

# Privacy Statement

Welcome to StayWell Online®. Protecting your privacy is important, and we're committed to clearly explaining how we treat your Information.

This Privacy Statement explains how we collect, use, share, and protect your Personal Information and Protected Health Information (collectively "Information") when you visit our site. Please read this privacy policy carefully and be aware that by accessing and using the site, you agree that you have read this policy and that you accept and consent to the privacy practices described.

We will not use or disclose your Information without your authorization except as described in this Privacy Statement. If we collect your Information on behalf of your group health plan or your employer (your "Plan"), we will use and disclose your Information only as permitted by your Plan in compliance with all applicable requirements of a "Business Associate" under the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act ("HITECH").

## Our commitment to your privacy

StayWell respects and protects your privacy as a user of StayWell Online. This Privacy Statement describes our practices regarding your Information.

In particular, this Privacy Statement describes:

- What Information StayWell may collect from you
- How we use your Information
- Your rights and choices as a participant in StayWell Online
- How we protect your Information
- Changes to the Privacy Statement
- Questions about StayWell
- The intended audience for StayWell Online

## The information we collect and how we collect it

- **Personal Information.** As part of registration, StayWell collects Personal Information about you that can be traced back to you, such as your name, your employee or unique identification number, or your date of birth.
- **Protected Health Information.** StayWell Online may ask you to provide Information that contains details about your health or medical condition, such as your answers to health assessment questions. You may choose not to provide certain Information to us, but that may limit the usefulness of StayWell Online. Our references to Information in this Privacy Statement include any Protected Health Information that you provide to us.
- **Cookies.** StayWell uses passive tracking mechanisms called "cookies" to track visitors as they use our site. StayWell uses cookies to enhance your online experience, and to learn how you use our services so we can improve the quality of information and resources

available on our site. Most Web browsers are set up to accept all cookies, but you can change this setting to disable cookies or to tell you when a website is sending you a cookie (although some of our features may not work if you disable them). Cookies may also be used to facilitate your login and to manage your session time.

## How we use your Information

- **StayWell services.** We use your Information to provide health management services like StayWell Online, telephonic coaching and onsite services. These programs use your Information to offer you additional StayWell health improvement programs or to offer you programs from another contractor engaged by StayWell or your Plan.
- **Disclosure to your employer and Plan.** As part of StayWell Online, when we gather your self-reported Information on behalf of your Plan, we will use it as instructed by the Plan and by the terms of this Privacy Statement. In addition, the Plan may request that we receive, store and display Information provided by third-party vendors that offer services on behalf of the Plan, such as disease management vendors and third party administrators. Your Plan may direct us to disclose your Information to a third party providing services on behalf of your Plan. In order to distribute program incentives to you and to provide program participation data to your Plan, we may provide your name, date of birth, and/or employee identification number to your Plan or its designated representative to notify them of whether you have completed your health assessment or a follow-up program, and whether you are eligible for your incentive.
- **Aggregate data.** We may combine your Information with Information collected from other users to create anonymous aggregate data such as reports that may be disclosed to your Plan, your employer and third parties. StayWell may also disclose your Information on an anonymous basis such that your Information has been de-identified as part of group statistical research and analysis and the research and analysis will not contain any information that could be used to contact or identify you.
- **Contractors.** StayWell contracts with a variety of third parties to provide the services available through StayWell Online. These parties sometimes have limited access to your Information in the course of providing products or services. Specifically, StayWell teams with specialized contractors to provide some of the services, technology, programs, and content that appear on StayWell Online and which are included as part of StayWell's programs. Contractors' access to your Information is limited only to what is reasonably necessary to perform their limited function. We also require that our contractors not use or disclose your Information for any purpose other than providing us with products and services or as required by law.
- **Linked sites.** For your reference, this site contains links to websites that are not operated by, affiliated with or endorsed by StayWell. Because these third-party sites are not under our control, we cannot be responsible for them, and this Privacy Statement does not apply to the privacy or security practices of those sites. Information you disclose once you access those other sites is not subject to this Privacy Statement. Please review the linked sites' privacy statements for an explanation of how they may use your Information.

## Your rights and choices as a participant

- **You have the right to be treated with respect.** As a participant, you have the right to be treated courteously and respectfully by StayWell and to receive services that (1) respect your privacy and dignity, (2) help you develop a wellness plan that helps you achieve your goals, and (3) do not discriminate against you, regardless of your ethnicity, religion, disability, gender, age, marital status, or sexual orientation.

- **No marketing or advertising.** StayWell does not accept any advertising on StayWell Online, and StayWell does not receive income from marketing sponsors or advertisers. Any mention of a particular service is not an endorsement, but rather mentioned to you so that you will be aware of programs for which you are eligible.
- **E-mail and unsubscribing.** StayWell uses e-mail to notify you of programs and incentives for which you may be eligible. By accepting the terms of this Privacy Statement (as evidenced by your participation in StayWell Online), you are agreeing to receive these e-mails from StayWell at the e-mail address in your StayWell Online profile. In addition to general program e-mails, StayWell Online offers you the option of receiving targeted e-mails. For example, if you indicate an interest in learning more about stress management, you may opt to receive stress management-related e-mails from StayWell. You may unsubscribe from these emails at any time. Please note that unsubscribing from StayWell e-mails will not affect e-mails you receive from your employer or Plan regarding StayWell's programs.
- **Opt out of requests for information.** At any time during your use of StayWell Online, you can decide not to provide us with your Information. You should understand that withholding that Information will affect our ability to provide you relevant information.
- **Decline or cancel participation in a program.** Contact the StayWell HelpLine at 1-866-543-2050 to decline participation, to cancel StayWell programs or to request that we stop using or disclosing your Information. If you so request, we will remove your Information from StayWell Online. We may, however, continue to store, use, and disclose this Information in a de-identified form as described in this Privacy Policy, and we will continue to protect the security and confidentiality of the Information.

