

WEBSITE PRIVACY POLICY

Last updated and effective as of August 22, 2013

Welcome to the Acumen Patient Portal website (the “Site”). This Site is owned and operated by Acumen Physician Solutions, LLC, or one or more of its direct or indirect affiliates (collectively, the “Company,” “we” or “us”). This Site serves as a Patient Portal that provides you with the ability to exchange secure messages with your health care provider and may provide other features in the future.

We respect your privacy and are committed to protecting it through our compliance with this privacy policy (the “Website Privacy Policy”) for this Site. This Website Privacy Policy describes the types of information we may collect from you or that you may provide when you visit this Site and our practices for collecting, using, maintaining, protecting and disclosing that information. We have created this Website Privacy Policy in order to inform you of our firm commitment to safeguarding the privacy and security of information you provide.

Please read this Website Privacy Policy carefully before using this Site. We will treat any information we collect from you through this Site in accordance with this Website Privacy Policy. By accessing or using this Site, you consent to all actions taken by us with respect to your information in compliance with this Website Privacy Policy. If you are unwilling to accept the terms and conditions of this Website Privacy Policy, you must not access or use this Site.

This Website Privacy Policy may change from time to time. Your continued use of this Site after we make changes is deemed to be acceptance of those changes, so please check this Website Privacy Policy periodically for updates.

1. APPLICATION OF THIS POLICY

This Website Privacy Policy applies only to information collected through this Site, including in e-mail, text and other electronic messages between you and this Site.

This Website Privacy Policy does not apply to information collected offline or through any other means, including any other website operated by us or any third party.

In addition, this Website Privacy Policy does not apply to, and should not be confused with your health care provider’s Notice of Privacy Practices which applies to its use and disclosure of certain “Protected Health Information” (as that term is defined in its Notice of Privacy Practices), that you may submit via this Site.

This Website Privacy Policy and the Terms of Use are governed by United States law, and we make no representation that this Site is appropriate or available for use in locations outside of the United States.

2. THIS SITE DOES NOT PROVIDE MEDICAL ADVICE

- **THE CONTENTS OF THIS SITE (SUCH AS TEXT, GRAPHICS, IMAGES, INFORMATION OBTAINED BY US FROM THIRD PARTY**

LICENSORS AND OTHER MATERIAL CONTAINED ON THIS SITE) IS MADE AVAILABLE TO YOU FOR INFORMATIONAL PURPOSES ONLY.

- **THIS SITE AND THE CONTENT APPEARING ON THIS SITE ARE NOT SUBSTITUTES FOR PROFESSIONAL MEDICAL ADVICE, DIAGNOSIS OR TREATMENT.**
- **ALWAYS SEEK THE ADVICE OF YOUR PHYSICIAN OR OTHER QUALIFIED HEALTH CARE PROVIDER WITH ANY QUESTIONS YOU MAY HAVE REGARDING A MEDICAL CONDITION.**
- **NEVER DISREGARD MEDICAL ADVICE OR DELAY IN SEEKING IT BECAUSE OF SOMETHING YOU HAVE READ ON THIS SITE.**
- **IN AN EMERGENCY, CALL 911 OR YOUR LOCAL EMERGENCY ASSISTANCE NUMBER.**
- **IN NO EVENT WILL WE BE LIABLE FOR ANY DECISION MADE OR ACTION TAKEN IN RELIANCE UPON THE INFORMATION PROVIDED THROUGH THIS SITE.**

3. INFORMATION WE COLLECT

We collect several different types of information from and about users of this Site, including:

- information that is about you but does not identify you individually (“**Anonymous Information**”); and
- information by which you may be personally identified and is provided by you to us in certain areas of our Site (“**Personally Identifiable Information**”).

We collect this information:

- directly from you when you provide it to us;
- automatically as you navigate through this Site (information collected automatically may include usage details, IP addresses and information collected through cookies, web beacons and other tracking technologies); and
- from third parties such as, for example, our business partners and affiliates.

4. ANONYMOUS INFORMATION

As you navigate through and interact with our Site, we automatically collect certain Anonymous Information about your equipment, browsing actions and patterns, including details of your visits to our Site, including traffic data, location data, and the resources that you access and use on this Site, information about your computer and internet connection, including your IP address (a

unique string of numbers that is automatically assigned to your computer by your Internet Service Provider), operating system and browser type.

