

Privacy Policy

ToothFairy, LP

Last updated March 22, 2020

Section 1. INTRODUCTION

ToothFairy, LP (“ToothFairy”, “we”, “us”) values your privacy. ToothFairy is a developer and provider of certain software and Services including, without limitation, sales software, Customer Relationship Management (CRM) software, appointment scheduling software, appointment reminders software, patient health history forms, virtual telehealth technology and other recurring-fee services (collectively, “Services”).

We have created this privacy policy (“Privacy Policy”) in order to set out how we collect, use, and disclose personal information through our website located at www.GetToothFairy.com (the “Website”). This Privacy Policy applies to all of the products, Services, and websites offered by ToothFairy or our related, affiliated and/or subsidiary companies through the Website (collectively the “Services”).

The privacy of our customers is of great importance to us. By visiting our Website and/or using the Services in any manner, you acknowledge that you accept the practices and policies outlined in this Privacy Policy and you hereby consent to the collection, use and disclosure of your Personal Information in accordance with this Privacy Policy.

Section 2. WHAT DOES THIS PRIVACY POLICY COVER?

This Privacy Policy covers our collection, use and disclosure of information about identifiable individuals and information which can be used to identify an individual (“Personal Information”). Personal Information does not include any aggregated, anonymized information which we may create or derive from information (including Personal Information) you provide to us. Personal Information may be collected about our customers, prospective customers, visitors to the Website, and end users of the Services. You can choose not to provide us with certain Personal Information, but by doing so, you will not be able to utilize our Services.

This Privacy Policy does not apply to the practices of companies that we do not own or control. The Services are intended for use by dental practices, dental service organizations, and other healthcare related practices and end users wishing to visit dentists and doctors or practitioners either in the office or virtually and to book dental appointments. Our dental and other dental service organizations or customers are responsible for maintaining their own privacy policies governing the collection, use and disclosure of Personal Information. You are responsible for ensuring that you have obtained the necessary authorizations and consents for any Personal Information you make available to us for use in accordance with this Privacy Policy.

Section 3. COLLECTION AND USE OF PERSONAL INFORMATION AND OTHER DATA

3.1. Authorization

You understand and agree that ToothFairy and its authorized business partners, affiliates, subsidiaries or agents (collectively, “ToothFairy”, “us” or “we”) may collect, maintain, and process information provided by you, on and through the Services. You represent and warrant that you have permission to share any information you elect to provide ToothFairy, you consent to such information being shared with third parties in accordance with the terms of this Policy, including dentists, dental service organizations, financial institutions and other healthcare providers with whom you wish to or could potentially schedule an appointment in- person or virtually or do

business with knowingly or unknowingly, and that such information is accurate, current, non-misleading, and consistent and relevant for the purpose for which you are providing information.

3.2. Collection and Use

ToothFairy collects Personal Information in the following general ways:

- ToothFairy collects Personal Information you choose to submit to us through the Services, such as name, email address, birth date, gender, zip code, phone number and address and/or your child's name, birth date and gender if applicable, treatment preferences and knowledge, emotional and physical concerns, dental treatment needs preferences, knowledge and concerns, financial information, marketing and insurance information.
- When you access or use the Services, ToothFairy may automatically receive and record information on our server logs from your browser, including your IP address, cookies, and the pages you request. IP addresses are automatically reported by your browser each time you view a web page. Your IP address is stored by ToothFairy when you register with ToothFairy.

