

Empathia Privacy Policy

Last updated: 12/21/2023

Purpose

This privacy policy is intended to help you better understand Empathia's information collection practices and your rights over your own data. This policy outlines Empathia's information privacy and security practices for our Services, including <https://www.empathia.com/>, <https://members2.mylifematters.com>, and any MyLifeMatters apps (individually, the "Website" or "App" and, collectively, our "Websites").

Please read this privacy policy carefully to understand our policies and practices for collecting, processing, and storing your Personal Information. By engaging with our Websites, you accept and consent to the practices described in this privacy policy. This privacy policy may change from time to time (see [Changes To This Privacy Policy](#)). Your continued engagement with our Websites after any such revisions indicates that you accept and consent to them, so please check periodically for updates. To the best of our ability, we will call material changes to your attention using reasonable efforts considering our available technology.

Applicability

This privacy policy applies to the collection, use, and disclosure of Personal Information that we may collect from you or that you may otherwise provide to us when you use our Services, including:

- Visiting our Websites and our other digital properties or forms that link to this notice.
- Communicating with us via phone, email, text, and other forms of electronic messages between you and our Websites.
- Interacting with media on our Websites.
- Interacting with us on our official "pages" on other third-party websites like Facebook or LinkedIn.
- Using our Services, offline or online, unless we provide you with another privacy policy that notes that it supersedes this privacy policy.
- Interacting with service providers, contractors, or processors with which we work to offer, provide, and improve our Websites and Services. Our use and disclosure practices are included in this privacy policy (see [Use and Disclosure of Personal Information](#)).

Our Websites may include links to third-party websites, plug-ins, services, social networks, or applications. Clicking on those links, such as links to social media sites like Facebook, LinkedIn, or YouTube, or enabling those connections may allow those third parties to collect information about you. We do not control these third-party websites, and we encourage you to read the privacy policy of every website and application you visit.

Collection of Personal Information

When you navigate through or use our Services, including any pre-diagnostic assessment, supportive counseling, referral, or follow-up, we may collect Personal Information about you. Personal Information means data that we could reasonably use to directly or indirectly identify you, such as:

- **Contact information**, such as your name, postal or service address, email address, telephone number, username, or other similar identifiers, such as social media handles, depending on what information you provide to us and what Services you are using.
- **Health or medical information**, including mental health information, if relevant to our Services and with your consent. We only collect this information if you voluntarily provide it to us and we limit the collection of this information to what is voluntarily provided or information that is essential to the Services we are providing.
- **Employment or education information**, such as information relating to your EAP and any eligibility for our Services.
- **Demographic information**, which may include protected classification characteristics under state and federal law, such as military or veteran status, gender, age, or other background information. Similar to health information, we only collect this information if you voluntarily provide it to us and we limit the collection of this information to what is voluntarily provided or information that is essential to the Services we are providing.
- **Internet or network activity**, meaning browsing history, search history, or details about your interactions with our Services, which may include data relating to the full Uniform Resource Locators (URLs); clickstream information to, through, and from our Websites (including date and time); Services viewed or searched for; page response times; download errors; length of visits to certain pages; page interaction information (such as scrolling, clicks, and mouse-overs); or methods used to browse away from the page. This also includes log, diagnostic, usage, and performance information our servers automatically collect when you access or use our website and which we record in log files. If you are using our Services on a mobile network, we may also collect information about the phone network associated with your mobile device, your mobile device's operating system or platform, the type of mobile device you use, your mobile device's unique device ID, and information about the features of our Services you accessed. You may have the ability to limit what you disclose to us by changing your cookie settings or privacy settings on your mobile device (see [Cookie Policy](#)).
- **Geolocation data**, meaning data about your location when you are using the Services. We may ask for geolocation data, such as zip code, in order to provide you with appropriate, state-licensed providers. Precise geolocation may be considered Sensitive Personal Information under certain state laws. Empathia will not request precise geolocation as that term is defined under certain state laws.

If we combine or connect non-personal, demographic, or technical information with Personal Information so that it directly or indirectly identifies an individual, we treat the combined information as Personal Information. This may happen if you are signed into your account when using our Services.

Sources of Personal Information

- **Direct interactions**, such as when you give us information about you by:
 - Filling in forms.

