

# **FAMILYPATH PRIVACY POLICY**

## **EXPRESS SCRIPTS COMPANY**

Version 1.1 Last Revised: 5/29/2020

These Terms of Use apply to all visitors who use the FamilyPath<sup>SM</sup> site located at [FamilyPathBenefits.com](http://FamilyPathBenefits.com) (the "Site"). The Site provides an overview of a fertility benefit offering to clients and prospective clients of Express Scripts, Accredo Health Group, Inc. and its affiliates, and eviCore healthcare and the consultants of such clients. These Terms of Use are between a user of any portion of the Site ("you" or "your") and Express Scripts Holding Company ("Express Scripts", "we", "us" or "our").

### **ACKNOWLEDGEMENT AND ACCEPTANCE OF THIS PRIVACY POLICY**

Access to and use of the "FAMILYPATH Website" is conditioned upon your assent to this Privacy Policy and Terms of Use. You are deemed to have assented to this Privacy Policy when you use any publicly available page of the Site. You are deemed to have accepted this Privacy Policy each time you access the Site. By accessing or using the Site, you acknowledge that you have read, understand, and agree to be legally bound by this Privacy Policy. The terms and conditions contained in this Privacy Policy are subject to and may be superseded by applicable Federal and State laws.

We are firmly committed to protecting the confidentiality and security of your Personal Information. Note: This information is being provided whether it (your information) is or is not used on this site. The term "Personal Information" means any information which can be used to identify a person including by way of example, but not limitation, name, date of birth, mailing address, social media and other third party platform account identifiers, home phone number, mobile phone number, e-mail address, credit card information, and/or Social Security number. The term "Health Information" means any information, in any form, related to the past, present, or future health or medical status, condition, or treatment of a person, including, by way of example, but not limitation, names of doctors, health conditions, medicines, and/or prescription information and history.

### **COLLECTION, USE, AND DISCLOSURE OF PERSONAL INFORMATION**

#### **Non-Registration and Site Use**

Users of this site will not be required to establish a user registration and will have access to information and online services related to the FAMILYPATH Fertility Benefit Program which is not provided on Express Scripts nor its affiliate's public websites. The Personal Information you disclose to us in connection with the FAMILYPATH Website is provided strictly on a voluntary basis. Users may be engaged with Express Scripts and its affiliates through emails, mail, phone calls or other means to further understand the fertility benefits of the FAMILYPATH Program. We may also collect Non-Personal Information as described below.

#### **Analytics**

We may use certain in-house or third-party functionality to log and analyze your communications with us and interactions with the Site. This functionality enables us to communicate with you about our services, and to monitor the services provided to you, so that we can improve your Site experience and address certain Site or benefit related issues. These third parties will be required to protect your Personal Information in a manner consistent with this Privacy Policy. Other analytics capabilities are reflected in the description of Non-Personal Information.

### **Other Uses and Disclosure of Your Personal Information**

We will not use or disclose your Personal Information in a manner inconsistent with applicable law or this Privacy Policy. Examples of additional uses and disclosures include:

- When requested and available, we will use your Personal Information to send you site alerts regarding certain changes to the content of the Site or other related Site information from time to time.
- We may share your Personal Information with elected service providers or consultants acting on our behalf to provide the services associated with the Site. These third parties will be required to protect your Personal Information in a manner consistent with this Privacy Policy.
- We may utilize selected service providers to make targeted non-personal communications to an aggregated audience regarding our offerings and other potentially relevant benefit information of interest to you.
- We may share your Personal Information with other Accredo companies (i.e., entities which are controlling, controlled by, or under common control with Accredo) to provide you with more personalized and enhanced services.
- We may disclose your Personal Information to relevant third parties such as auditors, lawyers, or other professional advisors.
- We may use your Personal Information and Non-Personal Information in communicating with you via e-mail, facsimile, letter, text message, mobile application, through the Site via a pop-up message, or otherwise.
- We may use third-party agents for purposes of marketing and transactional communicating.
- Statements here and elsewhere on the Site concerning the treatment of your Personal Information may not apply with respect to information already in our possession.

### **Compelled and Necessary Disclosures**

In certain circumstances, we may be legally compelled to release your Personal Information in response to a court order, subpoena, search warrant, or law or regulation. In addition, we may disclose your Personal Information as reasonably necessary in accordance with law to protect the rights or property of us, our affiliates, and our users, or to enforce the terms and conditions associated with the Site including this Privacy Policy and the Terms of Use.

### **How You Can Correct/Update Your Personal Information**

You can correct or update your Personal Information at any time using the following options:

- Via the Site: Send us an e-mail to the address specified on the site.
- Via email and "Submit a Question" capabilities specified on the site.

