

**Last Updated: February 8, 2017**

## **MaxMD Privacy Policy**

Park Avenue Capital, LLC, doing business as “MaxMD” (“MaxMD”, “we”, or “us”) respects and values your privacy.

This Privacy Policy describes how MaxMD collects and uses personal information about you when you visit our website at [www.maxmddirect.com](http://www.maxmddirect.com) (the “Website”) or subscribe to or use a MaxMD service provided through the Website (each, a “Service”), as well as your choices about how personal information will be used and how you may update your personal information.

Our business partners, marketing partners, affiliates, contractors, licensors and other service providers (collectively, “Service Providers”) have their own websites and privacy practices. We encourage you to read the privacy policies and notices of all websites you visit to understand their privacy practices and your options before submitting any personal information.

We will not knowingly use or share your personal information with anyone except as described in this Privacy Policy.

By using the Website or subscribing to or using a Service, you accept and agree to the privacy practices contained in this Privacy Policy. We encourage you to read this Privacy Policy in full to understand our privacy practices before using the Website, subscribing to a Service or submitting any personal information.

**PLEASE NOTE THAT THIS PRIVACY POLICY MAY BE CHANGED FROM TIME TO TIME AS MORE FULLY PROVIDED IN SECTION 10 BELOW.** We indicate at the top of the page when this Privacy Policy was last updated.

If you have questions about this Privacy Policy or the way we collect, use, process, store or share your personal information, please contact us at [PrivacyOfficer@maxmddirect.com](mailto:PrivacyOfficer@maxmddirect.com).

### **1. Personal Information We Collect.**

When you visit our Website, we collect the following personal information about you:

- Contact information, such as your name, home or other physical address, email address and telephone number.
- Unique identifiers and preference information such as your marketing preferences, internet protocol (IP) address, browser type, operating system or host, computer or mobile device, country of origin and your navigation and clickstream behavior from

actions that you take on our Website or through a Service, which we may share with our Service Providers for the purposes set forth in this Privacy Policy.

- Information about you from affiliates, subsidiaries, marketing partners, ad networks, and other third parties which may be combined with information we already have about you.
- Information about you that you share or make visible on the Internet. We may combine such information with information we already have about you.

When you subscribe to a Service, you will be asked to submit some or all of the following personal information to verify your identity and establish an account:

- Name, home or other physical address, email address, phone number, social security number, date of birth, credit card number and npi number. For Organization Certificates, the applying entity will also be required to provide its name, EIN number, npi number, DUNS number, address, u.r.l. to which the Organizational Certificate is to be issued, and the name of an administrator for such organization, including the administrator's name, physical address, email address, phone number. This information is used by MaxMD to verify your identity and for purposes of completing your registration process.
- If you subscribe to a Service, you will be also required to provide payment information, such as your credit card number. MAXMD stores and uses this payment information in a PCI compliant manner to process payment for your subscription to the Service as well as processing payment for automatic renewals of your subscription.
- A Service may also allow you to securely exchange protected health information as described in Section 3 below.

## **2. Methods Used to Collect Information.**

We use various technologies to collect personal information about visitors to the Website and subscribers to or users of a Service. These technologies include the following:

- Web logging
  - As is true of most websites, we gather certain information automatically and store it in log files. This information may include IP addresses, browser type, internet service provider, referring/exit pages, operating system, date/time stamp and/or clickstream data. We or our marketing partners may link this automatically collected data to other information we or they collect about you.
- Cookies and other tracking technologies
  - We and our Service Providers may use technologies such as: cookies, beacons, tags and scripts. These technologies are used in analyzing trends, remembering users' settings, administering the Website and Service, tracking users' movements around the Website and Service and to gather demographic information about our user base as a whole. We may receive reports based on the use of these

technologies by these companies on an individual as well as aggregated basis. You may control the use of cookies through your browser settings. If you reject cookies, you may still be able to use our Website, but your ability to use some features or areas of our Website, as well as use of the Service, may be limited. For more information on how we use cookies and other tracking technologies on our website, please contact [PrivacyOfficer@maxmddirect.com](mailto:PrivacyOfficer@maxmddirect.com).

- o We also use Local Storage Objects (LSOs) such as HTML5 to collect and store your information and preferences. Third parties with whom we partner to provide certain features on our Website or the Service may use LSOs such as HTML5 to collect and store information about you. Various browsers may offer their own management tools for removing HTML5 LSOs.

### **3. Security and Health Insurance Portability and Accountability Act (“HIPAA”).**

MaxMD and/or its third-party service providers used to provide the Service have implemented reasonable security measures as required by HIPAA designed to protect against the loss, misuse or alteration of your protected health information transmitted through or stored by the Service.

As a subscriber to the Service, you will also be able to send, receive and transmit protected health information with healthcare providers and other persons who have a Direct Certificate or have otherwise implemented a trusted relationship with the subscriber for the exchange of protected health information using the Service.

However, please be aware that no data transmission over the Internet can be guaranteed to be 100% secure and this is not a guarantee that your personal information (including protected health information) may not be accessed, disclosed, altered or destroyed by breach of any physical and technical safeguards in place. All information you transmit on or through the Website and Service is at your sole risk.

You are responsible for maintaining the secrecy of your unique password(s) and account information, and for controlling access to your account(s) at all times.

### **4. How We Use the Personal Information Collected.**

We may use your personal information collected for the following purposes:

- To create your Website or Service Account and allow use of the Service.
- To better understand how the Service and Website are being used and to improve the Service and Website.
- To provide personalized Website and/or Service content based on your activity and preferences.
- To communicate with you regarding updates to the Service and Website and to respond to your inquiries, requests and applications and/or to send important notices.

