

Privacy Notice and Terms of Use

This document was last updated on September 8th 2023.

PRIVACY NOTICE

The following Privacy Notice is valid for:

- Bernafon App
- Philips HearLink 2
- KINDconnect
- SoundLink 3
- Oticon Companion
- RemoteLink 2

When this document mentions App(s), it refers to one of these 6 previously listed Apps.

This document explains how we collect and use your personal data when you use the App and the terms for your use of the App.

The App has been created to provide you with the possibility of controlling and personalizing your hearing experience directly from your smartphone. It enables you to separately adjust the volume of your hearing aids, change programs, or control the sound you stream to your hearing aids.

The App includes a feature designed for remote communication between you and your hearing care professional. This feature allows you to have online follow-up appointments with your hearing care professional and to get your hearing aid settings adjusted from the comfort of your own home.

WHO WE ARE

Demant Enterprise A/S acts as data controller and is responsible for the collection and use of your personal data in the App as described in this document.

If you have any requests or questions related to our use of your personal data, please contact us by using the contact points below:

Demant Enterprise A/S
Kongebakken 9
DK-2765 Smørum
Denmark
E-mail: privacy@demant.com

In this privacy notice, “we”, “us” and “our” refer to Demant Enterprise A/S.

PERSONAL DATA WE COLLECT AND USE

WHEN YOU USE THE APP

If you use the App you will be asked to allow anonymous data logging in the App. If you give us your permission to log anonymous data, we will collect general information and aggregated anonymous data, including generic information about your hearing aids (firmware version, brand, model, style, number of programs), generic information about your mobile device (operating system version, device model), anonymous usage data, including information about features that are used, how often they are used and for how long they are being used, and technical log information. The data we collect is completely anonymous and cannot in any way be used to identify you as an individual. The data is used in aggregated form to tell us about how the features in the App are used, for instance about when a feature is typically activated, and how extensively the feature is used. The purpose of this is to allow us to continuously improve our products and services to the benefit of our users. This is optional and you can deactivate anonymous data logging at any time in the App settings.

In order to update and maintain the functionality of the hearing aids and supported features in the App, we will collect technical data and the hearing aid serial number from your hearing aid via your mobile device. You will be asked to give your consent to update your hearing aids with the latest firmware. Your consent is voluntary and can be managed under ‘My Profile’ in the App.”

Hearing health statistics

By connecting your hearing aids with the App, the Hearing health statistics feature will give you access to statistics related to usage of your hearing aids. The statistics generated in the feature are stored locally on your device. We do not have access to any personal data related to this feature.

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Find my Hearing Aids

The App uses location data on your mobile device to enable the feature Find my Hearing Aid in the App. The device collects location data even when the App is closed or not in use. This way, you can find your hearing aids on a map with the last known location when the App was active and paired with the hearing aids. We do not have any access to this data, which is collected directly on your device. You can remove the permission for the device to collect location data in the device settings.

Contact Support

You can at any time use the Contact Support function to get help. If you contact the support function by email in the App, an email will be sent via your email service outside the App to our consumer support team. The email will contain technical information about the App and connected devices, including technical information about your hearing aids. As the use of hearing aids may reflect health information, we need your consent to process this data. When you send this email, you agree to sharing this data with us. Your consent is voluntary and you can contact our consumer support team if you wish to withdraw your consent.

USING THE APP SIGNING IN WITH AN ACCOUNT

We only process personal data about you, which is relevant and sufficient for the purposes described in this document. This means that we do not use your personal data more extensively than necessary for the specific purpose.

Account creation: When using the App, you can choose to set up an account. This account can be created through the App. Account registration requires you to submit your e-mail address and a password of your own choice. When your register with your account and start using the App, we collect the following types of information:

- Your user ID and email address for authentication purposes. We keep your account data as long as your account exists.

We process your personal data on the basis of necessity for the performance of a contract, cf. GDPR art. 6 (1) (b).

Remote fitting session: When you activate the Remote Fitting feature, the following types of information will be processed during your remote visit, to enable the remote session with your hearing care professional:

- Your audiogram, serial number and settings of your hearing aids and any chat messages exchanged between you and your hearing care professional during the remote fitting session. We use this data to enable the remote fitting session. We only keep the data during the remote fitting session. However, if the remote fitting session is interrupted, we will keep the data for up to 24 hours to be able to restore the session.
- Technical data related to the remote fitting session. We use this data for service and troubleshooting purposes, and we keep the data for 90 days after the remote fitting session.
- Audio and video data transmitted between you and your hearing care professional during the remote session. We use this data to provide communication between you and your hearing care professional. This data is live streamed, and we do not keep the data after the remote session.

When you activate the feature, we collect information relating to your use of hearing aids. As the use of hearing aids may reflect health information, we will only process your personal data as described above with your explicit consent, cf. GDPR art. 9 (2) (a).

