

App Usage Terms and Conditions HerCare

By utilizing the application HerCare and the information contained in or accessed through the application (the "App") you agree to be bound by these terms and conditions as amended from time to time (the "Terms and Conditions").

No Warranties

The App is provided on an "as is" or "as available" basis without warranties of any kind, express or implied, including but not limited to, merchantability, fitness for a particular purpose, non-infringement, or any warranty arising from a course of dealing, usage, or practice, in each case to the fullest extent permissible by law.

We, as defined below, do not represent or warrant that the materials, the content and other information available through the App is accurate, complete, reliable, current, free of defect, stable or error-free or that the App will be continuously available or secure.

Limitation of Liability

To the maximum extent permitted by applicable law, HerCare Sweden AB, its subsidiaries, the inventors, the developers of the App, our or their respective directors, licensors, members, employees or agents (together "We" or the "Defendant") shall not be liable to you or to any third party for any indirect, incidental, special, consequential or punitive damages, injuries, or any loss of profits or revenues, loss of opportunity or loss of contract, whether incurred directly or indirectly, nor any loss of data, use, goodwill or other intangible losses resulting from 1) the use of or inability to use the App 2) any conduct or content of any third party using the App, 3) any content obtained from the App or 4) any unauthorized use or alterations to any content contained in the App.

Medical Disclaimer

The content provided through the App is intended as an information service and is thus provided for educational, research, and reference purposes only, or as training, preparation, and efficiency tools. The App has been created as an aid to medical treatment and is not designed to replace or substitute any medical evaluation or real-life operative experience of the procedures described in the App, a recognized medical training program or the advice of a qualified healthcare professional and should not be used for any of these purposes.

Patients should not disregard or avoid professional medical advice or delay seeking it because of any content provided in the App.

Third Party Content

The App may depend upon, interact with, or enable access to third parties' information, services, software, systems, technology, websites or other content ("Third Party Content"). Use of each Third Party Content may require that you accept additional terms of use. We do not endorse, and hereby disclaims all liability or responsibility to you or any other person for any Third Party Content.

To the maximum extent permitted by law, We do not give any warranty in relation to Third Party Content and shall not be liable for any claim, action or breach arising in relation to Third Party Content.

Disclaimer of Endorsement

Reference to any products, services, hypertext link to the third parties or other information by trade name, trademark, supplier or otherwise does not constitute or imply its endorsement, sponsorship or recommendation by us. Nor is endorsement of us implied by such links.

Content Ownership

Unless otherwise stated in the App, including, but not limited to, our trademarks, logo and all designs, text, graphics, logos, icons, images, photographs, audio clips, digital downloads, data compilations, software and the selection and arrangement thereof rests with HerCare Sweden AB and are protected by Swedish and/or international copyright laws and other laws relating to intellectual property rights and may not be copied, imitated or otherwise used, in whole or in part, without our prior written consent.

You may not take, post, upload, publish, transmit or otherwise make use of any screen shots, screen captures, reproductions, drawings, photos, videos, downloads or data of any of the images, comments or other content provided through the App without our prior written consent.

Subject to the Terms and Conditions herein, we grant you a non-exclusive, limited, revocable right to access and use the content available through the App solely to the extent necessary for you to use the App for your own purpose, as permitted by these Terms and Conditions. We reserve all other rights. For clarity and without limiting other obligations herein, users of the App shall not distribute or otherwise commercialize the App.

Usage Conduct

You must comply with any rules and policies about use of the App that we publish from time to time. These rules and policies will be available on the App.

You may only use the App for lawful purposes, in accordance with any applicable codes of professional conduct, and may not use it in any way that breaches any local or international law, for the purposes of fraud or to transmit unsolicited advertising, or spam.

You may not attempt to access or download content from the App through the use of any engine, software, tool, agent, device or mechanism (including scripts, bots, spiders, scrapers, crawlers, data mining tools or the like). You may not attempt to decipher, decompile, disassemble or reverse engineer any of the software used to provide the App, except to the extent that such activities cannot be prohibited by law.

You warrant that any information you submit to the App (whether registering for an account, uploading content or otherwise) must be true and not misleading and that you will not impersonate or misrepresent your affiliation with any person or entity.

We reserve the right, but are under no obligation, to investigate any claim that user content or use of the App does not conform to these Terms and Conditions, and to remove user content from the App or terminate your account for breach of these Terms and Conditions.

Eligibility

To use our app, You are required to be at least eighteen (18) years of age. The Services, Products, Sites and Web shop are not intended to be used by persons under the age of eighteen. We will not knowingly collect information from Site Users under the age of eighteen (18) years of age. If You are under the age of eighteen (18), You are not authorized to use the Products, Services, Sites and Webshop. If We discover that We have collected personal information from an individual under the age of eighteen (18), We will delete that information.

