

## Privacy Policy

Last updated: February 2021

### STATEMENT OF CONSENT TO THE PRIVACY POLICY FOR THE FlowCyclo app.

By consenting to the processing of my health data, I declare my agreement to the data processing associated with the use of the FlowCyclo app in accordance with the privacy notices and terms of use applicable in this context.

I can revoke my consent at any time with effect for the future. To exercise my right of withdrawal, I only need to delete the app from my smartphone.

### PRIVACY POLICY FOR USING THE "FlowCyclo" APP

With this privacy notice, we would like to inform you about the basis on which and the purposes for which we process personal data that we collect from you or that you provide to us or third parties when you use the "FlowCyclo" app. In addition, we would like to inform you about your data protection rights.

In order to ensure the basic security requirements of the "FlowCyclo" app, only usage data about the use of the app is collected and passed on to third parties, respectively third countries (see 3.2. of this privacy notice).

All other collected data remains locally in the protected area of the app on the smartphone. The data is used to quantify the blood loss and the corresponding output as a PDF report for possible forwarding to the attending physician. This forwarding of the PDF report is solely at the discretion of the app user.

In addition, we process your data only for contractual or legal purposes and also only with your (also implied) consent.

The app "FlowCyclo" is a medical device classified for the European Economic Area and meets the essential requirements of Directive 93/42/EEC or its national implementations.

Further information can be found in the terms of use.

"FlowCyclo" will process your personal data confidentially and strictly for the intended purpose.

#### **1. Who is responsible for data processing and whom can I contact?**

The data controller, as defined by the General Data Protection Regulation (GDPR) is:

BAYOOCARE GmbH  
Europaplatz 5  
64293 Darmstadt, Germany

You can contact our company data protection officer by writing to the address above or by e-mail at: [dataprivacy\(at\)bayoocare.com](mailto:dataprivacy(at)bayoocare.com)

## 2. What is personal data?

Personal data is information with which a person can be identified or also contacted, for example via an e-mail address. For the use of the app "FlowCyclo", we do not need your name or other contact information from you, but store your data without name reference (pseudonym) on their smartphone. In this sense, no personal data is processed in the "FlowCyclo" app. "FlowCyclo" can neither identify nor individually contact users based on the data typically stored in "FlowCyclo".

## 3. Which data does FlowCyclo collect?

### 3.1. Health-related data

"FlowCyclo" collects the following health data input parameters as a bleeding diary with quantification functionality:

- Input parameters:
  - Current contraceptive method
  - Cycle and period length (start and end date)
- Bleeding diary and quantification

### 3.2. Usage data that we collect about the use of our app

With the use of "FlowCyclo" and your consent, there may be a data transfer to countries outside the European Economic Area ("EEA") in the context of the use of Microsoft App Center as well as Amazon AWS. For these countries (so-called third countries), there is no adequacy decision of the EU Commission, as there are no data protection provisions comparable to the EU. Microsoft App Center as well as Amazon AWS have stated in a notification that data protection measures are implemented. For this purpose, both Microsoft App Center and Amazon AWS use new contractual clauses with which they commit to the measures - described under the respective link. Whether these measures are sufficient to ensure an adequate level of data protection comparable to the GDPR cannot be guaranteed. By agreeing, you consent to the transfer of data to the third country:

#### 3.2.1. Microsoft App Center

Microsoft App Center collects app usage data specifically related to system crashes and errors. This uses information about the device (including the UUID), the installed app version, and other information that can help troubleshoot errors, especially related to the user's software and hardware. If you agree, information about your usage behavior is also recorded and stored. <https://blogs.microsoft.com/on-the-issues/2018/05/21/microsofts-commitment-to-gdpr-privacy-and-putting-customers-in-control-of-their-own-data/>

### 3.2.2 Amazon Web Services (AWS).

AWS provides information about supported operating system and app versions in order to warn the user about unvalidated version combinations and to block the use of the app completely in case of misbehavior of the app under certain version combinations. To retrieve this information, a request is sent to an AWS server, which obtains knowledge of the IP address of the requesting device.