- To conduct surveys and research.
  - If you participate in surveys, we will request certain personal information from you. Participation in these surveys is completely voluntary and you therefore have a choice whether or not to disclose this information. We may use a third party Service Provider to conduct these surveys. We will not share the personal information you provide through a survey with other third parties unless we give you prior notice and choice.
- To further develop our products and services and to improve our business.
- To track your use of the Website and Service as reasonably necessary to prevent illegal activities and enforce our Terms of Use and Authorized User Agreement.
- We may also send you emails with information about products and services that we believe may be of interest to you. If you wish to opt-out of receiving these emails from us, please follow the instructions contained in that email.

## **5. How We Share Personal Information Collected.**

We do not sell or rent personal information we collect through the Website or Service or protected health information transmitted through the Service to any third party for its own marketing purposes. We may share your personal information and protected health information as follows:

- We may disclose your personal information and protected health information to our Service Providers who provide certain services to us or on our behalf, such as operating, providing and supporting the Service, analyzing data, verifying your identity, processing payments or performing marketing or consulting services. These Service Providers will only have access to the personal information or protected health information needed to perform these functions on our behalf.
- Some of our pages use framing techniques to serve content to or from third parties while preserving the look and feel of our Website or the Service. Please be aware that you are providing personal information to these third parties and not directly to MaxMD.
- Our Website may offer a publicly accessible blog. You should be aware that any personal information you provide in these areas may be read, collected and used by others who access them. To request removal of personal information from our blog or community forum, contact us at [PrivacyOfficer@maxmddirect.com](mailto:PrivacyOfficer@maxmddirect.com).
- We may also disclose personal information about visitors to our Website or users of the Service:
  - As required by law, such as to comply with a subpoena or similar legal process.

-When we believe in good faith that disclosure is necessary to protect our rights or property, protect your health and safety or the health and safety of others, or to investigate illegal activity or fraud or to respond to a government request.

-In the event of a merger, acquisition, asset sale or in the unlikely event of bankruptcy, personal information (and protected health information) maintained by or on behalf of MaxMD may be transferred to its successors or assigns.

- To any other third party with your prior consent.

-We may also share information relating to users of the Website or Service with affiliated or unaffiliated third parties on an anonymous, aggregate basis. While this information will not identify you personally, in some instances these third parties may be able to combine this aggregate information with other data they have about you, or that they receive from third parties, in a manner that allows them to identify you personally.

## **6. Links to Other Websites.**

We are not responsible for the practices employed by websites, content or resources linked to or from the Website or Service (“Resources”). Because we cannot control the activities of these Resources, we cannot accept responsibility for any use of your personal information by these Resources, and we cannot guarantee that they will adhere to the same privacy and security practices as us. If you visit or link to a Resource, you should consult that Resource’s terms and conditions and privacy policy before providing any personal information or protected health information. Your use of any such Resource is at your discretion and at your sole risk.

## **7. Children’s Privacy.**

Children under the age of 18 are not permitted to create an account or use the Service, and we do not knowingly collect personal information from children under 13 years of age, except personal information and protected health information sent, received, transmitted or stored through the Service by a parent or legal guardian who is authorized to do so. If you believe that we may have improperly collected any information from or about a child under the age of 13, please contact us at [PrivacyOfficer@maxmddirect.com](mailto:PrivacyOfficer@maxmddirect.com).

## **8. Special Notice for Users Located Outside the United States.**

The Website and Service are currently provided from the United State for use by persons in the United States. If you chose to access the Website or Service from any jurisdiction outside the United States, any personal information that we collect from you may be transferred to and stored at a destination outside of your country of residence, including the United States. By using the Service, you hereby consent to the collection, transfer, storage, processing, and other use of your persona information and protected health information in the United States or another destination outside of your country of residence. You acknowledge that your personal information may be subject to the privacy and data protection laws and regulations of the United States, which may not be the same as applicable laws and regulations in your country of residence.

## **9. Accessing, Changing and Managing Your Personal Information.**

The Website and/or Service may allow you to directly view, edit or delete personal information about you online. If this option is not available, you can update your personal information by contacting our Privacy Officer at [PrivacyOfficer@maxmddirect.com](mailto:PrivacyOfficer@maxmddirect.com) or the address listed below. We will use commercially reasonable efforts to respond to your request within 30 days.

We will retain your personal information for as long as your Account is active or as reasonably useful or required for legal or commercial purposes. We or our Service Providers will retain your protected health information for as long as stated in the applicable Authorized User Agreement pursuant to which you agree to send, receive or transmit such protected health information. We may also retain and use your personal information as reasonably necessary to comply with our legal obligations, resolve disputes and enforce our agreements.

## **10. Changes to Privacy Policy.**

We will notify you of changes to this Privacy Policy by posting the amended terms on our Website at least thirty (30) days before the effective date of the changes. If you have provided us with your email address, we will also notify you of material changes to this Privacy Policy by sending an email at least thirty (30) days before the effective date of the changes to the email address you most recently provided to us. We encourage you to keep the email address you provide to us current, and to promptly notify us of any changes to your email address, so that you may receive any notices we send to you regarding material changes to this Privacy Policy.

## **11. How to Contact Us.**

If you have any questions about this Privacy Policy or our privacy practices, please contact us at [PrivacyOfficer@maxmddirect.com](mailto:PrivacyOfficer@maxmddirect.com) or send mail to:

Privacy Officer  
Park Avenue Capital, LLC  
2200 Fletcher Avenue, 5<sup>th</sup> Floor  
Fort Lee, New Jersey 07024, U.S.A.