Your consent is voluntary, and you can withdraw your consent at any time in the “My profile” section in the App. You can also withdraw your consent by contacting us using the contact information outlined at the top of the document. Please note, that if you withdraw your consent, you are no longer able to use the Remote Fitting feature in the App, since we are not able to provide you with this functionality of the App without collecting your personal data. You can also easily stop all collection of information in the App by uninstalling the App. You may use the standard uninstall processes available as part of your mobile device or via the mobile application marketplace or network. Please note, that we are not automatically informed when you uninstall the App. Accordingly, we continue to process personal data concerning you until inactivity will result in deletion of inactive accounts, or if you contact us and object to the processing.

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Newsletters: When you sign up for our newsletters, we use your email and first and last name (optional) to send you relevant information and offers regarding our products and services. We only use electronic methods such as e-mail, if you have given your explicit permission to receive marketing communication.

We process your personal data on the basis of our legitimate interest to send you marketing communication, which you have expressed an interest in, cf. GDPR art. 6 (1) (f).

HOW WE SHARE YOUR PERSONAL DATA

We may share your personal data with other companies within the Demant Group to operate the App, to deliver and improve our products and services and for research purposes.

We may also share your personal data with service providers, who perform services and functions related to the App on our behalf. Any such service providers will not be authorized to use your personal data for any other purposes, and they will always be under a strict obligation to keep your personal data safe and confidential.

If we transfer your personal data to an affiliated Demant company or a service provider located in a jurisdiction outside EU/EEA or the European Commission-approved countries providing 'adequate' data protection, we will always ensure that adequate safeguards are taken to ensure data protection, e.g. by way of the EU Commission's Standard Contractual Clauses.

HOW LONG WE KEEP YOUR PERSONAL DATA

We will process and keep your personal data for as long as it is legitimate and necessary for the purposes for which your data were originally collected, and for as long as it is permitted or required under applicable law.

We will delete your data:

- If you withdraw your consent in the App or
- If you have not been actively using the App for 3 years.

YOUR PRIVACY RIGHTS

Under the GDPR and for certain US residents, as a result of our processing of your personal data, you may exercise certain privacy rights.

These are:

- The right to access your personal data
- The right to have us rectify (correct) your personal data
- The right to have us delete your personal data
- The right to restrict our processing of your personal data
- The right to data portability
- The right to object to our processing

Your privacy rights may be subject to conditions and/ or exemptions, e.g. ensuring other people's privacy, protection of trade secrets and intellectual property rights or compliance with legal obligations.

If you want to exercise your rights, you can contact us at the contact points listed above.

If you are not satisfied with the way we use your personal data, you have the right to file a complaint with the relevant national data protection authority. In Denmark, the relevant data protection authority is Datatilsynet (tel: +45 3319 3200 / e-mail: dt@datatilsynet.dk). Alternatively, you may contact the relevant data protection authority in your country of residence or work.

We do not knowingly collect, maintain, or use personal information from children under the age of 18.

Specifically for US based App users:

To submit an information request in the US, you can e-mail us at USPrivacy@Demant.com or call us at (732) 529 - 7120. We have the right to verify the identity of a consumer before providing information related to an information request. Information requests may take up to 45 days to process; we reserve the right to extend this period by an additional 45 days when reasonably necessary. If we extend processing your request, we will notify you within 45 days from your initial request.

TERMS OF USE

Right of use

Demant grants you a non-exclusive, non-transferable, revocable license to use the Services for your personal, non-commercial use and only on devices as permitted by the applicable platform terms and in accordance with this Privacy Notice. All other rights in the Services are reserved by Demant.

For free and “As Is”

The App is made available for your use for free. The information contained in and functionalities available via the App are provided “as is” and the manufacturer offers no warranties of merchantability or fitness for a particular purpose.

Relevant devices

The App is designed to be used with wireless hearing aids. The App sends and receives signals from the hearing aids via selected mobile devices for which the App has been developed. Notifications of application updates on your device should not be disabled, and it is recommended that the user installs all updates to ensure that the App will function correctly and will be kept up to date. The App must only be used with devices for which it is intended. The App specifications will state device and/or operating system requirements. We cannot guarantee that your specific device is able to download and run the App irrespective of fulfilling the general requirements stated. Such malfunctions may be caused by circumstances outside our control.

Limitation of liability

We strive to keep the Service accessible 24/7. Yet the Service can be inaccessible in situations, which can be due to safety or maintenance reasons, unstable network connection, failure in communication links or hardware. We execute backups on a regular basis, but cannot guarantee that there will be no data loss. To the fullest extent permitted by law, Demant shall not be liable for damages resulting from use of the App, including direct, indirect, incidental, consequential, punitive, specific or other damages, lost opportunities, lost profit or any other loss or damages of any kind.

Breach of terms

In the event of your breach of these terms we will be entitled to terminate the use license immediately.