The Anonymous Information we collect automatically is statistical data and does not identify any individual. It helps us to administer and improve our Site and to deliver a better and more personalized service by enabling us to estimate our audience size and usage patterns, store information about your preferences, allowing us to customize our Site according to your individual interests, speed up your searches and recognize you when you return to our Site. We do not collect Personally Identifiable Information automatically, but we may tie this information to personal information about you that we collect from other sources or you provide to us.

We provide this Site for use only by persons located in the United States. The technologies we use for the automatic collection of Anonymous Information may include:

- **Cookies (or browser cookies).** As is the case with many websites, our Site uses a technology called “cookies” which are small data files that are downloaded onto your computer. The use of cookies is standard on the Internet, and is required for us to tailor your visits to our Site to your individual preferences. We may also contract with third party service providers who assign cookies to conduct site tracking for us. These companies use cookies solely to provide us with aggregate data about Site traffic.
- **Flash Cookies.** Certain features of our Site may use locally stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from and on our Site. Flash cookies are not managed by the same browser settings as are used for browser cookies. For information about managing your privacy and security settings for Flash cookies, see “Tracking Technologies and Advertising” found in Section 7 of this Website Privacy Policy below.
- **Web Beacons.** Pages of our Website and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or opened an e-mail and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

5. PERSONALLY IDENTIFIABLE INFORMATION

We collect Personally Identifiable Information directly from you when you provide it to us or when we receive it from third parties, such as our business partners and affiliates. The Personally Identifiable Information we collect on or through our Site may include:

- **E-Mail Correspondence and Form Information.** By registering to use this Site, you will be providing your email address and authorizing us to maintain and use it, initially, to transmit non-secure messages to you indicating that a secure message from your health care provider is available for you to retrieve from the

Patient Portal. We may also use your email address as part of our authentication process to verify your identity. This Site also may include links or forms that can be used to contact us in connection with your use of the Site. We may put information from emails on file, but do not currently share, sell, license or transmit this information with or to third parties without express authorization from you. To withdraw your registration, or to unsubscribe, please contact your health care provider whose contact information may be found on the Patient Portal.

- **Newsletters and Other Communications.** We may, from time to time, offer patient visitors to this Site the opportunity to sign up to receive newsletters or other email communications from this Site, at their own request. In order to sign up for these communications, we ask for contact information, such as name and email address. We also may offer the opportunity for you to receive mailings from our business partners or affiliates that we think may be of interest to you. We do not currently share, sell, license or transmit this information to unaffiliated third parties unless permitted by law or with express authorization from you. You can unsubscribe from these communications at any time through the unsubscribe link in each communication, contacting us via email at support@acumenmd.com or by contacting us in writing at the address provided below.
- **User Contributions and Submissions.** This Site may contain message boards, chat rooms, personal web pages or profiles, forums, secure messaging, bulletin boards or other interactive features (collectively, “**Interactive Features**”) that allow users to upload, post, submit, publish, display or transmit content or materials to other users of this Site or other persons (collectively, “**User Contributions and Submissions**”) on or through this Site. Your User Contributions and Submissions are posted on this Site and transmitted to others at your own risk. Please be aware that no security measures are perfect or impenetrable and that we cannot control the actions of other users of this Site with whom you may choose to share your User Contributions and Submissions. Therefore, we cannot and do not guarantee that your User Contributions and Submissions will not be viewed by unauthorized persons.

6. HOW WE USE INFORMATION YOU PROVIDE

The information you share with us may be used as noted in this Website Privacy Policy, including, for example:

- **Anonymous Information:** Anonymous Information is used internally for Site administration, troubleshooting and to help improve the quality of this Site and its design. We may share such aggregated, non-personally identifiable information, such as demographics, without restriction, including with existing and prospective third party business partners, researchers and advertisers. We never connect Anonymous Information with Personally Identifiable Information.

- **Personally Identifiable Information:** We may disclose Personally Identifiable Information that we collect or that you provide as described in this Website Privacy Policy. In all cases, however, we will only use or disclose your Personally Identifiable Information as permitted by law and our agreements with you, including the Terms of Use. Personally Identifiable Information collected by us or provided to us through this Site may be disclosed and used by us and our subsidiaries and affiliates as follows:
 - to our subsidiaries and affiliates;
 - for purposes including administration of this Site (*e.g.*, to facilitate the collection and flow of information that permits you to access the Patient Portal and exchange secure messages with your health care provider);
 - to notify you about changes to our Site or any products or services we offer or provide through it;
 - to allow you to participate in the Patient Portal, Interactive Features on our Site, and communications with you;
 - to contractors, service providers and other third parties we use to support our business and who are bound by contractual obligations to keep Personally Identifiable Information confidential and secure and use it only for the purposes for which we disclose it to them;
 - to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of assets of us or our subsidiaries or affiliates, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which Personally Identifiable Information about our Site users is among the assets transferred;
 - to fulfill the purposes for which you provide it (*e.g.* primarily to facilitate your access to the Patient Portal and the exchange of secure messages with your health care provider);
 - for any other legally permissible purpose disclosed by us when you provide the information; or
 - with your consent.

