

# Disclaimer and Privacy Policy

## A) CONDITIONS OF USE OF THE WEBSITES AND APPLICATIONS OF MASANA SA

### 1. FIELD OF APPLICATION AND COORDINATES

These conditions of use apply to the use of the websites and applications operated by Masana SA, i.e. accessible via the link [www.masana.care](http://www.masana.care) and for applications via the Play store and Apple store (Masana, Masana Pro and Masana Touch).

Before using the websites or applications in any way, please read these terms and conditions carefully :

- (A) Terms and conditions of use
- (B) Privacy/Personal Data Protection Statement
- (C) Statement on Cookies.

By visiting the websites or applications, or by using them in any way, you expressly agree to the Terms of Use, the Privacy Statement and the Cookie Statement..

If, after reading the terms of use, the privacy statement and/or the statement on cookies, you do not agree with their content, please do not use the websites and applications anymore.

The websites and applications are operated by Masana SA, a company under Belgian law whose registered office is located at rue Hector Denis, 33, 4420 Saint-Nicolas and registered under number BE 881.505.514.

For further information or remarks, please contact Masana SA at the above-mentioned address or via [info@masana.care](mailto:info@masana.care)

### 2. PURPOSE AND CONTENT OF WEBSITES AND APPLICATIONS

The Masana SA website allows you to obtain your contact details when you express an interest in the applications developed by Masana SA.

Masana SA's applications enable third party organisations to manage and monitor care and services at home or in institutions. The beneficiaries of this care are patients, elderly people or any person wishing to follow the evolution of their health...

Providers of such care are health professionals who are required to comply with the medical code of ethics in force in the country concerned.

### 3. NATURE OF THE INFORMATION PRESENTED AND CAPTURED

**3.a** The information presented on the websites is information describing the services and functionalities of the applications offered by Masana SA. The website also makes it possible to capture the contact details of any person who would like to learn more via direct contact with Masana SA..

**3.b** The personal information contained in the applications is of a general, medical and biometric nature.

### 4. LIABILITY

Masana SA cannot in any case or under any circumstances, directly or indirectly, generally or specifically, be held responsible for any damage resulting directly or indirectly from the use by an organisation of the Masana SA websites or applications, more particularly following the provision of erroneous information, loss of information or handling errors by the same organisation.

The organisation using the Masana SA websites and applications is the sole judge of the quality of the data it enters.

Despite all the efforts made, Internet services and applications can never be completely free of security risks; Masana SA implements in a proportionate manner the appropriate means to guarantee the confidentiality, integrity and availability of the personal data contained in its applications.

### 5. INTELLECTUAL PROPERTY RIGHTS

Any reproduction, public communication or partial or total reuse of the websites or applications, including, without limitation, texts, illustrations, codes, interface elements, information, video and audio files, in any way whatsoever, is prohibited without the express, written and prior authorisation of Masana SA.

### 6. MODIFICATIONS

Masana SA reserves the right to modify these Terms of Use at any time. It is your responsibility to regularly review these Terms of Use and to take into account only the latest version of these Terms of Use. These terms of use were last reviewed and amended on 1 October 2020.

New functionalities of the websites or applications, available through updates, are automatically subject to these terms of use..

## 7. APPLICABLE LAW AND COMPETENT COURTS

These conditions of use are subject to Belgian law and must be interpreted in accordance with that law.

In the event of a dispute, only the courts of the district of Liège are competent..

## **(B) PRIVACY POLICY STATEMENT**

### 1. FIELD OF APPLICATION

This privacy statement applies to the collection, use, processing and/or transmission of personal data of customers (organisations), beneficiaries and service providers. This information is contained either on the website or in the applications.

For the purposes of this privacy statement, the term "websites" refers to :

- all sites operated by Masana SA
- mobile applications operated by Masana SA, namely the application used by care and service providers, Masana PRO, and patients/elderly people benefiting from the services of these same organisations, Masana App.

Masana SA protects your privacy and acts in accordance with the provisions of the regulations in force on the protection of personal data (the "Legislation on the protection of personal data"), in particular:

- (i) until 25 May 2018: Directive 95/46/EC on the protection of personal data as transposed in the Law of 8 December 1992 on the protection of privacy with regard to the processing of personal data ("Privacy Law")
- (ii) from 25 May 2018, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals 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" or "GDPR")

- (iii) codes of good practice, codes of conduct, regulatory initiatives and standard clauses, as well as the related regulations deriving from these Directives or Regulations, as reviewed on a regular basis.

This privacy statement allows you to find out more about how your personal data is collected, used and processed under the responsibility of Masana SA, and how it may be passed on to third parties if necessary.

