

Bernafon EasyControl-A App

Terms of Use and Privacy Notice

Bernafon EasyControl-A App

The document was last updated on February 24th 2020.

“We protect your privacy – the short version”

At Bernafon AG we respect and protect your privacy. We are dedicated to be as transparent as possible regarding the use of your personal data in the App.

The App has been created to provide you with the possibility of controlling and personalizing your hearing experience directly from your Smartphone.

Remember, you can always easily stop all collection of information by the App by uninstalling the App.

To provide you with this service we collect and process your personal data. We do this in compliance with relevant Data Protection Regulation, including the General Data Protection Regulation (GDPR).

You are entrusted with several rights, including right to information and right of access.

Please read the full Privacy Notice below for detailed information.

Terms of use and Privacy Notice

These Terms of use and Privacy Notice (collective referred to as the “Privacy Notice”) describes how and why we collect information about you as a user.

This Privacy Notice only applies to information gathered on or via the Bernafon EasyControl-A App (the App).

By using the App and affiliated services (“the Service”), you accept this Privacy Notice and Bernafon AG processing of your personal data as described herein.

1. DATA CONTROLLER & APP MANUFACTURER

Manufacturer of the app and Data

Controller is:

Bernafon AG

Morgenstrasse 131

3018 Bern

Switzerland

Company registration no. (UID no.):

CHE-102.193.896

E-mail: privacy@demant.com

Website: www.bernafon.com

(hereafter “Bernafon”, “we”, “us” or “our”)

Bernafon is part of the Demant Group.

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2. TERMS OF USE

2.1 Purpose and functionalities

This App has been created to provide you with the possibility of controlling and personalizing your hearing experience directly from your Smartphone.

The App also provides the following functionalities for personal preferences and customization:

Adjust volume of your hearing aids

Separate volume adjustment of streaming input

Select Hearing Instrument program(s)

Select Streaming source(s)

Locate geographical position of hearing aids

You can also create a separate account at Bernafon to allow the App to connect your hearing aids to your (optional) IFTTT channel.

Features and functionalities in the App may be added, changed and discontinued at the full discretion of Bernafon.

Please note: THE APP IS IN NO WAY TO BE CONSIDERED OR USED AS A REPLACEMENT FOR PROFESSIONAL MEDICAL ADVICE FROM YOUR HEARING HEALTH CARE PROFESSIONAL.

2.2 Right of use

Bernafon 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 Bernafon.

2.3 Children's privacy

We do not knowingly collect, maintain, or use personal information from children under the age of 13.

2.4 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 is provided "as is" and Bernafon offers no warranties of merchantability or fitness for a particular purpose.

2.5 Relevant devices

The App is designed to be used with Bernafon 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 phone 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 Bernafon 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.

2.6 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, Bernafon 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.

2.7 Intellectual Property

The Bernafon name and logo, and other Bernafon trademarks, service marks, graphics and logos used in connection with the app are trademarks of Bernafon and may not be copied, imitated or used, in whole or in part, without the prior written permission of Bernafon or the applicable trademark holder.

The App and the content featured in the App may be protected by copyright, trademark, patent and other intellectual property and proprietary rights which are reserved to Bernafon.

2.8 Breach of terms

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

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DATA PRIVACY RELATED MATTERS

3. OUR RESPONSIBILITY AS DATA CONTROLLER

3.1 We take the protection of your personal data seriously

We have adopted this Privacy Notice to inform you how we process your personal data. Bernafon is the data controller and we ensure that your personal data is processed in accordance with applicable legislation.

3.2 We ensure fair and transparent data processing
When we ask to make your personal data available to us, we will inform you of the personal data we are processing and the purpose hereof. You will receive this information when your personal data is being collected.

4. PROCESSING OF PERSONAL DATA

4.1 Use of the App without registration with Bernafon account

When you use the app, we may automatically collect general information. The information collected cannot be used to identify you as an individual, as we aggregate data across all the App users. The information is only used in aggregate form to tell us how the application features are used in general. This could be information about when the feature is typically activated and/or how extensively a feature is used.

4.2 Use of the App with IFTTT.

To use the App with IFTTT, you need to create a Bernafon account. This account can be created in the App. Account registration requires you to submit your e-mail address and a password of your own choice.

By creating an account with Bernafon you also allow the system to send you relevant information – in the form of small notifications which can help you make the best of your hearing solution.

We may also register information if you contact us. Such information may be processed to accommodate the enquiry and will not be processed for other purposes.

We also collect the following types of information:

- Services in use and how they are being used. In practice this could be information about features that are used, how often they are used and for how long they are being used.
- Device type information.
- Generic device-specific information such as the type of mobile device and mobile operating system.
- Technical log information.

Based on your explicit consent given by you when you start using IFTTT, we may collect technical information and serial

no. from your hearing instrument for the purpose of monitoring how your hearing instrument is performing. In case of technical malfunctions we collect a crash report from your hearing instrument.

4.2.1 IFTTT

The App can interact with the web-based service IFTTT that enables you to automate different actions and tasks by creating chains of simple conditional statements, called “Applets”. By connecting various web services or apps, IFTTT allows you to use their functions as either triggers or actions to decide a certain outcome. When using IFTTT you define your hearing aid as such a trigger or an action and thereby control certain actions or tasks via your hearing aid system.

We will be able to determine the location of your hearing aids in connection with a service using IFTTT.

In order to use the IFTTT services in connection with the Bernafon EasyControl-A App, you must create an IFTTT account. Please note that your use of the IFTTT services and this account is governed by the terms and conditions of IFTTT Inc.

For more information on the IFTTT system, please see the IFTTT website.

We are not responsible for any use of information and/or personal data transferred to IFTTT according to your choices and use of the Bernafon app in combination with the IFTTT services.

