



**Virgo Surgical Video Solutions
Privacy Policy
Effective Date: June 16, 2017
Last Updated Date: January 17, 2019**

Virgo Surgical Video Solutions, Inc. (“**Virgo**”) is committed to protecting your privacy. We have prepared this Privacy Policy to describe to you our practices regarding the personal data we collect from users of our (1) website (“**Website**”); (2) smart hardware video recording devices (the “**Virgo Hardware**”), and (3) cloud-based proprietary platform (“**Platform**”, and together, with the Website and Virgo Hardware, the “**Virgo System**”).

1. Questions; Contacting Virgo; Reporting Violations. If you have any questions or concerns or complaints about our Privacy Policy or our data collection or processing practices, or if you want to report any security violations to us, please contact us at the following address, phone number, or email:

Virgo Surgical Video Solutions, Inc.
1111 Kearny St., #15
San Francisco, CA 94133
Email: support@virgosvs.com
Phone: 339-444-5380

2. Consent. By submitting personal data through the Virgo System and/or using the Hardware to make recordings, you (a) agree to the terms of this Privacy Policy; (b) expressly consent to the collection, use and disclosure of your personal data in accordance with this Privacy Policy; and (c) represent and warrant that you have obtained all consents and permissions necessary for the collection, use and disclosure of your patients’ or other third parties’ personal data captured by the Virgo Hardware and stored in the Virgo System in accordance with this Privacy Policy.

3. A Note About Children. We do not intentionally gather personal data from visitors who are under the age of 13. If a child under 13 submits personal data to Virgo and we learn that the personal data is the information of a child under 13, we will attempt to delete the information as soon as possible. If you believe that we might have any personal data from a child under 13, please contact us at support@virgosvs.com.

4. Types of Data We Collect. We collect the following data, which may include personal data, when you use the Virgo System.

So we are clear about the terminology we are using, when we use the phrase “**Personal Information**” in this Privacy Policy, we mean information that allows someone to identify or contact you, including, for example, your name, address, telephone number, e-mail address, as well as any other non-public information about you that is associated with or linked to any of the foregoing information. When we use the phrase “**Anonymous Information**” in this Privacy Policy, we mean information that is not associated with or linked to your Personal Information. Anonymous Information does not enable

identification of or contact with individual persons. When we use the phrase “**User Content**” we mean the medical video you upload to the Platform along with information you provide about the procedure, date, time, and procedure room number.

Personal Information

In general, the Personal Information we gather enables us to provide the Virgo System to you and helps us learn more about the use of the Virgo System. We collect Personal Information that you submit to us voluntarily at registration and in the course of your use of the Virgo System. To use the Virgo System, we require you to create an “**Account**” by providing your email address and a password. You can choose not to provide us with certain information, but this may limit the features of the Virgo System you are able to use.

When you communicate with us by sending us an email, we will collect and store any information that is contained in your communications with us. If you tell us where you are (e.g., by allowing your mobile device to send us your location), we may collect, store and use that information. Of course, your location may also be apparent from your content. If you want to deactivate this feature, you can disable location services on your mobile device. Please contact your carrier for more information.

Anonymous Information

We collect the following types of Anonymous Information:

- **Information Collected by Our Servers.** To make the Virgo System more useful to you, our servers (which may be hosted by a third party service provider) collect information from you.
- **Log Files.** As is true of most websites, we gather certain information automatically and store it in log files. This information includes IP addresses, browser type, Internet service provider (“ISP”), referring/exit pages, operating system, date/time stamp, and clickstream data. We use this information to analyze trends, administer the Website, track users’ movements around the Website, gather demographic information about our user base as a whole, and better tailor the Virgo System to our users’ needs. For example, some of the information may be collected so that when you visit the Website or the Virgo System again, it will recognize you and the information could then be used to serve advertisements and other information appropriate to your interests.
- **Cookies.** Like many online services, we use cookies to collect information. “**Cookies**” are small pieces of information that a website sends to your computer’s hard drive while you are viewing the website. We may use both session Cookies (which expire once you close your web browser) and persistent Cookies (which stay on your computer until you delete them) to provide you with a more personal and interactive experience on our Website. This type of information is collected to make the Website more useful to you and to tailor the experience with us to meet your special interests and needs.
- **Hardware.** We may collect information about the Hardware you use to access the features and functions of the Virgo System, including the hardware model,

serial number, and unique device identifier. In addition, the Virgo System may access the Hardware's image storage applications to facilitate your use of certain features of the Virgo System.

User Content

Additionally, by using the Virgo System, you authorize the Hardware to collect certain information:

- **Video:** During your use of the Hardware as part of the Virgo System, the Hardware may be activated and record certain medical procedures performed by you on your patient(s).

Location Information: The Virgo System records certain data in connection with the recordings captured by the Virgo Hardware, including the location of the recording and time and date of the recording. Such information will be combined with the actual recording and stored in the Virgo Platform.

