

## Zephyrs Technologies, Inc. Privacy Notice

*Last Updated/Effective Date:* May, 05 2024

**Zephyrs Technologies, Inc.** and its affiliates and subsidiaries (“**Zeph**,” “**we**,” “**us**,” or “**our**”) respect your privacy. This Privacy Notice describes the processing of Personal Information (defined below) that is provided, collected, or disclosed in the course of providing our products or services to you (“**Services**”) and on the websites, applications, social media pages, other platforms that link to this Privacy Notice, including when you apply for a job with us. It also describes rights you may have under applicable laws.

Note: Zeph is not a medical provider. Any medical services, including the 8-week pulmonary rehab program, or advice you receive is provided by independent medical providers. Zeph acts as a “business associate” to such medical providers when it collects and processes your Protected Health Information (“PHI”) for those medical providers (as those terms are defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA)). For more information about how your PHI is used and disclosed, and your rights regarding your PHI, please review the applicable Notice of Privacy Practices (“NPP”) provided by your medical provider.

This Privacy Notice is available to consumers with disabilities. To access this Privacy Notice in an alternative downloadable format, please click [here](#).

### 1. Personal Information We Collect

We may collect a range of Personal Information. “**Personal Information**” means information that uniquely identifies, relates to, describes, or is reasonably capable of being associated with or linked to you.

The types of Personal Information we collect may include:

- *Contact Information* – If you submit an inquiry, register for an account, or provide information on or through our Services, we may collect your contact information. This may include your name, address, email address, demographic information, and phone number.
- *Commercial Information* – If you submit an inquiry, or provide information on our websites (e.g., through a contact form), we may collect commercial information including information about purchases, subscriptions, and Services you have shown interest in.
- *Usage Information* – When you use our website, we may automatically record information, including your Internet Protocol address (IP Address), geolocation of your device, browser type, referring URLs (e.g., the website you visited before coming to our website), domain names associated with your internet service provider, and any other information regarding your interaction with our website.
- *Employment Information* – If you apply for employment with us, we will collect Personal Information related to your potential employment, including your education and employment history, address and contact information, demographic information, and any other information included in your resume or application.
- *Communication Information* – We may collect Personal Information contained within your communications with us, including audio, electronic, or visual information, screen sharing views, and any files provided to us via email, chat functionality, social media, telephone, or otherwise.

Where permitted by applicable law, we may collect and maintain records of calls and chats with our agents, representatives, or employees via message, chat, post, or similar functionality.

## 2. How We Collect Personal Information

- *Directly From You* – We collect Personal Information that you provide to us, for example, if you choose to contact us, request or purchase Services or information from us, or sign up to receive updates.
- *From Third Parties* – We may collect Personal Information from third parties including, business partners, subcontractors, advertising networks, analytics providers, and search information providers, who may provide us with Personal Information about you.
- *Through Online Tracking Technologies* – We may use cookies and similar technologies to collect Personal Information related to activity on our website. For additional information regarding our use of these technologies, see the *Cookies and Tracking Technologies* section below.

## 3. How We Use Personal Information

To the extent permitted by applicable law, we use Personal Information:

- *To provide and personalize our Services*, such as processing or fulfilling orders and transactions, providing our Services, processing payments, providing customer service, maintaining or servicing accounts, providing financing, verifying customer information, creating and maintaining business records, verifying eligibility, and undertaking or providing similar services.
- *For internal research and development*, such as testing and verifying the quality of our Services, improving the quality of our Services, and creating new Services.
- *For marketing*, such as sending information about our Services, including using your information to send you messages, notices, newsletters, surveys, promotions, or news about events.
- *For communicating with you*, such as responding to your questions and comments.
- *For legal, security, or safety reasons*, such as protecting our and our users' safety, property, or rights; complying with legal requirements; enforcing our terms, conditions, and policies; detecting, preventing, and responding to security incidents; and protecting against malicious, deceptive, fraudulent, or illegal activity.
- *As part of a corporate transaction*, such as in connection with the sale of part or all of our assets or business, the acquisition of part or all of another business or another business' assets, or another corporate transaction, including bankruptcy.

If you are applying for employment with us, we also use Personal Information to process your job application, to verify the information you have provided in your application, conduct interviews, perform background and reference checks, to communicate with you and answer your questions, to confirm your eligibility for employment, and improve our recruiting processes. We may also save your Personal Information for future employment opportunities with us.