Security Features

You represent and warrant that you will provide us with accurate, current and complete registration information. You agree to observe and maintain the confidentiality of all security features relating to use of the App (including but not limited to passwords and access arrangements). We will not be liable for any unauthorized breach or disclosure of the security features.

Miscellaneous

We reserve the right to make changes in the information contained in the App from time to time without notice.

If any provision of these Terms and Conditions is found by a court of competent jurisdiction to be invalid or unenforceable, then the Terms and Conditions will remain in full force and effect to the greatest extent permitted by law.

Governing Law

These Terms and Conditions will be constructed according to and are governed by the substantive laws of Sweden.

PRIVACY POLICY AND INFORMATION ABOUT GDPR

THE HERCARE-APP

BAKGROUND

HerCare Sweden AB ("**HerCare**") is a medical device. We are keen on your integrity and your personal data.

This text explain how and why we use your personal data when you download and use our application ("**the app**"). It also describes your rights and what you can do. If you have any questions about our handling of your personal data you are always welcome to contact us according to the information in the end of this document.

Throughout this privacy text, the term "**processing**" is used, which includes all actions involving personal data, including without limitation, collection, handling, storage, sharing, access, use, transfer and deletion of personal data.

"GDPR" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

"Personal data" means any information relating to an identifiable or identified natural person.

WHO IS RESPONSIBLE FOR THE PERSONAL DATA WE COLLECT?

HerCare Sweden AB, organisation number. 559100-4501, Brovägen 1, 182 76 Stocksund, is the data controller for the processing of personal data as stated in this privacy text.

FROM WHERE DO WE COLLECT PERSONAL DATA?

We collect personal data directly from you. This may be information that you either provide to us yourself (i) directly in the app, (ii) when you have been in contact with us (e.g. results recorded in the app), and /or (iii) that we collect automatically from your device in connection with your use of the app.

If you have given your consent in advance, we may also collect your personal data from other integrated apps. Note that you always have the right to disclaim integration with other apps.

WHEN AND WHY DO WE PROCESS PERSONAL DATA?

Create and manage your user account

If you choose to log in with Apple Identification or face recognition and create a personal user account in the app, we will process your personal data to, among other things, help you establish the account and otherwise ad-minimize the user account. If you do not log in with a personal user account, you will not be able to use the features and services of the app.

Categories of personal data	Legal basis
<ul style="list-style-type: none">• Identity• Credentials	<i>Agreement.</i> The processing is necessary to fulfil our rights and obligations under our user terms and conditions linked to the establishment and administration of your user account.
Retention period: Personal data for this purpose is retained until you choose to close your account with us.	

Enable your use of the App, including providing you with care and advice

In connection with your use of the app, we will process your personal data that you provide to us. This can happen, for example, when you enter test results and/or symptoms in the app (by, among other things, answering questions about hormonal status), and/or when you take part in test results or other information in the app that was previously collected, and / or when you integrate data from other apps.

The processing of your personal data as described above takes place in order to enable you to use our services and functions in the app, in order to provide you with advice in the best way. This also includes being able to communicate with you in connection with us providing you with advice, e.g. on-the-counter information about conducting tests.

Categories of personal data	Legal basis
<ul style="list-style-type: none"> • Identity information, including social security number • Credentials • Results (including hormonal check-up and other data) • Test results • Notes and communications from you • Details about your well being 	<i>Legal obligation.</i> The processing is necessary to fulfil our legal obligations in connection with us providing you with advice.
	Legal exemption for sensitive personal data
	Sensitive data, including on health status and/or genetic data (e.g. from blood samples), is processed when it is necessary to provide our advice and services to you (Article 9.2 h) GDPR).
Retention period: Your personal data is retained for this purpose for at least ten (10) years after the last data was registered, in order to fulfil our legal obligations regarding record keeping according to the Patient Data Act (2008: 355).	

Handle and respond to your questions and any complaints, including other communications

If you communicate with us via the app, e.g. by submitting any complaints or if you have other questions or concerns, we will process your personal data in order to be able to handle and answer such complaints or questions.

Categories of personal data	Legal basis
<ul style="list-style-type: none"> • Identity information • Notes and communications from you • Contact information 	<i>Legal obligation.</i> The processing is necessary to comply with legal obligations that apply to us regarding the handling and handling of complaints from you.
	<i>Legitimate interest.</i> The processing is necessary to satisfy our legitimate interest in handling your feedback and answering your questions (which are not covered by our obligation to respond to complaints as described above).
	Legal exemption for sensitive personal data
Sensitive data, including on health status is processed when it is necessary to provide our advice and services to you (Article 9.2 h) GDPR).	
Retention period: Your personal data is retained for the time necessary for us to comply with our legal obligations, or for the period necessary to handle and answer your questions and concerns.	