Generally, ToothFairy uses the Account and Personal Information (including Personal Health Information) to deliver the Services to you, to improve the delivery of our Services and related products and services, to provide services on behalf of ToothFairy dentists and other dental service organizations and healthcare providers, to conduct our business, to develop analytics and aggregated data that allow us to improve our Services and related products and services, or to correspond with you. Specifically, ToothFairy also uses Personal Information to:

- Provide access to the Services.
- Provide, operate, maintain and improve the Services.
- Send technical notices, updates, security alerts and support and administrative messages.
- Provide and deliver the Services and features including third party loan prequalification and approval amounts and messages.
- Provide and deliver the Services and features you request including but not limited to third-party loan applications and loan approval, process and complete transactions, and send you related information, including confirmations and we may send these on our own behalf or on behalf of the ToothFairy dentists and other dental service organizations, financial institutions and healthcare providers.
- Respond to comments, questions and requests and provide customer service and support.
- Communicate with you about services, features, surveys, questionnaires, newsletters, offers, promotions, appointments, contests and events, and provide other news or information about us and our select partners. You understand and agree that ToothFairy may use the PHI we collect to send you these types of communications.
- Investigate and prevent fraudulent transactions, unauthorized access to the Services, and other illegal activities.

- Personalize and improve the Services, and provide content, features, and/or advertisements that match your interests and preferences or otherwise customize your experience on the Services.
- Monitor and analyze trends, usage, and activities in connection with the Services and for marketing or advertising purposes.
- Link or combine with other information we receive from third parties to help understand your needs, coach dental practice staff, and provide you with better service.
- For other purposes about which we will notify you about and seek your consent.

3.3. Practice Users

ToothFairy makes its Website and the Services available to dental and dental service organizations and other healthcare providers for a variety of uses described in our Terms of Use. In order to provide the Services to our dental and healthcare provider clients (“Practice Users”), ToothFairy collects certain Personal Information such as contact and registration information from the dental or healthcare provider employee signing up on behalf of the practice. ToothFairy collects and uses Practice User information the same way we collect and use Personal Information of patients.

3.4. Prospective Customers

We collect names, email addresses and other business and personal contact information about individuals who we consider to be prospective Customers and business partners (“Prospects”). ToothFairy uses third-party service providers in order to collect, store and process Personal Information about Prospects. We use these third-party service providers to identify Prospects and locate contact information to contact Prospects about our products and services. For more information about the third parties to whom we may disclose or share data, please see Section 6 (Disclosure of Personal Information with Third Parties).

3.5. Prospective Customers

As you visit or browse the Website, we collect information about the device and browser you use, your network connection, your IP address, and information about the cookies installed on your device. This information is logged to help diagnose technical problems for analytics and for quality control purposes. We also collect Personal Information submitted by any visitor to our Website through messaging features we make available on our Website and use such information for the purpose of responding to your requests.

3.6. Cookies

ToothFairy requires authentication and authorization in order to process Account access. As such, we use cookies throughout the Services to authenticate users. By using our Services, you indicate your consent for ToothFairy and our affiliates to send cookies to your computer or mobile device in order to uniquely identify your device and improve the quality of our services; you may turn off cookies in your browser though, in doing so, some or all of our Service features may not work.

A cookie is a small amount of data, which may include a unique identifier. Cookies are sent to your browser from a website and stored on your device. We assign a different cookie to each device that accesses our Website.

We use cookies to recognize devices and provide a personalized experience on Our Website, or otherwise through the Services. ToothFairy uses session cookies containing encrypted information to allow the system to uniquely identify you while you are logged in. This information allows ToothFairy to process your online transactions and requests. Session cookies help us make sure you are who you say you are after you've logged in and are required in order to use the Services.

If you prefer, you can turn off cookies in your web browser by changing its security settings. Please note, however, some features of Products and Services may not function properly if your cookies are disabled. You may be able to set your browser to notify you when you are sent a cookie. This gives you the chance to decide whether or not to accept it. If you disable cookies, you may not be able to take advantage of all the features of the Website and/or Services. We do not link any of the information we use in cookies to any personally identifiable information submitted by you when you are on the Website.

3.7. Minors

ToothFairy does not knowingly solicit or collect data from children nor knowingly market to anyone under the age of 18. Children age 13 and under are prohibited from using the services. If you become aware that your child has provided us with Personal Information without your consent, please contact us at info@GetToothFairy.com. If we become aware that a child under 18 has provided us with Personal Information, we will take reasonable steps to remove such information.

ONLINE TRACKING

At this time, this Service does not support Do-Not-Track signals.

