

# (FPO)

## WEBSITE PRIVACY POLICY

*Last updated and effective as of December 14, 2017*

This Site is owned and operated by Fresenius Medical Care Holdings, Inc. (d/b/a Fresenius Medical Care North America) or one or more of its direct or indirect subsidiaries and affiliates (collectively, the “**Company**,” “**we**” or “**us**”).

We respect your privacy and are committed to protecting it through our compliance with this website privacy policy (the “**Website Privacy Policy**”) for this Site. This Website Privacy Policy describes the types of information we may collect from you or that you may provide when you visit this Site and our practices for collecting, using, maintaining, protecting and disclosing that information. We have created this Website Privacy Policy in order to inform you of our firm commitment to safeguarding the privacy and security of information you provide.

Please read this Website Privacy Policy carefully before using this Site. We will treat any information we collect from you through this Site in accordance with this Website Privacy Policy. By accessing or using this Site, you consent to all actions taken by us with respect to your information in compliance with this Website Privacy Policy. If you are unwilling to accept the terms and conditions of this Website Privacy Policy, please do not use this Site.

This Website Privacy Policy may change from time to time. Your continued use of this Site after we make changes is deemed to be acceptance of those changes, so please check this Website Privacy Policy periodically for updates.

### 1.1 APPLICATION OF THIS POLICY

This Website Privacy Policy applies only to information collected through this Site, including in e-mail, text and other electronic messages between you and this Site.

**This Website Privacy Policy does not apply to information collected offline or through any other means, including any other website operated by us or any third party.**

**In addition, this Website Privacy Policy does not apply to, and should not be confused with our Notice of Privacy Practices which applies to our use and disclosure of certain “Protected Health Information” (as that term is defined in our Notice of Privacy Practices), that you may submit via this Site (which can be accessed by [clicking here](#)).**

This Website Privacy Policy and the related terms and conditions of use (“Terms of Use”) are governed by United States law, and we make no representation that this Site is appropriate or available for use in locations outside of the United States.

### 2.1 THIS SITE DOES NOT PROVIDE MEDICAL ADVICE

**•! THE CONTENTS OF THIS SITE (SUCH AS TEXT, GRAPHICS, IMAGES, INFORMATION OBTAINED BY US FROM THIRD PARTY LICENSORS AND OTHER MATERIAL CONTAINED ON THIS SITE) IS MADE AVAILABLE TO YOU FOR INFORMATIONAL PURPOSES ONLY.**

- **THIS SITE DOES NOT PROVIDE MEDICAL DIAGNOSES OR RECOMMENDATIONS REGARDING MEDICAL TREATMENT.**
- **THIS SITE AND THE CONTENT APPEARING ON THIS SITE ARE NOT SUBSTITUTES FOR PROFESSIONAL MEDICAL ADVICE, DIAGNOSIS OR TREATMENT.**
- **ALWAYS SEEK THE ADVICE OF YOUR PHYSICIAN OR OTHER QUALIFIED HEALTH CARE PROVIDER WITH ANY QUESTIONS YOU MAY HAVE REGARDING A MEDICAL CONDITION.**
- **NEVER DISREGARD MEDICAL ADVICE OR DELAY IN SEEKING IT BECAUSE OF SOMETHING YOU HAVE READ ON THIS SITE.**
- **IN AN EMERGENCY, CALL 911 OR YOUR LOCAL EMERGENCY ASSISTANCE NUMBER.**
- **IN NO EVENT WILL WE BE LIABLE FOR ANY DECISION MADE OR ACTION TAKEN IN RELIANCE UPON THE INFORMATION PROVIDED THROUGH THIS SITE.**

3. CHILDREN UNDER THE AGE OF 13

This Site is not intended or designed to attract children under the age of 13. We do not collect personally identifiable information from any person we actually know is a child under the age of 13. If you are under the age of 13, do not use or provide any information on this Site or on or through any of its features, register on this Site, use any of the interactive or public comment features of this Site or provide any information about yourself to us, including your name, address, telephone number, e-mail address or any screen name or user name you may use.