## **COLLECTION, USE, AND DISCLOSURE OF NON-PERSONAL INFORMATION**

### **Collection of Non-Personal Information**

When you visit the Site, and during your interactions with the Site, we may collect Non-Personal Information from you. "**Non-Personal Information**" means a data element or collection of data elements that by itself cannot ordinarily be associated with a specific individual. Non-Personal Information includes, by way of example but not limitation, the Internet browser or computer operating system you are using, your navigation of the Site including the pages of the Site that you access, the amount of time spent on various portions of the Site, the length and dates of your visits to the Site, and certain Site data captured through your interactions with the Site and other sites. Non-Personal Information

may include information provided by you through the Site or otherwise (e.g., through a third-party site) that is not Personal Information or Health Information. Certain Non-Personal Information may be collected on an aggregated, anonymous basis through web server logs, cookies, ad servers, tracking pixels, web beacons, and similar Internet tracking devices (collectively "**Tracking Mechanisms**"). Web servers automatically collect Non-Personal Information, with your IP address, when you request pages of the Site or other sites. Based on certain interactions with the Site, third-party sites, mailings, other communications with us, and/or our system configurations, certain Non-Personal Information may be associated with your Personal Information such that your Non-Personal Information is identifiable with you.

You may be able to opt-out of certain third-party associations by following third party customization and/or opt-out options. Google®, Twitter®, and LinkedIn® may provide customization and/or opt-out of certain Tracking Mechanisms through their respective sites. For example, Google's Ads Settings, DoubleClick opt-out page, Twitter's promoted content settings, LinkedIn account settings, and Network Advertising Initiative opt-out page may limit the collection and usage of certain third-party Tracking Mechanisms.

### **Use of Non-Personal Information**

The collected Non-Personal Information may be used by us and our affiliated companies for a variety of analytic and developmental purposes including to improve and enhance the Site and our products and services, to create new products and services, to customize your experience on the Site and other sites that you visit on the Internet, to identify and/or offer products, services and website functionality that may be of interest to you, and other legitimate business purposes.

We may use different kinds of cookies including session ID cookies and persistent cookies. Session ID cookies are used to personalize your user experience, to determine ways to improve the Site, Site content, and the services offered through the Site. These cookies are deleted from your hard drive when you close your browser session. Persistent cookies are used to collect non-personally identifiable information such as Internet Protocol (IP) addresses, browser type, Internet Service Provider (ISP), referring/exit pages, platform type, date/time stamp and number of clicks.

You may set your browser to accept cookies, warn you when a cookie is sent, or turn off all cookies (except Flash cookies). Check your web browser's help menu or your mobile device settings to find out how. Some mobile devices store cookies not only in areas connected to the web browsers but also in an app-specific area, so you may have to check your app settings options to determine how to manage or delete cookies stored in these other areas. If you do not accept cookies, some features, services, or activities available through the Site may not function correctly and you may be unable to access certain content.

We may embed tracking pixels within various pages of the Site to enable use of site analytics. The site analytics enable us to determine the usage frequency of various areas of the Site and identify areas of the Site for enhancement. While you are visiting and after you leave the Site, we may use web beacons to notify you of areas of the Site and other aspects of our organization and its affiliated companies in which you may be interested. Certain tracking pixels and web beacons may be cleared or reset through configuration of your web browser such as by clearing your cache. We may use ad servers to provide you with offers of possible interest.

We may use your IP address so that we can send data (such as the pages you request) to you and collect Non-Personal Information during the process. We aggregate this Non-

Personal Information with similar Non-Personal Information collected from other users to track overall visitor traffic patterns and help us understand Site usage and preferred and most frequently used pages, products and services, to provide you with better service, to improve Site use and functionality, and to provide you with information on other products and services that may be of interest to you.

We may analyze Non-Personal Information in the aggregate to study outcomes, costs, and provider profiles, and to suggest benefit designs for employers or health plans. These studies may generate Aggregate Data (described below) which we may utilize for a variety of purposes.

We may perform statistical analyses of the traffic patterns, Site usage, and behaviors associated with the Site. We may use these analyses to generate Aggregate Data from the original Non-Personal Information. We may combine, separate, aggregate, or otherwise parse and process Non-Personal Information. The parsing and processing of such information may generate Aggregate Data. "**Aggregate Data**" is summary level data, such as the number of web visitors in a specific geographic area. Aggregate Data does not contain information that can be used to identify or contact you, such as your name, address, telephone number or e-mail address, and does not reflect the original form of the Non-Personal Information collected from you.

#### **Disclosure of Non-Personal Information**

We may disclose Non-Personal Information as follows:

- We may share Non-Personal Information with our affiliated companies, third parties who provide services to us, and other parties that you have authorized.
- We may disclose Aggregate Data to other companies or organizations for any legitimate business purpose.
- We may disclose products and services developed using the Non-Personal Information, including products and services that disclose anonymous and/or deidentified Site data for any legitimate business purpose.
- We will not sell your Non-Personal Information to other companies or organizations.

#### **"Do Not Track" Signals and Similar Mechanisms**

Our Site does not respond to web browser "do not track" signals and similar mechanisms. However, you may control certain Tracking Mechanisms as described above.

