

**Change Notice:** Effective July 1, 2015, this Privacy Policy has changed. Please review the terms and conditions below.

## Cochlear Americas Online Privacy Policy

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Last updated on July 1, 2015.

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### **Our Commitment To Privacy**

Your privacy is important to us, which is why we have developed this Online Privacy Policy (this "Privacy Policy") explaining the online information practices of Cochlear Americas and its subsidiaries and affiliates (collectively, "we," "us," "our" and the "Cochlear family of businesses"). For a list of the members of the Cochlear family of businesses and the websites operated by each, [please click here](#).

### **Scope of This Privacy Policy**

This Privacy Policy applies only to the "personal information" we collect through the websites that display this Privacy Policy (our "Websites(s)"), or as necessary to document consents required by the Children's Online Privacy Protection Act ("COPPA"). As used in this Privacy Policy, "**personal information**" means any information that identifies, relates to, describes, or is capable of being associated with, a particular individual either alone or in combination with other information we may have.

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*Please note:* This Privacy Policy does not govern Cochlear's collection, use, or disclosure of Personal Health Information as defined by the Health Insurance Portability and Accountability Act ("HIPAA"). You may view our HIPAA Privacy Notice [here](#).

This Privacy Policy is a part of and is incorporated into our Cochlear Americas Websites Terms of Use. To review the full Terms of Use, [please click here](#).

## **Your Consent**

Please take a few minutes to review this Privacy Policy. By accessing or using our Websites, you are consenting to the collection, use and disclosure of your personal information as set forth in this Privacy Policy. IF YOU DO NOT CONSENT TO THE COLLECTION, USE AND DISCLOSURE OF YOUR PERSONAL INFORMATION AS SET FORTH IN THIS PRIVACY POLICY, YOU MAY NOT USE OUR WEBSITES.

## **Changes to This Privacy Policy**

You may access the current version of this Privacy Policy at any time by clicking on the link marked "Privacy Policy" at the bottom of each page of our Websites. As we add new Websites (or add new features and functionality to existing Websites), we may need to update or revise this Privacy Policy. We therefore reserve the right to update or revise this Privacy Policy, at any time and without prior notice, by posting the revised version on our Websites. These changes will be effective as of the date we post the revised version on our Websites and will apply only to personal information we collect after we have posted the revised version. Your use of any one of our Websites following any such change constitutes your consent to the terms of the revised Privacy Policy.

To alert you to changes in this Privacy Policy, we will provide a notice at the top of this page for at least 30 days after the new effective date. In addition, to the extent required by applicable laws, we will send email notification of material changes in our Privacy Policy to the registered users of our Websites for whom we have email addresses on file.

## **Supplemental or Amended Terms and Privacy Notices**

This Privacy Policy may be supplemented or amended from time to time by additional privacy notices posted on the Web pages on which we collect certain types of personal information. For example, if you provide us information that is considered "Health Information" under HIPAA (45 U.S.C. § 160.103) then such Health Information is subject to the terms of our HIPAA Notice of Privacy Practices.

This Privacy Policy may also be supplemented or amended by the terms of a "click-through agreement" between you and one or more of the Cochlear entities. For example, when you register to use a password-protected area of one of our Websites, such as the Cochlear Community website, you may be asked to agree to special terms governing your use of that area. In such cases, you may be asked to expressly consent to the special terms, for example, by checking a box or clicking a button marked "I agree." If the terms of the "click-

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through agreement" are different than the terms of this Privacy Policy, the terms of the "click-through agreement" will supplement or amend this Privacy Policy, but only with respect to the matters governed by the "click-through agreement."

## **What Personal Information Do We Collect?**

### *Information You Provide.*

We collect the personal information you knowingly and voluntarily provide (about yourself and others) when you use one of our Websites. The information we collect depends on how you use our Websites. You are not required to provide us any personal information through our Websites, however certain features of the Websites (such as the Cochlear Community or our online store) may require you to create a user account or otherwise log in with a user name and password, which will identify you personally to Cochlear. If you do not wish to access any password-protected areas of our Websites or request that we send you information, you will not be required to voluntarily provide any personal information to us.