If we learn we have collected or received personal information from a child under the age of 13 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under the age of 13, please contact us by sending us an e-mail stating your request to **[digital@fmcna.com]** or contacting us in writing at the address provided below.

By using this Site, you represent and warrant that you meet all of the foregoing eligibility requirements. If you do not meet all of these requirements, you must not access or use this Site.

4. INFORMATION WE COLLECT

We collect several different types of information from and about users of this Site, including:

- information that is about you but does not identify you individually (“**Anonymous Information**”); and
- information by which you may be personally identified and is provided by you to us in certain areas of our Site (“**Personally Identifiable Information**”).

We collect this information:

- directly from you when you provide it to us;
- automatically as you navigate through this Site (information collected automatically may include usage details, IP addresses and information collected through cookies, web beacons and other tracking technologies); and
- from third parties such as, for example, our business partners, subsidiaries and affiliates.

## 5. ANONYMOUS INFORMATION

As you navigate through and interact with our Site, we automatically collect certain Anonymous Information about your equipment, browsing actions and patterns, including details of your visits to our Site, including traffic data, location data, and the resources that you access and use on this Site, information about your computer and internet connection, including your IP address (a unique string of numbers that is automatically assigned to your computer by your Internet Service Provider), operating system and browser type.

The Anonymous Information we collect automatically is statistical data and does not identify any individual. It helps us to administer and improve our Site and to deliver a better and more personalized service by enabling us to estimate our audience size and usage patterns, store information about your preferences, allowing us to customize our Site according to your individual interests, speed up your searches and recognize you when you return to our Site. We do not collect Personally Identifiable Information automatically, but we may tie this information to personal information about you that we collect from other sources or you provide to us.

This Site is intended for use by residents of the United States only. The technologies we use for the automatic collection of Anonymous Information may include:

- **Cookies (or browser cookies).** As is the case with many websites, our Site uses a technology called “cookies” which are small data files that are downloaded onto your computer. The use of cookies is standard on the Internet, and allows us to tailor your visits to our Site to your individual preferences. We may also contract with third party service providers who assign cookies to conduct site tracking for us. These companies use cookies solely to provide us with aggregate data about Site traffic. Although most web browsers automatically accept cookies, you can change your browser to prevent cookies or notify you whenever you are sent a cookie. Cookies may be session-based cookies that are removed after a user leaves a website or persistent cookies that are stored on a user’s computer permanently or until the expiration date. Even without accepting a cookie, you can still access most of the features on our Site. Users can delete cookies via their browser settings.
- **Flash Cookies.** Certain features of our Site may use locally stored objects (or Flash cookies) to collect and store information about your preferences and

navigation to, from and on our Site. Flash cookies are not managed by the same browser settings as are used for browser cookies. For information about managing your privacy and security settings for Flash cookies, see “Tracking Technologies and Advertising” found in Section 8 of this Website Privacy Policy below.

- **Web Beacons.** Pages of our Website and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or opened an e-mail and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

## 6. PERSONALLY IDENTIFIABLE INFORMATION

We collect Personally Identifiable Information directly from you when you provide it to us and from third parties, for example, our business partners, subsidiaries and affiliates. The Personally Identifiable Information we collect on or through our Site may include:

- **E-Mail Correspondence and Form Information.** Scattered throughout this Site are links or forms that can be used to contact us so you can comment, make a complaint, make suggestions and ask questions, register to use our Site, post material or request further services. We may also ask you for information when you report a problem with our Site. Your email address is required on these forms so we can answer your questions. We may put information from email on file, but do not currently share, sell, license or transmit this information with third parties without express authorization from you. By providing your email address, you are requesting that we communicate with you in that manner. To withdraw your request, or to unsubscribe, please contact us by sending us an e-mail stating your request to [[digital@fmcna.com](mailto:digital@fmcna.com)] or contacting us in writing at the address provided below.
- **Newsletters and Other Communications.** We offer visitors to this Site the opportunity to sign up to receive newsletters or other email communications from this Site, at your own request. In order to sign up for these communications, we ask for contact information, such as name and email address. We also may offer the opportunity for you to receive mailings from our business partners, subsidiaries or affiliates that we think may be of interest to you. FMCNA does not currently share, sell, license or transmit this information to unaffiliated third parties unless permitted by law or with express authorization from you. You can unsubscribe from these communications at any time through the unsubscribe link in each communication, contacting us via email at [[digital@fmc-na.com](mailto:digital@fmc-na.com)] or contacting us in writing at the address provided below. For more information about your opt out options, see “Advertisements and Opting Out” found in Section 8 of this Website Privacy Policy below.