#### How StayWell protects your Information

- **Security measures.** In order to protect your Information, we have the following security measures:
  - A confidential subscriber identifier and unique user password limit access to this site and the Information of the users. Users of StayWell Online should not share their passwords.
  - Whenever Information is transmitted to or from StayWell's systems, it is encrypted using Secure Sockets Layer (SSL) technology, the standard for secure communication over the Internet.
  - Information is stored on StayWell's servers behind a firewall, a device that is intended to prevent unauthorized users from accessing data on our servers.
  - Pursuant to HIPAA and HITECH, StayWell will safely and securely store your Information for a minimum of six (6) years even if you have requested it be deleted. Following this period your Information will be destroyed.

Despite our precautions there is always some risk that an unauthorized third party may find a way to thwart our security measures.

In certain limited circumstances, we may release your Information to third parties: (1) in response to subpoenas, court orders, or legal process, or to establish or exercise our legal rights or defend against legal claims; (2) when we believe it is necessary to share information in order to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical health and safety of any person, violations of our terms of use, or as otherwise required by law; or (3) in connection with a transfer of StayWell services to another service provider or if we are acquired or merged with another company. If we are legally compelled to disclose Information to a third party, we will attempt to notify you unless doing so would violate the law or court order.

- **Safe Harbor Privacy Principles.** For all Information received by StayWell from participants located in the European Union, StayWell adheres to the Safe Harbor Privacy Principles issued by the U.S. Department of Commerce for compliance with the European Commission's Directive on Data Protection ("Safe Harbor Principles"). StayWell has agreed to collect, process, and retain Information from participants in the European Union in accordance with the Safe Harbor Principles. For more information about the Safe Harbor Privacy Principles, visit the U.S. Department of Commerce's Safe Harbor web site at <http://export.gov/safeharbor>. Please contact StayWell if you have any questions regarding this Privacy Statement or Safe Harbor adherence.
- In compliance with the US-EU Safe Harbor Principles, StayWell commits to resolve complaints and answer questions regarding your privacy and our collection or use of your Information. European Union citizens with inquiries or complaints regarding this privacy policy should first contact StayWell at:

StayWell Health Management, LLC  
Attn: Legal Department  
3000 Ames Crossing Road, Suite 100  
St. Paul, MN 55121

In the event a complaint cannot be resolved through StayWell's internal process, StayWell agrees to refer EU participant disputes to The Better Business Bureau's EU Safe Harbor Dispute Resolution Procedure *available online* at <http://www.bbb.org/us/european-dispute-resolution/consumer/>. StayWell has further committed to refer unresolved privacy complaints under the US-EU Safe Harbor Principles to an independent dispute resolution mechanism, the BBB EU SAFE HARBOR, operated by the Council of Better Business Bureaus. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed by StayWell, please visit the BBB EU SAFE HARBOR *available online* at [www.bbb.org/us/safe-harbor-complaints](http://www.bbb.org/us/safe-harbor-complaints) for more information and to file a complaint.

### Changes to the Privacy Statement

From time to time, StayWell may change this Privacy Statement and our privacy practices because of changes in legal or regulatory requirements, in our business practices, or to provide you with better services. When we do, we will post a revised privacy policy on the site. When the change involves how we handle your Protected Health Information, we will bring it to your attention when you log in or notify you by e-mail.

Changes that do not involve Protected Health Information will be effective immediately upon posting. Your continued use of StayWell Online after the posting will be subject to the new terms and indicates your acceptance of the changes. If you do not accept the changes to the Privacy Statement, you should stop using StayWell Online.

Changes that involve Protected Health Information will require your authorization and acceptance of the modified Privacy Statement. If you reject the modifications by clicking the "I Decline" button, your access to StayWell Online will end.

Please note that StayWell Online and this Privacy Statement are not used to communicate with you about changes to your Plan's privacy practices, the Plan's notice of privacy practices, or the Plan's disclosure of your Information.

### **Complaints, questions, and information about StayWell**

If you have questions about this Privacy Statement, questions or complaints about StayWell Online or any of StayWell's other services, or if you would like to receive information about StayWell or its staff qualifications, please contact:

StayWell Health Management, LLC  
Attention: Legal Department  
3000 Ames Crossing Road, Suite 100  
St. Paul, MN 55121

StayWell will use its best efforts to make an initial response to any complaints, questions, or requests as quickly as possible.

### **StayWell Online is intended for adults**

People under the age of 18 should not use StayWell Online because the site is not designed for minors. You are responsible for your underage dependents' use of the site.

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