We or our third party service providers may collect information you voluntarily submit when you register on one of our Websites, request information or contact us through our Websites, make a purchase on our Websites, create a profile and/or post information on the Cochlear Community, or when you otherwise submit personal information to us through our Websites. When you register on our Websites, you may provide your name, email, birthdate, and a username, and in certain cases, your shipping and billing addresses or other information. Please note, if you register and post content in the Cochlear Community, your username is public information, therefore if you choose a user name that is your real name, all postings you make and information you share with other users or the public will be associated with your actual name (however, you may change your profile and visibility settings in "edit my profile" and "privacy settings" within the Cochlear Community).

If you are a user of the Cochlear Community and choose to share your story or other information, the information you choose to provide, including any sensitive health information that would be protected by other laws if disclosed to a doctor, will be shared in accordance with your preferences as identified in your account settings (please click on "edit my profile" or "privacy settings" in the Cochlear Community to change these preferences). Cochlear cannot guarantee that all of your information will be shared exclusively within those preferences, so please do not disclose any information that you are not comfortable making public.

### *Information Sent to Us by Your Web Browser.*

We collect information that is sent to us automatically by your Web browser. This information may include without limitation, the name and version of your operating system, the name and version of your browser, your computer's IP address, the date and time of your visit, the pages you were visiting immediately before you accessed our Websites and the pages you visit within our Websites and immediately after you leave our Websites. Generally, we use this information to create statistics that help us improve the content and features on our Websites and make them more compatible with the technology used by our visitors.

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The information is not generally used to identify you personally, and we do not typically link it to information that identifies you personally. However, we may review our server logs for security purposes, such as detecting intrusions into our network. If we suspect criminal activity or violations of our Terms of Use, we may share our server logs and other relevant data with the appropriate investigative authorities or others we have enlisted to assist us with the matter, who could use that information to trace and identify individuals.

### *Cookies and Similar Technologies.*

Our Websites may use cookies, web beacons and similar tracking technologies. These technologies are widely used for security, to learn about and improve upon how users navigate a website, or to enable certain features. By tracking how and when you use our Websites, these technologies help us determine which features and content on our Websites are most important to our visitors. For example, we use these technologies to:

- collect information about the ways visitors use our Websites – such as which pages they visit, which links they use, and how long they stay on each page;
- support the features and functionality of our Websites – for example, to save you the trouble of reentering information already in our database or to prompt the setting you established on previous visits to a particular Website; and
- personalize your experience when you use our Websites.

Cookies are small data files that are transferred to your hard drive when your browser settings permit the acceptance of cookies. Similar technologies, such as web beacons or pixel tags function through the use of small files, such as a GIF or PNG, which are opened on a page or in an email. The request for these files from a server can reveal certain information, such as your browser type, IP address, and other information. Generally, this information does not identify you personally, however, it may be linked to information that does identify you personally, such as the information you provide when you make a purchase or register on one of our Websites. To learn more about cookies and similar tracking technologies, and how they can affect your privacy, visit [allaboutcookies.org](http://allaboutcookies.org).

If you do not wish to receive cookies, you may set your browser to reject cookies or to alert you when a cookie is placed on your computer. You may also delete our cookies as soon as you leave our Websites. Although you are not required to accept our cookies when you visit our Websites, if you set your browser to reject cookies, you will not be able to use all of the features and functionality of our Websites. Please note, most modern browsers also include a “do not track” feature. However, because there is not yet a defined response to browser do-not-track requests, our Websites do not respond to these requests. We may allow third parties to track our Websites visitors over time or across third party sites (for example, to provide advertising to you about our products or services on other sites).

Our Websites may use cookies provided by website analytics services such as Google Analytics to help us better understand how our Websites are used. To learn more about, or to opt-out of Google’s analytic and marketing services, visit [Google Analytics Terms of Use](#), the [Google Privacy Policy](#), or [Google Analytics Opt-out](#).

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## **How Does Cochlear Use Your Personal Information?**

- To provide the products, information and services you request;
- For security, credit or fraud prevention purposes;
- To provide you with effective customer service;
- To provide you with a personalized experience when you use our Websites;
- To create a profile from the dealings we have with you to help understand what information you might be interested in receiving from us;
- To contact you with special offers and other information we believe will be of interest to you;
- To contact you with information and notices related to your use of our Websites;
- To contact you to satisfy any legal or regulatory obligation;
- To invite you to participate in surveys and provide feedback to us;
- To improve the content, functionality and usability of our Websites;
- To improve our products and services and develop new products and services;
- To improve our marketing and promotional efforts;
- To support and improve the use of our products and services, including hearing assistance devices (for example, to enable fitting, activation, maintenance, management and medical liaison regarding the device) and to service any customer warranty rights;
- To enable insurance processing or further your treatment related to your purchase of our products (see “Health Care and Insurance Providers” below);
- To maintain a distribution record of Cochlear products; and
- As set forth in any Privacy Notice or "click-through agreement" between you and us.