- Corresponding with us by phone, email, text, or other forms of messaging. This includes using tools on our Websites, messaging us on social media or other platforms, or otherwise engaging with our Services.
 - Creating an account.
 - Registering for the Services.
 - Expressing an interest in obtaining information about us or our Services.
 - Completing a survey.
 - Subscribing to our emails.
 - Searching on Services.
 - Requesting further Services.
 - Downloading content, including guides or articles, from our Services.
 - Submitting user contributions. We do not include user contributions on our Websites. However, you may also provide information for us to transmit, publish, or display on our official public Facebook, LinkedIn, or other social media pages, (collectively, “User Contributions”). You submit User Contributions for posting and transmission to others at your own risk. Although we may limit access to these pages and/or you may set certain privacy settings for User Contributions by logging into your account profile on the relevant social media platform, please be aware that no security measures are perfect or impenetrable. Additionally, we cannot control the actions of any individual with whom you choose to share your User Contributions. Therefore, we cannot and do not guarantee that unauthorized persons will not view your User Contributions.
- **Automated technologies or interactions**, such as when our web server software automatically collects, and temporarily stores, the following information about each visit for statistical purposes:
 - The domain name you use to access the internet;
 - The time and date of your visit;
 - The name of the organization that sponsors your EAP benefit (if you choose to provide this information);
 - The pages visited;
 - Your computer or mobile device ID; and
 - Your browsing actions, patterns, and interactions when you visit, use, or navigate our Websites.
 - Most of the time, this information does not reveal your specific identity (like your name or contact information), but may include device and usage information, such as your IP address, browser and device characteristics, operating system, language preferences, referring URLs, device name, country, location, information about how and when you use our Services and other technical information. This information is primarily needed to maintain the security and operation of our Services, and for analytics and reporting purposes. This information may reveal or be associated with your identity if you are signed into an account. We encourage you to consider this as you navigate and use our Websites.

- **Other PI sources**, such as third parties or publicly available sources. We may receive information about you if you visit other websites employing our cookies or from third parties including our affiliate network providers or the organization that sponsors your EAP benefit.
 - Use and Disclosure of Personal Information

The Personal Information that we collect depends on the context of your interactions with us and our Services, the choices you make, and the features you use.

We may use or disclose the Personal Information we collect for one or more of the following purposes:

- To provide you with Services that you request.
- To provide, support, personalize, and develop our Websites and Services.
- To create, maintain, customize, and secure your account with us.
- To process your requests and payments, including to prevent transactional fraud.
- To provide you with support and to respond to your inquiries. We may then use this information you provide to investigate and address your concerns and monitor and improve our responses.
- To help maintain the safety, security, and integrity of our Services, databases and other technology assets, and business.
- For testing, research, and analysis, including to improve our Services.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your Personal.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Information held by us is among the assets transferred.
- For other uses as may be permitted or required by applicable law, including comprehensive state privacy laws.
- With your consent.

We may use non-Personal Information for any business purpose.

We may disclose your Personal Information to:

- Business partners, such as our therapy providers or the organization that sponsors your EAP benefit.
- Service vendors
- Our affiliate network providers

We may also disclose your Personal Information:

- As authorized or directed by you.
- To a buyer or other successor in the event of merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, where one of the transferred assets is the Personal Information we hold.

- To comply with any court order, law, or legal process, including responding to any government or regulatory request.
- To enforce or apply our terms of use or other agreements.
- To protect the rights, property, or safety of our business, our employees, our customers, or others. This may include exchanging information with other companies and organizations for the purposes of preventing probable or imminent risk of suicide, homicide, or grave physical harm to another person; possible abuse or neglect of a child or a vulnerable adult; threat to national security; other grave harms.

We may disclose aggregated information that does not identify any individual without restriction. We may share non-Personal Information without restriction.

Cookie Policy

Our Services may use cookies or other tracking technologies, such as pixels or web beacons. A “cookie” is a small text file that may be placed on your computer when you visit a website or click on a URL. We may use a single-session cookie, which is held temporarily in your computer’s memory during only a single visit to a website to personalize user experience or to determine ways to improve the site, its content, and services offered through the site. A single-session cookie disappears from your hard drive when you close your browser. Most browsers are set up to accept cookies. You may reject or delete cookies by adjusting your browser preferences at any time; however, this may limit your ability to use all the features on our Websites or the appearance of certain pages.

Currently, on <https://www.empathia.com/>, we only use LinkedIn and Google Analytics cookies. You can opt out of receiving targeted ads from members of the Network Advertising Initiative (“NAI”) on the NAI’s website or members of the Digital Advertising Alliance (“DAA”) on the DAA’s website. For information about these opt-out programs and to opt-out of the use of website browsing data for interest-based advertising by companies that participate in these programs, click the following: [NAI Opt Out](#) or [DAA Opt Out](#). To opt out of the use of information collected from our Websites on your mobile device, consult the settings on your device.

To opt-out of Google, you may visit: <https://adssettings.google.com>.

Currently, on <https://members2.mylifematters.com/portal/welcome/sso>, we use Simple Analytics, a privacy-focused form of analytics. To learn more about Simple Analytics's data collection, see <https://simpleanalytics.com/no-tracking> or <https://docs.simpleanalytics.com/what-we-collect>.

Our Websites are not designed to respond to “do not track” signals received from browsers. Likewise, our Websites are not currently designed to respond to Global Privacy Control signals.

