

Cognigram European Patient Privacy Notice

This Privacy Notice governs the collection, use and disclosure of Personal Data about you provided by you or your physician in connection with your use of the COGNIGRAM™ web site located at <https://cognigram.com> (the "COGNIGRAM™ Site"), operated by Cogstate Healthcare, LLC and its affiliates ("Cogstate"), including the COGNIGRAM™ test (the "COGNIGRAM™ Test") on the COGNIGRAM™ Site.

E.U.-U.S. PRIVACY SHIELD

This Privacy Policy also describes how Cogstate collects, uses, and discloses certain personally identifiable information that we receive in the US from the European Economic Area ("EEA") and the United Kingdom ("UK") ("Personal Data"). The Privacy Shield provisions in this Privacy Policy apply to Cogstate, as well as its US-based affiliates: Cogstate, Inc. and Cogstate Health, Inc.

We recognize that the EEA and the UK have established strict protections regarding the handling of Personal Data, including requirements to provide adequate protection for Personal Data transferred outside of the EEA and the UK. To provide adequate protection for certain Personal Data about consumers, corporate customers, clients, suppliers, business partners, job applicants, and employees received in the US from the EEA and the UK, Cogstate's US-based affiliates have elected to self-certify to the EU-US Privacy Shield Framework administered by the US Department of Commerce ("Privacy Shield"). Cogstate's US-based affiliates adhere to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access and Recourse, Enforcement, and Liability.

For purposes of enforcing compliance with the Privacy Shield, Cogstate's US-based affiliates are subject to the investigatory and enforcement authority of the US Federal Trade Commission. For more information about the Privacy Shield, see the US Department of Commerce's Privacy Shield website located at: <https://www.privacyshield.gov>. To review representation of Cogstate's US-based affiliates on the Privacy Shield list, see the US Department of Commerce's Privacy Shield self-certification list located at: <https://www.privacyshield.gov/list>.

WHAT PERSONAL DATA WE COLLECT AND HOW WE USE IT

Your access to the COGNIGRAM™ Site and use of the COGNIGRAM™ Test requires that your name, date of birth, gender, phone number and email address be provided to Cogstate in order to verify your identity. All of this information is referred to collectively as "Personal Data".

Personal Data is used to create an account profile for you, permit verification of your identity and to perform the COGNIGRAM™ Test assessments ordered by your physician. Personal Data may be shared with Cogstate's service providers that provide technology, services, or content for the operation and

maintenance of the COGNIGRAM™ Site or the COGNIGRAM™ Test. Cogstate requires that these service providers comply with this Privacy Notice. Some of these service providers may be located outside of Canada, in which case Personal Data is subject to the laws of the country to which it is transferred. That country may have laws that require that Personal Data be disclosed to government bodies or courts under different circumstances than would Cogstate.

Cogstate may also use Personal Data along with the information of all or some of the other users of the COGNIGRAM™ Site or the COGNIGRAM™ Test to generate aggregated data that does not contain Personal Data (the "Aggregated Data"). Cogstate may use the Aggregated Data or share it with third parties for research purposes, for example, to improve the functionality of the COGNIGRAM™ Site and/or the COGNIGRAM™ Test, to identify certain trends in testing results or to determine whether certain aspects of the COGNIGRAM™ Test require refinement. Any third parties who receive such Aggregated Data must agree that they will not attempt to make the information personally identifiable, such as by combining it with other databases.

We will process Personal Data only in ways that are compatible with the purpose for which we collect it, or for purposes that you later authorize. Before we use your Personal Data for a purpose that is materially different than the purpose for which we collected it or that you later authorized, we will provide you with the opportunity to opt in where that is required by the Privacy Shield or applicable privacy laws. We maintain reasonable procedures to help ensure that Personal Data is reliable for its intended use, accurate, complete, and current.

HOW AND WHY WE MIGHT SHARE YOUR INFORMATION

Except as set forth in this Privacy Notice or as specifically agreed to by you, Cogstate will not disclose any Personal Data about you. You agree that Cogstate may release Personal Data about you: (1) to the physician who ordered your COGNIGRAM™ Test assessment or any other test to be performed through the COGNIGRAM™ Site, (2) to comply with a valid legal requirement (such as a law, court order, valid requests by public authorities, including to meet national security or law enforcement requirements); or (3) in response to a physical threat to others, to protect property or defend or assert its legal rights.

In the event of a sale, amalgamation, re-organization, transfer or financing of parts or some or all of Cogstate's business, Personal Data about you may be disclosed to an acquiring organization, either as part of due diligence or on completion of the transaction. If Personal Data is disclosed in this context, Cogstate will require that third party to agree to protect the Personal Data in accordance with this Privacy Notice.

In any cases where we share Personal Data, Cogstate requires recipients to comply with the terms of this Privacy Policy and all applicable privacy laws, including the requirements of the Privacy Shield.

In the unlikely event that we discover that a recipient is using Personal Data in a way that conflicts with this Privacy Policy, applicable privacy laws including Privacy Shield, we will take all reasonable steps to stop them.

Under certain circumstances, we may remain liable for the acts of our third-party agents or service providers who perform services on our behalf for their handling of Personal Data that we transfer to them.