We may also disclose Personally Identifiable Information if we are required to do so by law or we in good faith believe that such action is necessary to (a) comply with any court order, law or legal process, including to respond to any government or regulatory request; (b) protect and defend our rights and property; (c) protect against misuse or unauthorized use of this Site; or (d) protect the personal safety or property of our users or the public. Please note that we may not provide you with notice prior to disclosure in such cases.

We may also disclose your Personally Identifiable Information to enforce or apply our Terms of Use <https://myhealth.acumenehr.com/EHR/Admin/Documents/PortalTermsOfUse.pdf> and other agreements, including for billing and collection purposes

7. ADVERTISEMENTS AND OPTING OUT

We support the right of our visitors to choose. We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- **Tracking Technologies and Advertising.** Users can opt out of cookies at any time. You can also set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. The Network Advertising Initiative provides instructions and information on how to opt out of communications: <http://www.networkadvertising.org/choices/>. Users can use their browser settings to decide whether to turn on and off cookies on this Site. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe's website. If you disable or refuse cookies, please note that some parts of this Site may then be inaccessible or not function properly.
- **Research and Analytics.** We may use Google Analytics to better understand how visitors interact with our Site. This service provides Anonymous Information including but not limited to data on where visitors came from, what actions they took on our Site, and where visitors went when they left this Site. We may use this information to improve your experience when visiting our Site. Please click here: <http://www.google.com/analytics/learn/privacy.html> to learn more about this service and how to opt out of data collection by Google Analytics. We may also work with other business partners to conduct research surveys in order to improve the user experience on our site. We encourage you read the privacy statements of these business partners to learn about their data practices.

8. ACCESS AND CORRECTION

You have a right to know about the Personally Identifiable Information that we hold about you and gathered through this Site, including the right to correct, amend or delete the information that we have on file if it is incorrect. If you wish to exercise these rights please contact your health care provider whose contact information may be found on the Patient Portal.

If you delete your User Contributions and Submissions from this Site, copies of your User Contributions and Submissions may remain viewable in cached and archived pages, or might have been copied or stored by other Site users. Proper access and use of information provided on this Site, including User Contributions and Submissions, is governed by our terms of use <https://myhealth.acumenehr.com/EHR/Admin/Documents/PortalTermsOfUse.pdf>.

9. SECURITY

This Site incorporates safeguards designed to protect the security, integrity and privacy of the Personally Identifiable Information we have collected. We have put in place reasonable precautions to protect information from loss, misuse and alteration, including Secure Socket Layer (SSL) technology. While on a secure page, the lock icon on the bottom of Web browsers such as Microsoft Internet Explorer and Mozilla Firefox becomes locked, as opposed to unlocked, or open, when you are just “surfing.”

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Site, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. We urge you to be careful about giving out information in public areas of this Site like message boards. The information you share in public areas may be viewed by any user of this Site.

Unfortunately, the transmission of information via the Internet is not completely secure. When you receive an email notification from us to your personal email address indicating that you have a secure message available on the Patient Portal of this Site, that email notification is not encrypted and is not secure. You will not be able to respond to that email notification through your email. The email notification will direct you to the Patient Portal at this Site in order for you to log in and retrieve the secure message awaiting you there. Once you log into the Patient Portal on this Site, the message that you access and retrieve on the Patient Portal (as opposed to on your personal email) is encrypted and secure. Again, it is important to keep in mind that when you are logged into the Patient Portal and are sending or receiving messages to or from your health care provider through the Patient Portal, those messages are encrypted and secure; however, messages to or from your personal email are not secure.

Although we do our best to protect your personal information, and have implemented technology to encrypt and secure messages from your health care provider through on this Site, we cannot guarantee the security of your personal information transmitted to our Site. Any other transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on this Site.