Develop and improve the quality of operations as well as administration and business follow-up

We process your personal data as stated in the app for the purpose of developing and improving our advice to you (quality assurance), as well as in connection with administration and business follow-up. This is done, for example, by producing reports of statistics based on the type of information you enter in the app. The processing itself consists of us anonymizing the now mentioned personal data, i.e. the reports of trends and statistics will not be attributable to you as an individual.

Categories of personal data	Legal basis
<ul style="list-style-type: none">• Identity information• Credentials• User-generated data• Results	<i>Legitimate interest.</i> The processing is necessary to satisfy our legitimate interest in following up, evaluating and improving our service and advice to you.
	Legal exemption for sensitive personal data <i>Any sensitive data, including regarding health status, is processed when it is necessary to provide our advice and services to you (Article 9.2 h) GDPR.</i>
Retention period: Reports/statistics at an aggregated level that do not contain any personal data are stored until further notice.	

Provide you with relevant offers and appropriate advice

Provided that you have given your consent, we process your personal data that you enter in the app in order to provide you with relevant offers and appropriate advice. This is done, among other things, by developing aggregated customer segments based on e.g. how often and what functions you use in the app and what type of information you enter in the app. The actual processing consists of us anonymizing the now mentioned personal data, i.e. the reports / statistics will not be attributable to you as an individual.

Categories of personal data	Legal basis
<ul style="list-style-type: none">• Identity information• Credentials• User-generated data• Results	<i>Legitimate interest.</i> The processing is necessary to satisfy our legitimate interest in providing you with relevant offers and appropriate advice.
	Legal exemption for sensitive personal data <i>Any sensitive data, including regarding health status, is processed on the basis of your consent (Article 9.2 a) GDPR).</i>
Retention period: Reports/statistics at an aggregated level that do not contain any personal data are stored until further notice.	

Develop and improve our features and services

Subject to your consent, we process your personal data for the purpose of developing and improving our technical features in the app (e.g. artificial intelligence), which is done for the purpose of providing you with an improved care product / service. This is done, among other things, based on how often and what features you use in the app and what type of information you enter in the app.

Categories of personal data	Legal basis
<ul style="list-style-type: none"> • Identity information • Credentials • User-generated data • Results 	<i>Legitimate interest.</i> The processing is necessary to satisfy our legitimate interest in developing and improving the technical functions of the app.
	Legal exemption for sensitive personal data
	Any sensitive data, including regarding health status, is processed on the basis of your consent (Article 9.2 a) GDPR).
Retention period: Data at an aggregated level that does not contain any personal data is stored until further notice.	

Improve your experience when using the app

In order to improve your experience when using the app and provide you with tailored content where appropriate, we will collect and process your personal data. This means that we can, for example, save information about selected settings in the app (such as language and display settings) for the purposes now mentioned.

Categories of personal data	Legal basis
<ul style="list-style-type: none">• User-generated data• Identity information• Geographical data	<i>Legitimate interest.</i> The processing is necessary to satisfy our legitimate interest in improving your experience in the app and providing you with tailored content.
Retention period: Your personal data is retained for this purpose until further notice or until you choose to delete your account.	

Manage and respond to legal requirements

In order to handle and respond to legal requirements, e.g. in connection with a dispute or legal process, we must process your personal data in future cases.

Categories of personal data	Legal basis
<i>All data necessary to manage and respond to the legal requirement.</i>	<i>Legitimate interest.</i> The processing is necessary to satisfy our legitimate interest in handling and responding to legal requirements, e.g. in the event of a dispute and legal proceedings.
Retention period: Personal data is retained for the time necessary to handle and respond to the legal requirement.	

Comply with legal obligations

In addition to what is stated in this privacy text in general, we process your personal data to fulfill legal obligations that apply to us, e.g. regarding requirements under the GDPR.

Categories of personal data	Legal basis
<i>All data collected and necessary to comply with the respective legal obligation.</i>	<i>Legal obligation.</i> The processing is necessary to comply with legal obligations that apply to us.
Retention period: Personal data is retained for the time necessary for us to be able to fulfill the legal obligations that apply to us.	

Manage and protect systems and services

In order to manage and protect our IT systems and services, e.g. when logging, trouble shooting, security copying, identification of potential risks and fraud, change and problem management in systems and in connection with any IT incidents, we process your personal data if necessary.

Categories of personal data	Legal basis
<i>All data that appears in this privacy text if necessary to fulfill the purpose.</i>	<i>Legitimate interest.</i> The processing is necessary to satisfy our legitimate interest in managing and protecting our IT systems and services.
Retention period: Personal data is retained for the same period as stated in relation to the respective above purposes. Personal data in logs is retained for trouble shooting and incident management until you choose to close your account with us.	