- **User Contributions and Submissions.** This Site may contain message boards, chat rooms, personal web pages or profiles, forums, bulletin boards or other interactive features (collectively, “**Interactive Features**”) that allow users to upload, post, submit, publish, display or transmit content or materials to other users of this Site or other persons (collectively, “**User Contributions and Submissions**”) on or through this Site. Your User Contributions and Submissions are posted on this Site and transmitted to others at your own risk. Please be aware that no security measures are perfect or impenetrable and that we cannot control the actions of other users of this Site with whom you may choose to share your User Contributions and Submissions. Therefore, we cannot and do not guarantee that your User Contributions and Submissions will not be viewed by unauthorized persons.

## 7. HOW WE USE INFORMATION YOU PROVIDE

The information you share with us may be used in a few ways:

- **Anonymous Information:** Anonymous Information is used internally for Site administration, troubleshooting and to help improve the quality of this Site and its design. We may share such aggregated, non-personally identifiable information, such as demographics, without restriction, including with existing and prospective third party business partners, researchers and advertisers. We never connect Anonymous Information with Personally Identifiable Information.
- **Personally Identifiable Information:** We may disclose Personally Identifiable Information that we collect or you provide as described in this Website Privacy Policy. In all cases, however, we will only use or disclose your Personally Identifiable Information as permitted by law and our agreements with you. Personally Identifiable Information collected by us or provided to us through this Site may be disclosed and used by us and our subsidiaries and affiliates as follows:
  - to our subsidiaries and affiliates;
  - for purposes including administration of this Site;
  - to notify you about changes to our Site or any products or services we offer or provide through it;
  - to allow you to participate in Interactive Features on our Site, and communications with you.
  - to contractors, service providers and other third parties we use to support our business and who are bound by contractual obligations to keep Personally Identifiable Information confidential and use it only for the purposes for which we disclose it to them;

- to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of assets of us or our subsidiaries or affiliates, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which Personally Identifiable Information about our Site users is among the assets transferred;
- to fulfill the purpose for which you provide it;
- for any other purpose disclosed by us when you provide the information; or
- with your consent.

We may also disclose Personally Identifiable Information if we are required to do so by law or we in good faith believe that such action is necessary to (a) comply with any court order, law or legal process, including to respond to any government or regulatory request; (b) protect and defend our rights and property; (c) protect against misuse or unauthorized use of this Site; or (d) protect the personal safety or property of our users or the public. Please note that we may not provide you with notice prior to disclosure in such cases.

We may also disclose your Personally Identifiable Information to enforce or apply our Terms of Use and other agreements, including for billing and collection purposes.

## 8. ADVERTISEMENTS AND OPTING OUT

We support the right of our visitors to choose. We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- **“Do Not Track” Signals.** Some web browsers may transmit “do not track” signals to the websites with which the browser communicates. We currently do not take action in response to these signals. If and when a standard for responding is established, we may revisit its policy on responding to these signals.
- **Cookies/Tracking Technologies and Advertising.** As mentioned above, we use cookies to remember user preferences and to maximize the performance of our website and services and we may also place web beacons on our site or in our e-mails to measure the effectiveness of our email campaigns by identifying the individuals who open or act upon an email message, when an email message is opened, how many times an email message is forwarded, the type of software, device, operating system and browser used to deliver the email and any URL accessed through our email message. You may set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. Please refer to your browser Help instructions to learn more about cookies and other technologies and how to manage their use. If you elect to refuse or delete

cookies, you will need to repeat this process if you use another computer, or change browsers. The Network Advertising Initiative provides instructions and information on how to opt out of communications: <http://www.networkadvertising.org/choices/>. Users can use their browser settings to decide whether to turn on and off cookies on this Site. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe's website. If you disable or refuse cookies, please note that some parts of this Site may then be inaccessible or not function properly.