5. How We Use the Data We Collect.

Personal Information

We will use your Personal Information to:

- Administer your Account;
- Provide you with the Virgo System;
- Tailor the features and content of the Virgo System to you;
- Market our products and services and those of third parties to you that we believe may be of interest to you;
- Respond to your requests, resolve disputes and/or troubleshoot problems;
- Verify your compliance with your obligations in our Terms of Use; and
- Communicate with you about the Virgo System.

We may also use your Personal Information to create Anonymous Information records by aggregating such records with other records and excluding information that makes the information personally identifiable to you and/or your patients.

Anonymous Information

We use the Anonymous Information we collect to analyze trends, administer and improve the Virgo System, track users' movements in the Virgo System, gather demographic information about our user base as a whole, and better tailor the Virgo System to our users' needs.

User Content

We will store your User Content and make it available to you through the Platform. We may also use your User Content for platform improvement purposes as described in the Terms of Use <https://virgosvs.com/tos>.

6. How We Disclose the Data We Collect.

Personal Information

We may disclose certain Personal Information:

- **Third Parties Designated by You.** When you use the Virgo System, the Personal Information you provide will be shared with the third parties that you authorize to receive such information.
- **Third Party Service Providers.** We may share your Personal Information with our third party service providers that help us provide the Virgo System that we offer you.
- **Affiliates.** We may share some or all of your Personal Information with our parent company, subsidiaries, joint ventures, or other companies under a common control ("**Affiliates**"), if we have such Affiliates in the future, in which case we will require our Affiliates to honor this Privacy Policy.
- **Corporate Restructuring.** We may share some or all of your Personal Information in connection with or during negotiation of any merger, financing, acquisition or dissolution, transaction or proceeding involving sale, transfer, divestiture, or disclosure of all or a portion of our business or assets. In the event of an insolvency, bankruptcy, or receivership, Personal Information may also be transferred as a business asset. If another company acquires our company, business, or assets, that company will possess the Personal Information collected by us and will assume the rights and obligations regarding your Personal Information as described in this Privacy Policy.
- **Other Disclosures.** Regardless of any choices you make regarding your Personal Information (as described below), we may disclose Personal Information if we believe in good faith that such disclosure is necessary (a) in connection with any legal investigation; (b) to comply with relevant laws or to respond to subpoenas or warrants served on us; (c) to protect or defend our rights or property or other users of the Virgo System; and/or (d) to investigate or assist in preventing any violation or potential violation of the law, this Privacy Policy, or our terms of use.
- **Disclosure to Third Party Companies.** We may enter into agreements with companies that desire access to Personal Information that we collect from you. AS A RESULT, WE MAY PROVIDE YOUR PERSONAL INFORMATION TO SUCH THIRD PARTY COMPANIES. BECAUSE WE DO NOT CONTROL THE PRIVACY PRACTICES OF THESE THIRD PARTY COMPANIES, YOU SHOULD READ AND UNDERSTAND THEIR PRIVACY POLICIES AND ENSURE THAT YOU HAVE OBTAINED ALL NECESSARY CONSENTS TO DISCLOSE THE PERSONAL INFORMATION OF YOUR CLIENTS IN THE MANNER DESCRIBED HEREIN.

NOTICE TO CALIFORNIA RESIDENTS – YOUR CALIFORNIA PRIVACY RIGHTS (AS PROVIDED BY CALIFORNIA CIVIL CODE SECTION 1798.83)

If we share Personal Information to third parties for their own direct marketing purposes, then you have the right to receive information about the categories of entities to which we have disclosed such information and the names and addresses of those entities. To submit your written request, please send it to us at

support@virgosvs.com and put the following words in the subject line of the email: "California Privacy Request." Within 30 days after receipt of your request, we will send you a list of the categories of Personal Information that we disclosed to third parties for their direct marketing purposes during the immediately preceding calendar year, along with the names and addresses such third parties, if any. Please note that the California "Shine the Light" law does not cover all categories of information that may be collected and disclosed or shared, and our policy relates only to information covered by the law. Please note that we are required to respond to one request per California user each year and we are not required to respond to requests made by means other than through this e-mail address.

Anonymous Information

We reserve the right to disclose Anonymous Information publicly without restriction.