## 4. How We Disclose Personal Information

We may disclose your Personal Information in the following circumstances:

- *Service Providers* – We disclose your Personal Information with third party service providers as necessary to enable them to support our Services or other aspects of our business.
- *Affiliates and Subsidiaries* – We may disclose your information to the Zeph family of companies for their and our business purposes and for marketing purposes, including to provide you information about the products or services we think may interest you.
- *Business Partners* – We may disclose Personal Information with trusted business partners or corporate affiliates. For example, we may disclose your Personal Information with a company whose products or services we think may be of interest to you or who we co-sponsor a promotion or service with.
- *Legal Obligation or Safety Reasons* – We may disclose Personal Information to a third party when we have a good faith belief that such disclosure of Personal Information is reasonably necessary to (a) satisfy or comply with any requirement of law, regulation, legal process, or enforceable governmental request, (b) enforce or investigate a potential violation of any agreement you have with us, (c) detect, prevent, or otherwise respond to fraud, security or technical concerns, (d) support auditing and compliance functions, or (e) protect the rights, property, or safety of Zeph, its employees and clients, or the public against harm.
- *Merger or Change of Control* – We may disclose Personal Information to third parties as necessary if we are involved in a merger, acquisition, or any other transaction involving a change of control in our business, including but not limited to, a bankruptcy or similar proceeding. Where legally required, we will give you prior notice prior to such disclosure.

## **5. Cookies and Other Tracking Technologies**

We and our service providers may use cookies and similar technologies to collect usage and browser information about how you use our website. In those circumstances, we process the information collected through such technologies, which may include or be combined with Personal Information, to help operate certain features of our website, to enhance your experience through personalization, and to help us better understand the features of our website that you and other users are most interested in.

In order to manage your preferences with respect to these technologies most browsers provide you with the ability to block, delete, or disable cookies, and your mobile device may allow you to disable transmission of unique identifiers and location data. If you choose to reject cookies or block device identifiers, some features of our Services may not be available, or some functionality may be limited or unavailable. Please review the help pages of your browser or mobile device for assistance with changing your settings. We do not respond to Do Not Track (“DNT”) signals sent to us by your browser at this time.

## **6. How Long We Keep Your Personal Information**

We will retain each category of your Personal Information for as long as necessary to fulfill the purposes described in this Privacy Notice, unless otherwise required by applicable laws. Criteria we will use to determine how long we will retain your Personal Information include whether we need your Personal Information to provide you with our Services you have requested; we continue to have a relationship with you; you have requested information or Services from us; we have a legal right or obligation to continue to retain your Personal Information; we have an obligation to a third party that involves your Personal

Information; our retention or record keeping policies and obligations dictate that we retain your Personal Information; we have an interest in providing you with Personal Information about our Services; or we have another business purpose for retaining your Personal Information.

## **7. How We Protect Personal Information**

We use commercially reasonable efforts to protect the confidentiality and security of Personal Information. However, despite these efforts to store Personal Information in a secure environment, we cannot guarantee the security of Personal Information during its transmission or its storage on our systems.

## **8. International Use of our Services**

Our website is hosted in the United States. If you are visiting our website from outside of the United States, please note that by providing your Personal Information, it is being transferred to, stored, collected, or processed in the United States, where our servers are located and operated.

## **9. Children's Privacy**

We do not knowingly collect or solicit any Personal Information from children under the age of 13 without verified written parental consent. In the event that we learn that we have collected Personal Information from a child under the age of 13, we will promptly take steps to delete that information. If you are a parent or legal guardian and think your child has given us their Personal Information, you can email us at [hello@zephbreath.com](mailto:hello@zephbreath.com).

## **10. Links to Third-Party Websites**

We are not responsible for the practices employed by any websites or services linked to or from our Services, including the information or content contained within them. We encourage you to investigate and ask questions before disclosing Personal Information to third parties, since any Personal Information disclosed will be handled in accordance with the applicable third party's privacy notice.

## **11. California Shine the Light Law**

Under California Civil Code Section 1798.83, individual customers who reside in California and who have an existing business relationship with us may request information about our disclosure of certain categories of Personal Information to third parties for the third parties' direct marketing purposes, if any. To make such a request, please contact us using the information in the *Contact Us* section below. Please be aware that not all information sharing is covered by these California privacy rights requirements and only information on covered sharing will be included in our response. This request may be made no more than once per calendar year.

## **12. Marketing Communications**

To opt out of marketing emails, please email us at [preferences@zephbreath.com](mailto:preferences@zephbreath.com) or by following the instructions included in the email or text correspondence. Please note that, even if you unsubscribe from certain correspondence, we may still need to contact you with important transactional or administrative information, as permitted by law.

## **13. Changes to this Privacy Notice**

Please note that we may modify or update this Privacy Notice from time to time, so please review it periodically. We will provide you notice if material changes are made. Unless otherwise indicated, any changes to this Privacy Notice will apply immediately upon posting to our websites.

#### **14. Contact Us**

- If you have any questions about our practices or this Privacy Notice, please contact us at [hello@zephbreath.com](mailto:hello@zephbreath.com).