By providing us with your personal data, you acknowledge that you are aware of the conditions specified below under which Masana SA collects, uses, processes and transmits personal data. For more details, we refer you to the user manuals of our applications at your disposal:

- Masana App
- Masana Pro
- Masana Touch

When an organisation sends us personal data of third parties (patients, elderly people,...), it guarantees us that these conditions have been communicated to the person concerned to whom the data relates and that, insofar as some processing is based on authorisation, you have obtained from the person concerned the necessary authorisation for this processing by Masana SA.

More information on the use of cookies can be found under (C) Cookie statement. The terms and conditions of use of the Websites and Applications can be found in point (A) Terms of Use.

## 2. RESPONSIBLE FOR THE PROCESSING

The responsible for the processing is :

**Masana SA** (company under Belgian law )

Head office : rue Hector Denis, 33 à 4420 Saint-Nicolas

Company number : BE 881.505.514

### 3. PROCESSING OF PERSONAL DATA

#### 3.1 Collection, use and other processing of personal data

Masana SA collects and processes different categories of personal data concerning prospects representing potential client organisations and representatives of client organisations . This may be done in the context of concluding a contract, visiting our website or using our various applications.

**Statistical information** - During each visit to the websites or use of the applications, various log files and personal data about you **may be** automatically collected, including your IP address, possibly your location, the date and duration of your visit to our websites or use of the applications, the websites from which you were redirected to our websites, your browser, your operating system, your browsing habits on our websites and in particular the pages you visit on our websites. This information is only used for statistical purposes in order to analyse and optimise the operation and use of the websites and applications, in accordance with Masana SA's legitimate interest in improving its products and services.

**Customer/organisation information** - When, on or via the websites or applications, you use the functionalities offered, such as an enquiry or when you complete the identifying data necessary for the proper functioning of the application and its billing cycle, the personal data requested and collected may include for example the following information: your name, home address, e-mail address, fixed and mobile telephone number, language, gender. This personal data may be used to confirm your request for a contract with Masana SA, for the creation, acceptance and follow-up of your customer file, in order to provide you with the products or services requested and to follow up on them, for general customer management, administrative and technical support and collection.

#### **Organisational/care provider information**

Masana SA offers applications that enable client organisations to collect and process personal information about healthcare providers and the services they provide. This collection and processing is carried out under the direct and exclusive control of the organisation that uses the Masana SA applications in accordance with the user manuals of which it is fully aware. In its capacity as application provider, Masana SA makes every effort to ensure that this information is managed exclusively by the organisation that has control over it. Masana SA implements all organisational and technical means so that the client organisation can guarantee the confidentiality, integrity and availability of this personal information..

## **Information on organisations/beneficiaries of care**

Masana SA offers applications that enable organisations and care receivers to collect and process personal information about care receivers, the services they receive and their medical and biometric data. This collection and processing is done under the direct and exclusive control of the organisation or care receiver that uses the Masana SA applications. Masana SA puts in place all the organisational and technical means so that the client organisation can guarantee the confidentiality, integrity and availability of this personal information.

Personal information on beneficiaries and providers of care may be transmitted to local and national authorities in accordance with the legislation in force. This information may also be used in statistical processing for the purpose of improving the applications and services provided by Masana.

To the extent required by law, certain treatments, under certain circumstances, will be subject to your authorisation.

### **3.2 Transfer to third parties or authorities**

If Masana SA uses third party suppliers or partners, your personal data may also be transferred to these third parties if necessary for the provision of their services. In this case, in order to guarantee the protection of your personal data, the processing will only be carried out in accordance with the instructions of Masana SA..

These transfers of information are legitimate and free of charge and in the interest of monitoring the health of our users: we do not sell your personal data..

Masana SA may be required to transfer your personal data in accordance with applicable law to local health authorities (e.g. local health networks).

### **3.3 Transfer abroad**

We do not transfer your personal data to countries outside the European Economic Area.

For more information on the measures implemented, please contact us via [rgpd@masana.care](mailto:rgpd@masana.care)

## 4. YOUR RIGHTS

### **Right to be informed**

As a data subject you have the right to be informed about the use Masana SA makes of your data. This is explained in this document in paragraphs 3.1, 3.2 and 3.3.

### **Access rights**

As a data subject, you may submit a request for access, obliging Masana SA to provide you with a copy of all the data it holds about you. Masana SA has one month to respond to your request.

### **Right of rectification**

If you discover that the information held is inaccurate or incomplete, you may request that it be updated. As with the right of access, Masana SA has one month to comply with this request..

### **The right to deletion or the right to oblivion.**

As a data subject, when your data is processed illegitimately or when it is no longer necessary for the purposes for which it was collected, you can request the deletion of your personal data within the limits of the legislation in force in the medical sector. Masana SA has one month to respond to your request..