HOW LONG WE RETAIN YOUR PERSONAL DATA

Cogstate will retain Personal Data about you in its database for up to 80 years following completion of the COGNIGRAM™ Test assessment, unless you request that Cogstate delete the information earlier.

ONWARD TRANSFER / TRANSFERRING INFORMATION

Under some circumstances, we may need to transfer Personal Data from one jurisdiction to another, including to jurisdictions where the laws provide different protection than the jurisdiction from which the information was derived. In any such case, we will take appropriate measures to ensure that Personal Data is transferred, processed and protected in accordance with this Privacy Policy and all applicable privacy laws including the Privacy Shield.

TECHNICAL, PHYSICAL, AND ADMINISTRATIVE SECURITY

We have implemented commercially reasonable security safeguards to protect your Personal Data against loss or theft, as well as unauthorized access, disclosure, copying, use or modification. Methods of protection include: physical measures (e.g., locked filing cabinets and restricted access to offices); organizational measures (e.g., security clearances and limiting access on a “need-to-know” basis); and technological measures (e.g., the use of complex passwords and encryption of data at rest and in transit).

CHILDREN

If you are under the age of majority in the province where you live, you represent that you have the consent of a parent or guardian to take the COGNIGRAM™ test. We reserve the right to require appropriate documentation in order to verify that consent where necessary.

YOUR RIGHTS AND CHOICES

1. Access and Correction

You may at any time challenge the accuracy and completeness of your Personal Data and have it amended or corrected as appropriate. In any such case, Cogstate will request that you provide identifying information sufficient to verify your identity and ownership of the information. Any such identifying information shall be used only for this purpose.

2. Receipt or transfer

You may at any time request to receive one copy of your Personal Data and to have your Personal Data transferred to a third-party. In any such case, we will, where technically feasible, provide it in a structured, commonly used and machine-readable format.

Please note that this right of portability applies only in limited circumstances, such as: where we are processing personal data on the basis of your consent or pursuant to our contractual agreements with you, and the processing is carried out by automated means.

3. Deletion

You have the right to request that Cogstate permanently delete your Personal Data when:

- we no longer need your data for the purposes for which it was collected;
- we have been processing the particular data based only on your consent, you withdraw your consent, and there is no other legal ground for us to continue processing;
- you successfully object to the processing of certain data (see “Objection” below);
- the data has been unlawfully processed; or
- erasure is required by law.

This right will not apply where continued processing of your Personal Data is necessary for:

- the exercise of the right of freedom of expression and information;
- compliance with applicable law;
- performance of a task carried out in the public interest or the exercise of official authority vested in Cogstate;
- for reasons of public health;
- certain types of archiving that is in the public interest, scientific or historical research or statistical purposes; or
- the establishment, exercise or defense of legal claims.

Although Cogstate may remove most Personal Data, such as contact information (address, phone number, etc.), we cannot remove certain records which we are bound to keep by law or by codes of conduct or other authority.

4. Objection and Restriction

You may at any time request that Cogstate cease or restrict certain processing of your Personal Data. If you are in any way unhappy with our collection or use of your Personal Data or even the terms of this Privacy Policy, we hope that you will contact us as described below so that we can address your concerns. If you wish to lodge a complaint, you have the right to do so by following the instructions below.

HOW DO I EXERCISE THESE RIGHTS AND OPTIONS?

If you have questions or complaints, or you wish to take any of the actions described above, please contact us as described below. We will attend to your request promptly and will respond within a reasonable time.

We will investigate and attempt to resolve any complaints or disputes regarding the use or disclosure of your Personal Data within 45 days of receiving your complaint. For any unresolved complaints, we have agreed to cooperate with the International Centre for Dispute Resolution, the international division of the American Arbitration Association (ICDR-AAA). If you are unsatisfied with the way that we have resolved your complaint, you may then contact the ICDR-AAA at <http://go.adr.org/privacyshield.html> for further information and assistance.

Binding Arbitration. You may have the option to select binding arbitration for the resolution of your complaint under certain circumstances, provided you have taken the following steps: (1) raised your complaint directly with Cogstate and provided us the opportunity to resolve the issue; (2) made use of the independent dispute resolution mechanism identified above; and (3) raised the issue through the relevant data protection authority and allowed the US Department of Commerce an opportunity to resolve the complaint at no cost to you. For more information on binding arbitration, see [US Department of Commerce's Privacy Shield Framework: Annex I \(Binding Arbitration\)](#).

CONTACT US

Should you have any questions or concerns regarding this Privacy Policy or our collection or use of your Personal Data, please contact Cogstate's Chief Privacy Officer via email at privacy@cogstate.com; via telephone at +1.203.773.5010; or via mail at:

Cogstate Healthcare, LLC
Attention: Chief Privacy Officer
195 Church Street, 4th Floor
New Haven, CT 06510
USA

CHANGING OUR PRIVACY POLICY

We will use personally identifying information only in the manner described in the Privacy Policy in effect when the information was collected from you.

We reserve the right, however, to change the terms of this Privacy Policy at any time by posting revisions to the website. In any such case, we will take reasonable measures to obtain your consent where required by the Privacy Shield and applicable privacy and data protection laws.

Effective: August 30, 2019

Last modified: December 20, 2019