manner that protects information from accidental or malicious destruction. Because of this, after you delete information from Our Services, We may not immediately delete residual copies from Our active servers and may not remove information from Our backup systems.

### 5. Security of Your Personal Information

We have put in place reasonable administrative, technical and physical measures to safeguard the information We collect in connection with the Services. However, please note that although We take reasonable steps to protect your information, no website, Internet transmission, computer system, or wireless connection is completely secure. You use the Services and provide Us with Personal Information at your own risk.

## 6. Your California Privacy Rights

We will not disclose your personal information to third parties for the third parties' direct marketing purposes.

## 7. Third-Party Links and Products

This Privacy Policy covers the privacy practices of Darmiyan only. Our Services may link to third-party websites and services that are outside Our control. We are not responsible for the security or privacy of any information collected by websites or other services. You should exercise caution and review the privacy statements applicable to the third-party websites and services you use.

We may also make available to you certain products or services developed by third parties. We are not responsible for these third-party products or services.

## 8. Do Not Track Signals and Similar Mechanisms

Some web browsers transmit "do-not-track" signals to the websites with which the user communicates, although web browsers incorporate and activate this functionality in different ways, and it is not always clear whether users intend for these signals to be transmitted. There currently is disagreement concerning what, if anything, websites should do when they receive such signals. Darmiyan currently does not take action in response to these signals. However, when a standard is established and accepted, We may reassess how to respond to these signals.

## 9. Information for Customers in Designated Countries

A. EU General Data Protection Regulation ("GDPR"): Darmiyan is a global brand and thus may conduct business with individuals from within the European Economic Area ("EEA"). In order to carry out business with these individuals, We may transfer personal information from individuals ("Data Subjects") located within the EEA. Personal information that may be collected by Us from a Data Subject in the EEA may include:

- Name
- Address
- Phone Number
- Email Address

Darmiyan must potentially deal with local supervisory authorities in all EU states where We have an existing business relationship with a data subject. Additionally, information that We collect may be transferred outside of the EEA, including to countries, such as

the United States, which have not been deemed as having “adequate” security measures by the European Commission. We expect to execute Model Clauses between Our European offices and Darmiyan, Inc., pursuant to European Commission Decision 2010/87/EC, to facilitate the legitimate, secure transfer of personal information outside the EEA as necessary.

B. Lawful grounds to process and obtain consent: Data subjects whose personal information is collected in the EEA may withdraw consent at any time where consent is the lawful basis for processing his/her information. Should a data subject withdraw consent for processing or otherwise object to processing that impedes Darmiyan’s ability to comply with applicable regulations, a data subject may be unable to avail himself or herself of the services that Darmiyan provides.

C. Data subjects’ rights: All individuals whose personal information is held by Darmiyan have the right to:

- ask what information Darmiyan holds about them and why;
- ask for a copy of such information or access to such information;
- be informed how to correct or keep that information up to date; and
- be informed on how Darmiyan is meeting its data protection obligations.

Furthermore, for data collected in the EEA, data subjects have the right to:

- ask for a copy of such information to be sent to a third party;
- ask for data to be erased if possible and required under the GDPR;
- ask for processing of personal information to be restricted if possible and required under GDPR;
- object to processing of personal information if possible and required under GDPR;
- object to automated decision-making where applicable; and
- contact a supervisory authority in the EEA to lodge a complaint regarding Darmiyan’s processing of your personal information.

D. Automated decision-making:

Darmiyan does not engage in automated decision-making.

E. Non-disclosure of information: Darmiyan does not share any personal information with any nonaffiliated third parties, except in the following circumstances:

- as necessary to provide the service that the customer has requested or authorized, or to maintain and service the customer’s account;

- as required by regulatory authorities or law enforcement officials who have jurisdiction over Darmiyan and its affiliates or as otherwise required by any applicable law; and
- to the extent reasonably necessary to prevent fraud and unauthorized transactions.

Darmiyan personnel are prohibited, either during or after termination of their employment, from disclosing personal information to any person or entity outside Darmiyan, including family members, except under the circumstances described above. An employee is permitted to disclose personal information only to such other employees who need to have access to such information to deliver Our services to the customer.

F. Darmiyan contact information for persons located within the EEA: If you are located in the European Economic Area (“EEA”) or Switzerland and have questions or concerns regarding the processing of your personal information, you may contact us at: Darmiyan, Inc., [info@darmiyan.com](mailto:info@darmiyan.com).

If, as an EEA citizen, you believe that Darmiyan has not adequately resolved any such issues, you have the right to contact the EU supervisory authority.

#### 10. Changes to this Policy

This Policy is the sole authorized statement of Darmiyan’ practices with respect to the collection of Personal Information and the subsequent use and disclosure of such information. We may revise this Policy from time to time, without prior notice to you, and any changes will be effective immediately upon the posting of the revised Privacy Policy on the Website. You should periodically check the Policy to ensure that you are familiar with the most current version. You can determine when this Policy was last revised by checking the “Last Updated” legend at the top of the Policy.

#### 11. Questions

Questions about the Privacy Policy should be sent to [brainsee@darmiyan.com](mailto:brainsee@darmiyan.com) .