- **Research and Analytics.** We use analytics tools including Google Analytics to better understand how visitors interact with our Site. This service provides Anonymous Information including but not limited to data on where visitors came from, what actions they took on our Site, and where visitors went when they left this Site. We use this information to improve your experience when visiting our Site. Please click on this link: <http://www.google.com/analytics/learn/privacy.html> to learn more about this service and how to opt out of data collection by Google Analytics. We may also work with other business partners to conduct research surveys in order to improve the user experience on our site. We encourage you read the privacy statements of these business partners to learn about their data practices.
- **Disclosure of Your Information for Promotional Offers from the Company and Third-Party Advertising.** You will be given the right to opt out of receiving any promotional materials about us whenever you are asked to provide Personally Identifiable Information on this Site. If you do not want us to share your Personally Identifiable Information with unaffiliated or non-agent third parties for promotional purposes, you can opt out by checking the relevant box located on the form on which we collect your data. You can also always opt out by logging into this Site and adjusting your user preferences in your account profile by checking or unchecking the relevant boxes or by sending us an e-mail stating your request to **[digital@fmc-na.com]** or contacting us in writing at the address provided below, indicating that you no longer want to receive information relating to this Site.

We may use Anonymous Information we have collected from you to enable us to display advertisements to our advertisers' target audiences. Even though we do not disclose your Personally Identifiable Information for these purposes without your consent, if you click on or otherwise interact with an advertisement, the advertiser may assume that you meet its target criteria and interact with you.

## 9. ACCESS AND CORRECTION

You have a right to know about the Personally Identifiable Information that we hold about you and gathered through this Site, including the right to correct, amend or delete the information that we have on file if it is incorrect. If you wish to exercise these rights please contact us by sending us an e-mail stating your request to **[digital@fmc-na.com]** or contacting us in writing at the address provided below.

If you delete your User Contributions and Submissions from this Site, copies of your User Contributions and Submissions may remain viewable in cached and archived pages, or might have been copied or stored by other Site users. Proper access and use of information provided on this Site, including User Contributions and Submissions, is governed by our Terms of Use.

## 10. SECURITY

This Site incorporates safeguards designed to protect the security, integrity and privacy of the Personally Identifiable Information we have collected. We have put in place reasonable precautions to protect information from loss, misuse and alteration, including Secure Socket Layer (SSL) technology. While on a secure page, the lock icon on the bottom of Web browsers such as Microsoft Internet Explorer and Mozilla Firefox becomes locked, as opposed to unlocked, or open, when you are just “surfing.”

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Site, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. We urge you to be careful about giving out information in public areas of this Site like message boards. The information you share in public areas may be viewed by any user of this Site.

Unfortunately, the transmission of information via the Internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Site. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on this Site.

While we strive to protect your personal information, we cannot ensure or warrant the security of any Personally Identifiable Information you transmit to us or through this Site. Once we receive your transmission, we will use reasonable efforts to ensure its security on our internal systems. Depending on the nature of the inquiry, your communication may be discarded or archived. Please note that your email, like most, if not all, non-encrypted Internet communications, may be accessed and viewed by other Internet users, without your knowledge and permission, while in transit to us. For that reason, to protect your privacy, please do not use email to communicate information to us that you consider sensitive or confidential. If you wish, you may contact us instead via telephone at the numbers provided throughout our Site or at the address below.

## 11. EXTERNAL LINKS

This Site may provide links to various websites that we do not control. When you click on one of these links, you will be transferred out of our Site and connected to the website of the organization that you selected.