While we strive to protect your personal information, we cannot ensure or warrant the security of any Personally Identifiable Information you transmit to us or through this Site. Once we receive your transmission, we will use reasonable efforts to ensure its security on our internal systems. Depending on the nature of the inquiry, your communication may be discarded or archived. Please note that your email, like most, if not all, non-encrypted Internet communications, may be accessed and viewed by other Internet users, without your knowledge and permission, while in transit to us. For that reason, to protect your privacy, please do not use email to communicate information to us that you consider sensitive or confidential. If you wish, you may contact us instead via telephone at the numbers provided throughout our Site or at the address below.

10. EXTERNAL LINKS

This Site may provide links to various websites that we do not control. When you click on one of these links, you will be transferred out of our Site and connected to the website of the organization that you selected.

We are not responsible for the nature, quality or accuracy of the content or opinions expressed on such websites, and such websites are not investigated, monitored or checked for quality, accuracy or completeness by us.

Inclusion of any linked website on this Site does not imply or express an approval or endorsement of the linked website by us, or of any of the content, opinions, products or services provided on these websites. Even if an affiliation exists between our Site and a third-party website, we exercise no control over linked sites.

Each of these linked sites maintains its own independent privacy and data collection policies and procedures. While we expect our business partners and affiliates to respect the privacy of our users, we cannot be responsible for the actions of third parties. If you visit a website that is linked to or from our Site, we encourage you to consult that website's privacy policy before providing any personal information and whenever interacting with any website.

11. CONSENT AND MODIFICATIONS TO PRIVACY STATEMENT

This Site is controlled, operated and administered entirely within the United States. By using this Site, you signify your agreement to the terms of this Website Privacy Policy. If you do not agree with this Website Privacy Policy, please do not disclose any personal information through this Site.

This Website Privacy Policy is part of our Terms of Use <https://myhealth.acumenehr.com/EHR/Admin/Documents/PortalTermsOfUse.pdf>. The use of this Site is governed by our Terms of Use <https://myhealth.acumenehr.com/EHR/Admin/Documents/PortalTermsOfUse.pdf> and the laws of the Commonwealth of Massachusetts.

This Website Privacy Policy and the notices outlined herein are not intended to and do not create any contractual or other legal rights in or on behalf of any third party.

12. SPECIAL NOTICE TO CALIFORNIA RESIDENTS

Under California Civil Code § 1798.83, residents of the State of California that have provided any Personally Identifiable Information to us have the right to request a list of all third parties to which we have disclosed Personally Identifiable Information during the preceding year for direct marketing purposes.

Alternatively, the law provides that if we have a privacy policy that gives either an opt out or opt-in choice for use of Personally Identifiable Information by third parties (such as advertisers or affiliated companies) for marketing purposes, we may instead provide you with information on how to exercise your disclosure choice options. The Company qualifies for the alternative

option and has established this Website Privacy Policy that provides you with details on how you may either opt out or opt-in to the use of your Personally Identifiable Information by third parties for direct marketing purposes.

If you are a resident of the State of California and request information about how to exercise your third party disclosure choices, please send a request to support@acumenmd.com with a preference on how our response to your request should be sent.

13. MODIFICATIONS TO WEBSITE PRIVACY POLICY

We may modify this Website Privacy Policy at any time, at our discretion, and modifications are effective upon being posted on this Site.

It is our policy to post any changes we make to our privacy policy on this page. The date on which this Website Privacy Policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable e-mail address for you, and for periodically visiting our Site and this Website Privacy Policy to check for any changes.

If we make material changes to how we treat our users' Personally Identifiable Information, we will notify you through a notice on this Site home page or by other reasonable means.

14. ACCOUNT REVISIONS, REVOKING AND DELETING PERSONAL INFORMATION

We welcome your questions, comments and all feedback pertaining to your privacy or any other issue with regard to this Site.

At any time, you may ask us to cease any further use of your email address and direct us to delete any Personally Identifiable Information you have supplied. Although it is not always possible to remove or modify such information, we will make reasonable efforts to do so. We cannot delete your Personally Identifiable Information except by also deleting your user account. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect. If you have given us information for one of those third parties we mentioned above and we have already passed it on, we may not be able to delete or change the information.

In the event that you have given us Personally Identifiable Information in the past and then have second thoughts or want to update it, or if you have any other questions regarding this Website Privacy Policy or this Site, you may contact us by sending us an e-mail stating your request to support@acumenmd.com or by contacting us in writing at the address provided below:

Address:
Support Manager
Acumen Physician Solutions, LLC
1550 W. McEwen Drive, Suite 500
Franklin, TN 37067

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