## **How Does Cochlear Disclose Personal Information?**

### *Within the Cochlear Family of Businesses.*

We may share personal information within the Cochlear family of businesses. Each member of the Cochlear family of businesses will use and share your personal information only as set forth in this Privacy Policy. Please note that we have businesses in numerous different countries, and by sharing your personal information within the Cochlear family of businesses, your personal information will likely be transferred to or accessible from other countries.

### *With Our Service Providers.*

We share personal information with companies and organizations that perform services on our behalf, for example, companies that provide website support services, or that help us market our products and services, including by marketing to you on other sites or services. In some cases you may provide your personal information directly to these third party service providers on our Websites (e.g. when you make a purchase in our online store and enter your credit card information for payment, that data is sent directly to a third party payment processor), and the data may or may not be shared by that third party with Cochlear. Our service providers are required by contract to protect the confidentiality of the personal information we share with them and to use it only to provide services on our behalf.

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### *Health Care Providers and Payments.*

We may share your personal information with your health care providers to assess your suitability for our products, to help you assess problems with our products, or for other reasons related to treatment, health care operations, or payment. For example, we share your personal information with your designated payor (for example, Medicare or Medicaid, but not other insurers in self-pay transactions) when you place an order online for an applicable product or service. To the extent we share any personal information that is considered "Protected Health Information" under HIPAA, complete a transaction or use our Websites in a manner covered by HIPAA, that transfer, transaction, or interaction will be covered by our HIPAA Notice of Privacy Practices.

### *Business Transfers.*

Your personal information may be transferred to a company that has acquired the stock or assets of a member of the Cochlear family of businesses or one of our operating divisions, for example, as the result of a sale, merger, reorganization or liquidation. If such a transfer occurs, the acquiring company's use of your personal information will still be subject to this Privacy Policy and the privacy preferences you've expressed to us.

### *Legal/Government Requests, Protection of Our Website and Others.*

We may disclose personal information when we, in good faith, believe disclosure is appropriate to comply with the law (or a court order or subpoena); to comply with requests from public and governmental authorities, within or outside your country of residence; to prevent or investigate a possible crime, such as fraud or identity theft; to enforce or apply our Terms of Use or other agreements; to protect the rights, property or safety of the Cochlear family of businesses, our users or others.

### *As Described in a Privacy Notice or Click-Through Agreement.*

We reserve the right to use disclose your personal information as described in any Privacy Notice posted on the webpage where you provide personal information or as provided in any "click-through" agreement between you and us.

### *Your Content.*

Some of our Websites permit users to post, upload, transmit through or otherwise make available ("post") text, photographs, images, illustrations, graphics, audio, video and audio-video clips, or other materials ("Content") on or through the Websites. If any Content you post on our Websites contains any of your personal information, it will be used for the purposes for which it was posted (and, therefore, may be made available to other users or the general public) and in accordance with our Terms of Use. Please do not post any sensitive information, or information you would not want to be widely disseminated, on our Websites, because any member of the general public may potentially be able to access such information.

### *California Marketing Disclosure*

To obtain a list of the personal information that Cochlear holds about you, or for residents of California (as required by California law) the personal information Cochlear has disclosed about you to third parties for

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direct marketing purposes during the preceding calendar year (if any), please send a written, signed request to: Cochlear Americas 13059 East Peakview Avenue, Centennial, CO 80111.

## **Links to Third-Party Websites**

Our Websites may contain links to third-party websites that we do not control. This Privacy Policy does not apply to personal information collected on third-party websites. We are not responsible or liable for, and do not endorse, the data privacy practices or the content of any third-party websites.

## **Security**

While we endeavor to maintain appropriate measures to protect the security, confidentiality and integrity of your personal information, we cannot guarantee the security of personal information transmitted over the Internet and urge users to take every precaution to protect personal information while using the Internet. Please bear this in mind particularly if you are providing information which is sensitive or particularly private. In addition, please be aware that the specific administrative, technical and physical security measures used by various Cochlear entities may vary based on the personal information collected, how it is used, local laws and regulations, and other factors.