3.8. Log Files

Like many internet and mobile services, we may automatically gather certain information about our Services traffic and store it in log files. This information includes mobile device identifiers, browser type, IP address, mobile or internet service provider, referring/exit pages, operating system, date/time stamp, and clickstream data. We use this information, which does not identify individual users, to analyze trends, to administer the Services, to track users' movements around the Services, and to gather demographic information about our user base.

We also store in our log files information identifying users who have accessed data that we store about patients, and any changes they make to such data. We use this information to comply with legal obligations relating to such data and to keep a record of such changes. We may also use it to improve our Services.

We may link this automatically collected data to Personal Information. Device identifiers may be tied to Personal Information to troubleshoot access issues.

We may use third-party tracking services that use log files, cookies, and possibly other techniques to track non-Personal Information about visitors to the Services in the aggregate. These services capture usage and volume statistics as well as geographical location data to compile usage reports and maps for optimization and troubleshooting purposes. In particular, we use [Google Analytics] to help collect and analyze certain information for the purposes discussed in this Privacy Policy. You may opt out of data collection by Google Analytics through <https://tools.google.com/dlpage/gaoptout>.

Section 4. STORAGE LOCATION AND TRANSFER OF PERSONAL INFORMATION

ToothFairy processes and stores data collected by TOOTHFAIRY, including Personal Information, on cloud servers located in the United States. ToothFairy also transfers data to the third-party service providers described in Sections 3.3 who may not be based in the region you are located in but we take steps reasonably necessary to ensure that the data is subject to appropriate safeguards, such as where applicable, relying on contractual commitments from our service providers.

By submitting Personal Information or otherwise using the Services, you agree to this transfer, storing or processing of your Personal Information in accordance with these terms. You acknowledge and agree that your Personal Information may be accessible to law enforcement and governmental agencies in the United States and other jurisdictions in which your Personal Information is stored (if applicable) under lawful access regimes or court order.

Section 5. DISCLOSURE OF PERSONAL INFORMATION WITH THIRD PARTIES

5.1. Your Consent to Share

By providing any Personal Information to us, you fully understand and unambiguously consent to the transfer of such Personal Information and the collection and processing of such Personal Information to third party dental service organizations and healthcare providers, financial institutions, or other third parties as described in the Terms of Use. We may share aggregated data to conduct our business, improve the delivery of our Services, to develop analytics, and to enable us and our partners to improve and promote our products and services.

If you access third-party services, such as Facebook, Google, or Twitter, through the Services to login to the Services or to share information about your experience on the Services with others, these third-party services may be able to collect information about you, including information about your activity on the Site, and they may notify your connections on the third-party services about your use of the Site, in accordance with their own privacy policies.

If you choose to engage in public activities on the Site or third party sites that we link to, you should be aware that any information you share there can be read, collected, or used by other users of these areas. You should use caution in disclosing personal information while participating in these areas. We are not responsible for the information you choose to submit in these public areas

5.2. Processing of Dental Practice Data

As a service provider to our dental and other healthcare customers we collect and analyze data related to our dental practice and healthcare customers on their behalf. In this role, ToothFairy is a data processor, processing data authorized from such clients. This data is shared only with the relevant client.

Some of the Personal Information received by ToothFairy in connection with the Services may be provided by health care providers that are subject to health information data protection laws and regulations, such as rules issued under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH), that govern providers' use and disclosure of certain individually identifiable health-related Personal Information ("Protected Health Information"). When we receive Protected Health Information, we may do so as a "Business Associate" of the health care provider under an agreement that, among other things, prohibits us from using or disclosing the Protected Health Information in ways that are not permissible by the health care provider itself, and requires us to implement certain measures to safeguard the confidentiality, integrity, and availability of the

Protected Health Information. When we act as a Business Associate, we may be subject to certain laws and regulations, including certain HIPAA rules, that govern our use and disclosure of Protected Health Information and that may be more restrictive than otherwise provided in this Privacy Policy.