User Content

- **Third Party Service Providers.** We may share User Content with our third party service providers that help us provide the Virgo System that we offer you.
- **Affiliates.** We may share User Content with our parent company, subsidiaries, joint ventures, or other companies under a common control ("**Affiliates**"), if we have such Affiliates in the future, in which case we will require our Affiliates to honor this Privacy Policy.
- **Corporate Restructuring.** We may share User Content in connection with or during negotiation of any merger, financing, acquisition or dissolution, transaction or proceeding involving sale, transfer, divestiture, or disclosure of all or a portion of our business or assets. In the event of an insolvency, bankruptcy, or receivership, User Content may also be transferred as a business asset. If another company acquires our company, business, or assets, that company will possess the User Content collected by us and will assume the rights and obligations regarding User Content as described in this Privacy Policy.
- **Other Disclosures.** Regardless of any choices you make regarding your User Content, we may disclose User Content if we believe in good faith that such disclosure is necessary (a) in connection with any legal investigation; (b) to comply with relevant laws or to respond to subpoenas or warrants served on us; (c) to protect or defend our rights or property or other users of the Virgo System; and/or (d) to investigate or assist in preventing any violation or potential violation of the law, this Privacy Policy, or our terms of use.

7. YOUR CHOICES REGARDING YOUR INFORMATION.

- **Email Communications.** We may periodically send you free newsletters and e-mails that directly promote the use of the Virgo System. When you receive newsletters or promotional communications from us, you may indicate a preference to stop receiving further communications from us and you will have the opportunity to "opt-out" by following the unsubscribe instructions provided in the e-mail you receive or by contacting us directly (please see contact

information below). Despite your indicated e-mail preferences, we may send you service related communications, including notices of any updates to our terms of use or Privacy Policy, which you may not opt out of.

- **Cookies.** If you decide at any time that you no longer wish to accept cookies from the Virgo System for any of the purposes described above, then you can instruct your browser, by changing its settings, to stop accepting cookies or to prompt you before accepting a cookie from the websites you visit. Consult your browser's technical information. If you do not accept cookies, however, you may not be able to use all portions of the Virgo System or all functionality of the Virgo System. If you have any questions about how to disable or modify cookies, please let us know at the contact information provided below.
- **Changing or Deleting Your Personal Information.** You may review, update, correct or delete the Personal Information in your Account by contacting us. If you completely delete all of your Personal Information, then your account may become deactivated, although your profile and any content associated therewith will remain on the Virgo System unless you have deleted them. We may also retain an archived copy of your records as required by law or for legitimate business purposes. Please remember, however, if we have already disclosed some of your Personal Information to third parties, we cannot access that Personal Information any longer and cannot force the deletion or modification of any such information by the parties to whom we have made those disclosures. Certain information is necessary in order for us to provide the Virgo System; therefore, if you delete such necessary information you may not be able to use the Virgo System.

8. Protected Health Information. User Content may potentially contain Protected Health information (PHI) as defined under HIPAA. Examples of PHI include patient name, medical record number, and images of a patient's face or eyes. When you agree to the Terms of Use, you agree to take all reasonable steps to restrict disclosure of PHI to Virgo to only that which is necessary to provide the agreed upon services. Any inadvertent disclosures of PHI will be handled in accordance with Section 3.6 of the Terms of Use.

9. Feedback. If you provide feedback to us, we may use and disclose such feedback in accordance with the terms in our Terms of Use, provided we do not associate such feedback with your Personal Information. We will collect any information contained in such feedback and will treat the Personal Information in it in accordance with this Privacy Policy, provided that we may contact you in regards to such feedback.

10. Controlling Your Information.

You can review, change and/or delete certain of your Personal Information and User Content by logging into the Virgo Platform and accessing your Account. You authorize us to use and disclose any new or modified information that you provide in accordance with this Privacy Policy, and you agree that we are under no obligation to delete or modify information that you have previously chosen to provide us.

Upon your request, we will close your Account. Any User Content you provided prior to closing your Account will remain on the Virgo Platform and in the Virgo System unless

you specifically delete that recording. We may also retain your Personal Information to comply with laws, prevent fraud, resolve disputes, troubleshoot problems, assist with any investigations, enforce our Terms of Use, and take other actions otherwise permitted by law.

11. Information Disclosed to Third Parties.

This Privacy Policy addresses only our use and disclosure of information we collect from and/or about you on the Website and the Virgo System. If you disclose information to others, or authorize us to do the same under this Privacy Policy, the use and disclosure restrictions contained in this Privacy Policy will not apply to any third party. We do not control the privacy policies of third parties, and you are subject to the privacy policies of those third parties where applicable.

The Virgo System may contain content or links to other websites that are not owned or controlled by us. We have no control over, do not review and are not responsible for the privacy policies of or content displayed on such other websites. When you click on such a link, you will leave our Website and go to another site. During this process, another entity may collect Personal Information or Anonymous Information from you. The Website may also contain links to other websites controlled by us but which operates under different privacy policies. Please review the privacy policy of any new site you visit.

12. Changes to this Privacy Policy. This Privacy Policy may be updated from time to time for any reason. We will notify you of any changes to our Privacy Policy by posting the new Privacy Policy here <https://virgosvs.com/tos> and we will change the "Last Updated" date above. You should consult this Privacy Policy regularly for any changes.