Your State Law Privacy Rights

Certain states may provide residents with rights to request the following, subject to certain exceptions:

- The right to know or access what Personal Information we have collected or processed about you, including:
 - The categories of Personal Information;
 - The categories of sources from which we collect it;

- The business or commercial purpose for collecting, selling, or sharing Personal Information;
- The categories of third parties to whom we disclose Personal Information; and
- The specific pieces of Personal Information we have collected about you, also called the right to data portability, meaning you may have the right to download your Personal Information and transfer it to another business.
- The right to delete certain Personal Information that we have collected.
- The right to correct inaccurate Personal Information that we maintain about you, taking into account the nature of the information and the purpose for collection.
- The right to opt-out of sale or sharing of Personal Information. This includes the right to opt out of Personal Information processing for targeted advertising, personal information sales, or advertising for cross-context behavioral advertising purposes. It also includes the right to opt-out of profiling in furtherance of decisions that produce legal or similarly significant effects. We do not engage in cross-context behavioral or targeted advertising. We do not otherwise sell or share Personal Information for advertising purposes. We also do not engage in profiling in furtherance of decisions that produce legal or similarly significant effects. To set your Cookie Preferences, please change the settings through your browser. To submit any other request or ask any questions, please email ITAT@empathia.com.
- The right to limit the use of Sensitive Personal Information, if applicable. However, we do not use or disclose Sensitive Personal Information for reasons other than the limited purposes allowed under the various state privacy laws.
- The right to non-discrimination/retaliation for exercising state law privacy rights. In California, this includes the right not to receive discriminatory treatment by us for the exercise of privacy rights, including an employee's, applicant's, or independent contractor's right not to be retaliated against for the exercise of their state law privacy rights.

Some of these rights are only given to individuals when acting as consumers.

Other Privacy Choices

- **Email marketing.** If you have agreed to receive marketing emails from us, you may respond to any marketing email and ask to opt-out or click the footer at the bottom of your email.
- **SMS policy.** Please review our [SMS policy](#), including your opt-out options.
- Exercising Your Privacy Rights

To submit a request to exercise any privacy rights, please submit a request by emailing ITAT@empathia.com with the subject line: Data Subject Access Request. To appeal a decision regarding a consumer rights request, please send an email to ITAT@empathia.com with the subject line: CONSUMER RIGHTS APPEAL.

Upon receiving your request, we may need to verify your identity to determine you are the same person about whom we have information in our system. For instance, depending on the type of request you submit, we may ask you to provide certain information so that we can match it with the information we already have on file, or we may contact you through a phone number or email address that you have previously provided us. We may also use other verification methods as the circumstances dictate.

We will only use Personal Information provided in your request to verify your identity or authority to make the request. To the extent possible, we will avoid requesting additional information from you for

the purposes of verification. If, however, we cannot verify your identity, we may request that you provide additional information for the purposes of verifying your identity, and for security or fraud-prevention purposes. We delete verification information in accordance with consumer privacy laws.

We do our best to follow the timelines set forth in the applicable data privacy laws. We will advise you in writing if we cannot meet your requests within this time limit.

Authorized Agent

Certain privacy laws allow you to have an authorized agent submit a request on your behalf. If you are using an authorized agent to exercise your rights, we may deny a request if the authorized agent does not submit proof that they have been validly authorized to act on your behalf.

Data Retention and Deletion

Except as otherwise permitted or required by applicable law or regulation, we will only retain your Personal Information for as long as necessary to fulfill the purposes for which we collected it; as required to satisfy any legal, accounting, or reporting obligations; or as necessary to resolve disputes. To determine the appropriate retention period for Personal Information, we consider applicable legal requirements, the amount, nature, and sensitivity of the Personal Information, the potential risk of harm from unauthorized use or disclosure of your Personal Information, the purposes for which we process your Personal Information, and whether we can achieve those purposes through other means. We specify the retention periods for your Personal Information in our document retention policy. After the maximum retention period, if there is no ongoing service activity connected to the record, the record is destroyed.

Records that have satisfied the applicable period of retention will be destroyed/disposed of within industry standard manners. Destruction will be in accordance with applicable information privacy and security laws and regulations and Empathia's record destruction policy.

Information Security

Empathia uses reasonable administrative, technical, and physical measures to protect information provided by visitors via our Websites from unauthorized third-party access.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your Personal Information, we cannot guarantee the security of your Personal Information transmitted to our Services. Any transmission of Personal Information is at your own risk.

Children

We request that children under the age of 16 not use the Services or submit any Personal Information to the Services. We do not direct our Services to children under the age of 16 and we do not knowingly collect, use, store, or disclose the Personal Information of children under the age of 16 or minors as defined by local legal requirements. If we learn we have mistakenly or unintentionally collected or received Personal Information from a child without appropriate consent, we will delete it. If you believe we have mistakenly or unintentionally collected any information from a child under the age of 16, please contact us at ITAT@empathia.com.

Changes To This Privacy Policy

We will post any changes we may make to our privacy policy on this page and indicate that we updated our privacy policy. If the changes materially alter how we use or treat your Personal Information, we will notify you by email to the primary email address specified in your account and/or through a notice on the top of this privacy policy.

Communicating With Us

If you have questions, comments, concerns, or complaints about this privacy policy or our practices, you may send us an email at ITAT@empathia.com.

Accessibility

To obtain this privacy policy in an alternative format, please contact us by email at info@empathia.com or by phone at 866.332.9595 to make a request.