The transfer of personal data to IFTTT will imply transfer based on your consent to the country of establishment of IFTTT, which currently is the State of California, USA. The states’ and federal data protection laws of USA are different than the data protection laws of the EU and may not provide data subjects with the same level of data protection nor rights.

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4.3 We collect and keep your personal data for specific purposes

We collect and use your personal data for specific and legitimate purposes, including:

To deliver the services via the App as described above

To improve our services and develop new ones based on both identifiable and aggregated/anonymised information

Administer your relation to us, including the sign-up process, enquiries and complaints.

When you sign up for our newsletters or other marketing communication, we use your contact information to send you relevant information and offers regarding our products and services, including invitations for participation in our user experience studies. We only use electronic methods such as e-mail and SMS messages, if you have given your explicit consent to this.

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

4.4 Legal bases for processing

When you activate IFTTT, we ask for your explicit consent to collect and use your personal data. As the use of hearing aids may reflect health information, we will always require your explicit consent before processing sensitive personally identifiable information concerning to you.

Your consent will be our basis for processing personal data regarding you. Your consent is voluntary and you can withdraw your consent at any time by contacting us. Use the above stated contact information if you wish to withdraw your consent or want further information.

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, cf. section 4.7 below, or if you contact us and object to the processing.

If we process your information based on another legal basis, we will notify you of such legal basis when obligated to do so.

4.5 Disclosure of your personal data

We will not rent, sell or otherwise share or disclose your personal data, except as described herein or otherwise stated at the time the data is collected.

We may share your personal data with other companies within the Demant Group in order to deliver and improve our products and services and for research purposes. Please refer to the organizational chart in our latest annual report to see which companies are part of the Demant Group. You can find our latest annual report at www.demant.com.

We may also disclose your personal data, if the disclosure is warranted by law, court order or judicial act.

We may share non-identifiable information in aggregated form publicly and with companies, organizations or individuals outside of Bernafon or with our partners, i.e. publishers, advertisers or connected sites. For example, we may share non-identifiable information publicly to display trends about the general use of our applications.

Transfer to recipients outside the EU

If we transfer your personal data to a company in the Demant Group situated in a jurisdiction outside the EU, the 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 EU Commissions Standard Contractual Clauses.

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Data processors

We may also share your personal data with service providers who perform services and functions related to the App on our behalf. Such service providers will not gain any right to process your data for any other purposes but to help us deliver the services to you.

We only use service providers that give sufficient guarantees to implement appropriate technical and organisational measures in such a manner that processing will meet the requirements of the relevant Data Protection laws including ensuring the protection of the rights of the data subject.

We use Microsoft's Azure platform operated by Microsoft Ireland Operations Ltd). We are only using data centres located in the EU; presently in the Netherlands. You can read more about the services and regulatory compliance here: <https://www.microsoft.com/en-us/trustcenter/compliance>.

4.6 We control and update your personal data

We ensure that the personal data, we process about you is not incorrect or misleading. We also make sure to update your personal data continuously.

As our Service depends on your correct and updated personal data, we kindly ask you to inform us if there are any relevant changes regarding your personal data. You may use our contact information above to notify us of any changes.

4.7 When do we delete your personal data

We will delete your data under the following conditions:

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

We will store personal data that we are obliged to keep in accordance with applicable law.

4.8 We protect your personal data

We protect your personal data against unintended loss or alteration of your data and against unauthorized disclosure of or access to your personal data.

If we experience a data breach, we will notify you as soon as possible, if the breach is likely to result in a high risk to your rights e.g. theft of ID, economic loss, discrimination of you, loss of reputation or other significant inconvenience.

5. YOUR RIGHTS AS DATAS SUBJECT

5.1 You have the right to access your personal data You have the right, at any time, to receive information about the personal data we are processing about you, where we have collected your data, and what we are using your data for. You also have the right to know how long we will keep your personal data, and who we share your data with.

You can request a copy of the personal data we process concerning you. Your access can be restricted to ensure other people's privacy protection, trade secrets and intellectual property rights. You also have the right to data portability.

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

5.2 You have the right to have inaccurate personal data corrected or deleted.

If you think the personal data we are processing about you is inaccurate, you have the right to request correction. You must contact us and inform us about the inaccuracies and how to rectify the information.

In some instances, we are obliged to delete your personal data. This might be the case if you withdraw your consent. If you are of the opinion that your personal data is no longer necessary in accordance to the purpose for which we collected them, you are entitled to request deletion of your data. You can also contact us if you believe your personal data is being processed contrary to applicable law or other legal obligations.

We will investigate if the conditions are fulfilled, when you make a request of having your personal data rectified or erased. If so, we will carry out the amendments or deletion as soon as possible.

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5.3 You have the right to object to our processing of your personal data

You have the right to object to our processing of your personal data. You can also object to our disclosure of your personal data for marketing purposes. You can use the contact information above to submit an objection. If your objection is justified we will ensure the termination of the processing of your personal data. If you wish to make a complaint about our processing of your personal data, you have the right to contact the Data Protection and Information Commissioner of Switzerland:

Eidgenössischer Datenschutz und

Öffentlichkeitsbeauftragter

Feldeggweg 1

3003 Bern

+41 58 462 43 95

e-mail: contact20@edoeb.admin.ch.

6. AMENDMENTS

Bernafon reserves the right to amend this Privacy Notice at any time with an appropriate notice to you. The Terms in force at any time are available through the Service. If you continue to use the service, you are deemed to have accepted such changes.

7. Swiss Law

Our Service is based in Switzerland. The information we collect is governed by applicable Swiss law. We operate the Services in Switzerland, and depending on your country of residence, the submission of Personal Information via the Services may involve transfer of personal information to Switzerland, or where our servers are located.