### **TRANSFER OF PERSONAL INFORMATION, HEALTH INFORMATION, AND NON-PERSONAL INFORMATION**

All Personal Information, Health Information, and Non-Personal Information obtained through our Site are owned by us. Accordingly, if we are acquired, merge with another entity, or we divest one or more of our businesses, affiliates or subsidiary companies, the Site, and any Personal Information, Health Information, and Non-Personal Information obtained through the Site, may be transferred to an applicable entity for the purposes of continuation of services, in accordance with applicable law.

### **RETENTION AND DESTRUCTION OF PERSONAL INFORMATION**

Subject to any applicable business, legal, or regulatory requirements, we securely destroy Personal Information when it is no longer required to fulfill our services and commitments to you or to enforce our rights or meet our obligations.

### **THIRD-PARTY USAGE**

We may use third parties to: (a) operate and maintain the server(s) on which the Site operates, (b) provide communication functionality, (c) provide Tracking Mechanism(s) that we embed in or use with the Site, (d) provide advertisements and other information to you about the Site, products, and services through a third-party site based on a prior visit to the Site, (e) analyze communication with us and interactions with the Site, (f) verify, correct, and/or de-identify data, and (g) collect Non-Personal Information from you (e.g., on your interactions and/or experience with the Site and/or us). The third party may then share the Personal Information, Non-Personal Information, Aggregate Data, and/or other data with us.

### **LINKING POLICY**

Our Site may contain hyperlinks allowing our users to connect to other websites owned by us and our affiliated companies and websites owned by our third-party vendors, distributors, and providers ("**Linked Sites**"). You may also access our Site through a hyperlink embedded in a Linked Site. We provide hyperlinks to the Linked Sites to enable you to conveniently access websites that may be of interest to you. Please note that once you click on a hyperlink that transfers you from our Site to a Linked Site, you have left our Site, and this Privacy Policy will immediately cease to apply to any subsequent activity on the Linked Site. We are under no obligation to notify you when you have left our Site and have accessed a Linked Site. Use of any Linked Site will be governed by the privacy policy, terms of use, and/or other policies (if any) on the Linked Site. You may, at your option, participate in surveys or provide other information to our affiliates that control a Linked Site, and that information may be shared with us or with others subject to the privacy policy terms set forth on that Linked Site. Certain Non-Personal Information that you choose to provide through a Linked Site (such as comments) that is subsequently provided to us by the Linked Site provider in connection with a service engagement may be identifiable to us as your Personal Information.

### **SECURITY STATEMENT**

We are committed to protecting the privacy and security of this Site. We take reasonable technical and procedural precautions to protect the information received by us. Our Internet infrastructure is protected using industry recognized commercial security products, including current encryption technology, and best practice procedures for maintenance of the website. In addition, our infrastructure is monitored 24 hours a day, seven days a week.

No method of transmission over the Internet or storage of data on an Internet server is 100% secure. Although we use commercially acceptable and reasonable precautions to protect your information, we do not guarantee its absolute security.

### **RELATIONSHIP TO THE TERMS OF USE**

This Privacy Policy, and your and our performance in connection herewith, is further governed by and subject to the Terms of Use for the Site, including but not limited to the disclaimer, limitation of liability, governing law, jurisdiction, and venue provisions set forth therein.

### **CHANGES IN OUR PRIVACY POLICY**

We use Personal Information, Health Information, and Non-Personal Information collected from you pursuant to the Site only within the scope of use described in this Privacy Policy. However, we reserve the right, from time to time in our sole and absolute discretion, to change, to modify, or to add terms or remove terms from this Privacy Policy. Changes to this Privacy Policy will be reflected when we post a new version number and updated

revision date. The version number includes a major number, a decimal point, and a minor number. A change to the major number reflects a significant change to the policy, while a change to the minor number reflects a less significant change to the policy. Examples of significant changes include additional provisions that reflect new Site functionality, significant modifications to existing provisions, and more significant changes to Site functionality that cause provisions to be modified, added, or removed. Examples of less significant changes include additional provisions that clarify current Site functionality, minor modifications to existing provisions, and less significant changes to Site functionality that cause provisions to be modified, added, or removed.

We will provide an advance notice of a major change prior to your access of any portion of the Site. For example, we may (i) require that you reaccept the updated version of the web policies, (ii) send an electronic notification advising of the update to the web policies, (iii) include a notice on the Site viewable without login advising of the update to the web policies, and/or (iv) advise of the updated web policies during a phone call. We do not ordinarily provide advance notice of a minor change.

We recommend that you check the version number and revision date prior to using the Site, and that you review this Privacy Policy on a frequent basis. Your continued use of the Site and/or utilization of any Site benefits after this Privacy Policy has been updated (and after advance notice for a major change) indicates your agreement and acceptance of the updated version of the Privacy Policy.

## **POLICY COMMENTS AND ASSISTANCE**

We welcome your questions and comments on this Privacy Policy and the Terms of Use. If you have general comments regarding these policies, please [e-mail us](#). Specific questions regarding the enforcement of these policies should be directed to [privacy@express-scripts.com](mailto:privacy@express-scripts.com).