### **Right to limit processing**

You may request to limit the use of your personal data. This is an alternative to the right of deletion and can be exercised when you dispute the accuracy of your personal data or when the information is no longer useful but is needed by Masana SA to establish, exercise or defend a legal claim.

### **Right to data portability**

You can obtain and re-use your personal data for your own purposes or for different services. This right only applies to personal data that you have provided to Masana SA via a contract or your consent. Masana SA has one month to respond to your request.

### **Right of opposition**

You may object to the processing of your personal data collected on the basis of a legitimate interest or the performance of a task carried out in the public interest or in the exercise of official authority..

### **Rights related to automated decision making including profiling**

Although Masana SA undertakes not to carry out any automated processing outside the scope of medical deontology, as the person concerned, you may object to decision-making processes taken without human participation, such as profiling, using personal data to make calculated assumptions about individuals. .

**Complaint to the competent authority** - You always have the right to contact the competent personal data protection authority in any country of the European Union and, if necessary, to lodge a complaint.

To exercise the above rights, please refer to the local authority in your country.

## 5. HOW LONG YOUR PERSONAL DATA WILL BE KEPT

Your data will be kept for a period of maximum 10 years after the end of your last current contract with Masana SA, unless local legal exceptions apply. After this period, the data is anonymised or deleted..

## 6. MODIFICATIONS

Masana SA reserves the right to modify the privacy statement at any time and in accordance with the regulations in force. This privacy statement was last reviewed and amended on 1 October 2020.

## 7. CONTACT DETAILS OF THE PERSON RESPONSIBLE FOR THE PROTECTION OF PERSONAL DATA

For all information and suggestions on the subject of personal data protection, our data protection officer is at your disposal at the following address: [dpo@masana.care](mailto:dpo@masana.care)

## 8. NOTIFICATION OF AN INCIDENT OR VIOLATION OF YOUR RIGHTS

You can notify us of a violation of your rights by contacting the data protection officer at the following address [dpo@masana.care](mailto:dpo@masana.care)

## (C) STATEMENT ON COOKIES

This statement on cookies applies to the websites and applications operated by Masana SA. These are operated by Masana SA, a company incorporated under



Belgian law with its registered office at rue Hector Denis, 33, 4420 Saint-Nicolas, Belgium, under the company number: BE 881.505.514.

This statement on cookies explains which cookies are used on the websites.

The use of cookies by Masana SA is part of Masana SA's general policy on the protection of your privacy and the processing of your personal data.

You will find more information on this under (B) Privacy Statement.

You will find the terms and conditions of use of the websites under (A) Terms and Conditions of Use..

## 1. WHAT ARE COOKIES?

Cookies" are small computer files that are saved temporarily or permanently by a website's server, through your browser, on your computer or device. Cookies contain a unique code that enables your browser to recognise your browser when you visit this website ("session" cookie) or on subsequent visits ("permanent" cookie). Cookies make it possible to simplify, complete and personalise the use of a website or applications.

## 2. USE OF COOKIES ON THE MASANA SA WEBSITES

The Masana SA websites use various types of cookies.

### 2.1 Cookies required

These cookies are indispensable for visiting the websites and using certain parts of them. They enable you, for example, to navigate between different parts of the websites or to fill in forms. When you wish to connect to the customer area using your user name, cookies are necessary for the secure control of your identity, prior to authorising access to your personal information. If you refuse these cookies, certain parts of the websites will not work..

## **2.2 Performance cookies**

These are the cookies that are used to collect information on how visitors use the websites, such as information on the pages visited or the number of error messages displayed, in order to analyse and optimise the quality, use and operation of the websites.

## **2.3 Other cookies**

When you visit or use the websites, cookies may be installed on your computer or device for statistical purposes..

## **3. MANAGEMENT OF COOKIES**

Your authorisation is not required for the installation of the necessary cookies. For performance and other cookies, we ask for your permission before installing them. You can give your authorisation by continuing to visit our website or by clicking on the appropriate button in the cookie banner.

You can also delete cookies from your computer or mobile phone at any time by changing your browser settings. Please note: by refusing all cookies, you will also be refusing the necessary cookies and limiting the functionality of websites and applications. You will find on the following website how to refuse or delete cookies for the most common browsers : [www.allaboutcookies.org](http://www.allaboutcookies.org).

## **4. MODIFICATIONS**

Masana SA reserves the right to modify this statement on Cookies at any time. It is your responsibility to regularly review this cookie statement and to take into account only the latest version of this statement. This Cookie Statement was last reviewed and amended on 1 October 2020.