When you log in to the online store, myCochlear.com, or other sections of our Websites, we require that a secure connection between your computer and our server be established. We use a technology called Secure Socket Layers (SSL), an encryption technology that works with most browsers. A secure connection is maintained until you leave the secure area of the Websites. Although we use SSL encryption to safeguard the confidentiality of personal information as it travels over the Internet, "perfect security" does not exist on the Internet and we cannot guarantee the safety of transmitting personal information over the Internet.

Certain areas of our Websites are password protected. You are responsible for maintaining the confidentiality of your passwords, as discussed in our Terms of Use.

## **COPPA Statement and the Rights of Parents**

Our Websites are intended for general audiences, such as patients, parents, and the general public, but our Websites are not directed to children. If a child under the age of 13 were to use our Websites, because our Websites are designed for general audiences, the personal information collected from the child would be the same as that collected from adults, as described elsewhere in this Privacy Policy. Parents should be aware that our Websites may include features by which our users may share content with others on our Websites (such as through our Cochlear Community site) or via social media. If a child were to use these features of our Websites, the child could potentially disclose personal information or health information to other users or the public via those services. Please be aware of any privacy policies of these third party social media sites before allowing your child to use them.

Parents may review, edit, request the deletion, or prevent further collection or use of their children's personal information. Parents may also choose to agree to the collection and use of their child's information, but not allow disclosure of such information to third parties, unless COPPA provides an exception to the parental

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consent (such as emergency disclosures, or sharing with certain service providers). Parents may request any of these actions, or make inquiries regarding our privacy practices, by sending an email or letter to us at the address below.

## **Your Choices**

We respect your right to make choices about the ways we collect, use and disclose your personal information. On some of our Websites, we will ask you to indicate your choices at the time we collect your personal information. In addition, some of our Websites contain areas where you can access and update your privacy preferences. You may also contact us at [privacy@cochlear.com](mailto:privacy@cochlear.com) at any time if you do not wish to receive promotional communications from us.

## **Accessing, Updating and Correcting Personal Information**

Some of our Websites provide password-protected areas where you may review and update your personal information and privacy preference. In addition, you may contact us and ask us what personal information we have collected about you through our Websites.

We will respond to you within a reasonable time. Generally, we will try to comply with your request, although there may be some exceptions, for example, if there would be an unreasonable impact on other peoples' privacy or to avoid prejudicing an investigation of unlawful activity. We reserve the right to charge a reasonable fee under appropriate circumstances and as permitted by law.

You may request correction of any factual errors in the personal information we hold about you by e-mailing us at [privacy@cochlear.com](mailto:privacy@cochlear.com). Although we will use reasonable efforts to correct or delete your data upon request, in some cases we may need to flag your records with a suitable explanation rather than change or delete the information. To protect your privacy and security, we will take reasonable steps to verify your identity before providing you with your details or correcting/adding notes to our records.

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## **International Guests**

If you are accessing this Website from outside of the United States, you consent to the transfer of your information to the United States, and the processing, use, and sharing of your information in accordance with this Privacy Policy. Regardless of where your information is collected or transferred, the information will be treated in accordance with this Privacy Policy. Your personal information may be stored on servers located within the United States or in other countries even if you do not access our Websites in other countries. In addition, we may transfer your personal information to our service providers, product manufacturers, licensors, suppliers, and others located in the United States or another country for the purposes described in this Privacy Policy. Different countries have different privacy laws and requirements. Please know, however, that no matter where your personal information is collected, used, transferred or stored, if it was collected through this Privacy Policy, it will be protected by the terms of this Privacy Policy and any Privacy Notices or "click-through agreements" that apply to you.

**BY SUBMITTING YOUR PERSONAL INFORMATION TO US THROUGH OUR WEBSITES, YOU ARE CONSENTING TO THE PROCESSING OF YOUR PERSONAL INFORMATION IN THE UNITED STATES OR IN ANY OTHER COUNTRY FOR ANY PURPOSES DESCRIBED IN THIS PRIVACY POLICY.**

## **Contact Us**

Should you wish to access your information, change your contact preferences, or if you require any further information about this Privacy Policy, or have concerns about how we handle your personal information, please email [privacy@cochlear.com](mailto:privacy@cochlear.com), call 1-800-523-5798 or write to us at: Cochlear Americas 13059 East Peakview Avenue, Centennial, CO 80111, Attn: Privacy Officer. CAM-CM-001 Rev 3