RECIPIENTS WITH WHOM WE SHARE PERSONAL DATA

When necessary, we share personal data with the recipients below. Unless otherwise stated, named recipients are independently responsible for their own processing of personal data.

Receiver	Purpose	Legal basis
Authorities	To fulfil any legal data obligations, e.g. in connection with requests from authorities in accordance with the Patient Data Act (2008:355), the Patient Act (2014:821) and the Patient Safety Act (2010:659).	<i>Legal obligation.</i> The processing is necessary to fulfil legal obligations to which we are subject.
Authorities (including courts) and legal representatives	For the establishment, exercise, and defence of legal claims.	<i>Legitimate interest.</i> To satisfy our legitimate interest in disputes and matters being handled by courts and agents.
Buyers, sellers and external advisors/other parties involved	Enable business changes, such as the sale or merger of the business or investments in general.	<i>Legitimate interest.</i> To satisfy our legitimate interest in implementing business changes.

Service providers

In order to fulfil the purposes of the processing of personal data, we share your personal data with service providers that we have engaged. For example, these suppliers provide IT services to us, which includes the necessary operation, technical support and maintenance of our IT solutions and systems.

The service providers we have engaged may only process your personal data according to our express instructions and may not use your data for their own purposes. They are also required by law and contract to take appropriate technical and organizational security measures to protect your data.

PROTECTION OF YOUR PERSONAL DATA

As a healthcare provider and developer of a medical device, we take appropriate technical and organizational security measures to protect your personal data. This means, among other things, that we carefully review the authorization and access to your personal data, in order to ensure that staff at HERCARE are given access to your personal data only to the extent that this is necessary or has a legitimate reason.

Furthermore, we ensure that access to your personal data is subject to strong protection, e.g. through encryption and/or two-factor authentication. Please also note that our professionals are subject to statutory professional secrecy, which means that your information may not be disclosed unauthorized. If, on the other hand, data may be disclosed by law, this can be done on a medium for automated processing.

YOUR RIGHTS

Rights in relation to your personal data

In connection with our processing of your personal data, you have, under certain conditions, the right to assert the following rights:

Access

You can request confirmation of whether your personal data is being processed or not and, if they are being processed, request access to your personal data and additional information such as the purpose of the processing. You also have the right to receive a copy of the personal data being processed.

If the request is made electronically, the information will also be obtained in an electronic format that is widely used unless you request otherwise.

Correction

If you discover that personal data related to you is incorrect, incomplete, or incorrect, you have the right to have your personal data corrected.

Objection to special treatment

You can object to the processing of your personal data based on a legitimate interest, in light of the particular situation and to processing that takes place for direct marketing purposes.

If we cannot demonstrate a compelling legitimate reason for continuing the processing that outweighs your interests, or if the processing is not necessary for the establishment, exercise, and defence of legal claims, we are obliged to cease the processing.

Deletion

You may have your personal data deleted in certain circumstances, e.g. when the personal data is no longer needed to achieve the purpose for which the personal data was collected.

Restriction of processing

You can ask us to limit the processing of your personal data to only include the storage of your personal data in special circumstances, e.g. when the processing is unlawful but you do not want your personal data deleted.

Withdraw consent

You always have the right to withdraw your consent to the processing of personal data to the extent that the processing is based on your consent.

Data portability

You have the right to request a machine-readable copy of the personal data processed on the basis of your consent or where the processing is necessary for the performance of a contract with you, and where personal data has been obtained by you (data portability), and to request that the information be transferred to another data controller (if possible).

CONTACT US

If you have any questions regarding the processing of your personal data or if you wish to exercise any of your rights under applicable data protection legislation, please contact HERCARE at the contact details below. We have the right to change and supplement this privacy text if necessary.

Data Controller

HerCare AB

Brovägen 1

182 76 Stocksund

Sweden

Contact details of data protection officer

app@hercare.se

Privacy text last updated

17 of February 2023

CATEGORIES OF PERSONAL DATA

Below you will find an explanation of the Categories of personal data that we may collect and save about you.

Categories of personal data	Example of personal data
<i>Notes and communication</i>	Personal data that you provide in your communication with us or your notes in the app
<i>User-generated data</i>	Technical data regarding devices used and its settings (e.g. language setting, IP number, time zone and screen resolution), where and how long different pages were visited, response times, etc.
<i>Credentials</i>	User name
<i>Geographical data</i>	Location data from your device
<i>Identity data</i>	Name, social security number
<i>Contact information</i>	Address, e-mail address, telephone number
<i>Test result</i>	Test result generated from tests at clinic.
<i>Test result</i>	Results/health status based on your responses in the app, e.g. regarding hormonal status and listed symptoms