We are not responsible for the nature, quality or accuracy of the content or opinions expressed on such websites, and such websites are not investigated, monitored or checked for quality, accuracy or completeness by us.

Inclusion of any linked website on this Site does not imply or express an approval or endorsement of the linked website by us, or of any of the content, opinions, products or services



provided on these websites. Even if an affiliation exists between our Site and a third-party website, we exercise no control over linked sites.

Each of these linked sites maintains its own independent privacy and data collection policies and procedures. While we expect our business partners, subsidiaries and affiliates to respect the privacy of our users, we cannot be responsible for the actions of third parties. If you visit a website that is linked to or from our Site, we encourage you to consult that website's privacy policy before providing any personal information and whenever interacting with any website.

This Site may permit you to make online payments. If you use this Site to make payments online for products or services you receive from us, you acknowledge that you understand and agree that we use a third party payment processor to process payments made to us. In connection with the processing of such payments using this Site, we do not collect or retain any credit card numbers. Rather, all such payment information is provided directly to our third-party payment processor, Trust Commerce, whose use of your personal information is governed by [their privacy policy](#), which may be viewed at. You agree to comply with any terms and conditions and the privacy policies of the third-party payment processor in connection with your use of such third-party payment processor services.

## 12. CONSENT AND MODIFICATIONS TO PRIVACY STATEMENT

This Site is controlled, operated and administered entirely within the United States. By using this Site, you signify your agreement to the terms of this Website Privacy Policy. If you do not agree with this Website Privacy Policy, please do not disclose any personal information through this Site.

This Website Privacy Policy is part of our Terms of Use. The use of this Site is governed by our Terms of Use and the laws of the Commonwealth of Massachusetts.

This Website Privacy Policy and the notices outlined herein are not intended to and do not create any contractual or other legal rights in or on behalf of any third party.

## 13. YOUR CALIFORNIA PRIVACY RIGHTS

Under California's "Shine the Light" law, California residents who provide personal information (as defined in the statute) in obtaining products or services for personal, family, or household use are entitled to request and obtain from us once a calendar year a list of all third parties to which we have disclosed any such personal information during the preceding year for direct marketing purposes. If applicable, this information would include the categories of information and the names and addresses of those businesses with which we shared any such information for the immediately prior calendar year.

If you are a resident of the State of California and request information about how to exercise your third party disclosure choices, please send a request to [\[digital@fmc-na.com\]](mailto:digital@fmc-na.com) with a preference on how our response to your request should be sent.

#### 14.! MODIFICATIONS TO WEBSITE PRIVACY POLICY

We may modify this Website Privacy Policy at any time, at our discretion, and modifications are effective upon being posted on this Site.

It is our policy to post any changes we make to our privacy policy on this page. The date on which this Website Privacy Policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable e-mail address for you, and for periodically visiting our Site and this Website Privacy Policy to check for any changes.

If we make material changes to how we treat our users' Personally Identifiable Information, we will notify you through a notice on this Site home page or by other reasonable means.

#### 15.! ACCOUNT REVISIONS, REVOKING AND DELETING PERSONAL INFORMATION

We welcome your questions, comments and all feedback pertaining to your privacy or any other issue with regard to this Site.

At any time, you may ask us to cease any further use of your email address and direct us to delete any Personally Identifiable Information you have supplied. Although it is not always possible to remove or modify such information, we will make reasonable efforts to do so. We cannot delete your Personally Identifiable Information except by also deleting your user account. If you do not want to be contacted any longer we will designate you as "do not contact" in our systems. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect. If you have given us information for one of those third parties we mentioned above and we have already passed it on, we may not be able to delete or change the information.

In the event that you have given us Personally Identifiable Information in the past and then have second thoughts or want to update it, or if you have any other questions regarding this Website Privacy Policy or this Site, you may contact us by sending us an e-mail stating your request to [\[digital@fmc-na.com\]](mailto:digital@fmc-na.com) or by contacting us in writing at the address provided below:

**Address:**

**[Kyle Denhoff]**  
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