5.3. Service Providers and Business Partners

We may from time to time employ third parties to perform tasks on our behalf and we may need to share Account Information and other Personal Information with them to provide certain services. Unless we tell you differently, such third parties do not have any right to use the Personal Information we share with them beyond what is necessary for them to provide the tasks and services on our behalf. The third parties we currently engage includes third party companies and individuals employed by us to facilitate our services, including the provision of maintenance services, hosting services, database management, Web analytics, payment processing, email and content marketing services, sales productivity services, and general improvement of the Services, and businesses who engage our Services (to the extent provided for above).

5.4. Business Transfers

If our business (or substantially all of our assets) are acquired by a third party, or if we go out of business, enter bankruptcy, or go through some other change of control, Personal Information may be made available or otherwise transferred to the new controlling entity, where permitted under applicable law.

5.5. With Your Consent

If we need to use or disclose any Personal Information in a way not identified in this Privacy Policy, we will notify you and/or obtain consent as required under applicable privacy laws.

5.6. As Required by Law

We may disclose your Personal Information to third parties without your consent if we have reason to believe that disclosing this information is necessary to identify, contact or bring legal action against someone who may be causing injury to or interference with (either intentionally or unintentionally) our rights or property, other end users, or anyone else (including the rights or property of anyone else) that could be harmed by such activities. Further, we may disclose Personal Information when we believe in good faith that such disclosure is required by and in accordance with the law. We also reserve the right to access, read, preserve, and disclose any information as we reasonably believe is necessary to:

satisfy any applicable law, regulation, legal process or governmental request; enforce our contracts or user agreement, including investigation of potential violations hereof; and detect, prevent, or otherwise address fraud, security or technical issues. We may disclose Personal Information if we believe it is necessary to investigate potential violations of our Terms of Use, or to enforce those Terms of Use. The above may include exchanging information with other companies and organizations for fraud protection and spam/malware prevention. Notwithstanding the general terms of this policy, the collection, use, and disclosure of Personal Information may be made outside of the terms herein to the extent provided for in any applicable privacy or other legislation in effect from time to time, or pursuant to court orders.

Section 6. RETENTION

We will keep your Personal Information for as long as it remains necessary for the identified purpose or as required by law, which may extend beyond the termination of our relationship with you. We may retain certain data as necessary to prevent fraud or future abuse, or for legitimate business purposes, such as analysis of aggregated, non-personally-identifiable data, account recovery, or if required by law. Unless otherwise set forth in the Terms of Use or a separate agreement with you governing the applicable Services, if you cease using such Service, we may retain or destroy, at our discretion, all Personal Information and non-personally identifiable information we collect through your use of such Service. All retained Personal Information will remain subject to the terms of this Privacy Policy.

Section 7. ACCESS, CORRECTION AND ACCURACY

You have the right to access the Personal Information we hold about you in order to verify the Personal Information we have collected in respect to you and to have a general account of our uses of that information. Upon receipt of your written request, we will provide you with a copy of your Personal Information, although in certain limited circumstances, and as permitted under law, we may not be able to make all relevant information available to you, such as where that information also pertains to another user. In such circumstances we will provide reasons for the denial to you upon request. We will endeavor to deal with all requests for access and modifications in a timely manner.

We will make every reasonable effort to keep your Personal Information accurate and up to date, and we will provide you with mechanisms to update, correct, delete or add to your Personal Information as appropriate. As appropriate, this amended Personal Information will be transmitted to those parties to which we are permitted to disclose your information. Having accurate Personal Information about you enables us to give you the best possible service.

Section 8. CHANGES TO THIS PRIVACY POLICY

We may amend this Privacy Policy from time to time. If we decide to change our Privacy Policy, we will post those changes on this page and update the Privacy Policy modification date at the top of this page. Use of Personal Information we collect is subject to the Privacy Policy in effect at the time such information is collected, used or disclosed.

ADDITIONAL INFORMATION

If you have questions regarding our Privacy Policy or Terms of Use, its implementation, failure to adhere to these policies and/or our general practices, please contact us: info@GetToothFairy.com.