[https://aws.amazon.com/compliance/eu-us-privacy-shield-faq/?nc1=h\\_ls](https://aws.amazon.com/compliance/eu-us-privacy-shield-faq/?nc1=h_ls)

## 4. Where do we store your personal health data?

Your health data resides exclusively on your smartphone.

## 5. Why do we process your data (purpose of processing) and on what legal grounds?

We process personal data in compliance with the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG):

### 5.1. For the fulfilment of contractual obligations (art. 6.1.b of the GDPR).

"FlowCyclo" processes the contractual data in order to provide and allocate the contractually agreed services to you and to provide the data to the correct recipients.

Based on the data used, data subjects cannot be identified or can no longer be identified.

### 5.2. For the processing of personal health data based on your consent (art. 6. 1.a of the GDPR; art. 9. 2.a of the GDPR)

When you start "FlowCyclo" for the first time, you consent to the processing of your health data by activating a button. Based on your consent, we process your health data to provide you with relevant reminders.

### 5.3. For the exercise or defense of legal claims (art. 9.2.f of the GDPR)

To the extent necessary, we may process your data to assert, exercise or defend legal claims.

## 6. Who will receive my personal data?

Within "FlowCyclo", in principle, only those persons receive access to data who need it to fulfill our contractual and, if applicable, legal obligations. Service providers and vicarious agents employed by us may also receive data for these purposes.

Accordingly, we do not transfer any personal or reference data from you to third parties without your express prior consent.

You are free to transmit your results generated via the app to third parties in the form of the PDF report.

## 7. Is the provision of personal data required by law or contract?

You are not obligated to provide us the aforementioned personal data.

## **8. How long will my data be stored?**

In general, we do not store your personal data. These remain exclusively on your Smartphone.

## **9. Your rights as a data subject**

Every person affected by our personal data processing has the right to information under Article 15 of the GDPR, the right to rectification under Article 16 of the GDPR, the right to erasure under Article 17 of the GDPR, the right to restriction of processing under Article 18 of the GDPR, the right to object under Article 21 of the GDPR and the right to data portability under Article 20 of the GDPR. With regard to the right to information and the right to erasure, the restrictions pursuant to Sections 34 and 35 BDSG apply. In addition, there is a right of appeal to a data protection supervisory authority pursuant to Article 77 DSGVO in conjunction with Section 19 BDSG.

"FlowCyclo" is not able to identify users. In the absence of sufficiently identifying characteristics, "FlowCyclo" is not able to assign the health data to a user. In these cases, Articles 15 to 20 do not apply.

## **10. Information about your right to object according to Article 21 GDPR**

### **10.1. Right to object on a case-by-case basis**

You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data relating to you which is carried out on the basis of Article 6(1)(f) of the DSGVO (data processing based on a balance of interests); this also applies, where applicable, to profiling based on this provision within the meaning of Article 4(4) of the DSGVO. In this regard, see in particular section 3.4.

If you object, we will no longer be allowed to process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

If you object to processing for direct marketing purposes, we will no longer process your personal data for these purposes.

### **10.2. Revocation of granted consent**

You can revoke the consent given to us at any time.

This also applies to the revocation of declarations of consent given to us before the EU General Data Protection Regulation came into force, i.e. before May 25, 2018. The revocation of consent shall not affect the lawfulness of the processing carried out on the basis of the consent until the revocation.

### **10.3. Perception of objection or revocation of consent granted**

The objection can be made informally by e-mail to [dataprivacy\(at\)bayoocare.com](mailto:dataprivacy(at)bayoocare.com).

Please contact the data protection officers directly regarding your data protection rights.

**11. Reservation of right to change**

"FlowCyclo" is entitled to change the privacy policy at any time, in particular to adapt it to changes in the legal situation by law or jurisdiction. The most current version can be viewed in the app. Changes to the privacy policy become effective on the day they are published here.