

PRIVACY POLICY

(Effective Date: May 21, 2021)

We at Triad Rx, Inc. (Triad) take patient privacy **very** seriously. Choosing Triad as your pharmacy places us in a position of trust, and we pledge **never** to abuse that relationship.

What is HIPAA?

When most people think about patient privacy, they usually think of “HIPAA,” which is short for the Health Insurance Portability and Accountability Act of 1996 and regulations adopted under that act. Even though we believe that HIPAA does not apply to Triad’s current business model, that model could change—and we also could be wrong. So, the best way forward is for us to use HIPAA as the minimum benchmark for protecting patient privacy.

What is protected health information and why is it important?

This Policy will help you understand how we may use or share your “protected health information” (or PHI). This is information that identifies you and allows us to meet your pharmacy service needs. PHI includes your name and bio (home address, phone number, email, etc.), medical conditions, medical history, and other information we collect that is necessary to get your prescriptions to you.

We will **never** use your PHI in **any** way that is contrary to HIPAA or in **any** way we haven’t told you about first.

What does this Policy mean for you?

This Policy is part of “the deal” between Triad and you, the patient. It’s legally binding and is part of our Terms of Service. If you have any questions about this Policy, please contact our Privacy Dept., privacy@triadrx.com, 26258 Pollard Rd., Daphne, AL 36526, 251-380-7630 (phone), 251-621-9914 (fax).

(UN)ENCRYPTED EMAIL: IMPORTANT – PLEASE READ

When you communicate with Triad in writing, especially our Privacy Dept., we STRONGLY encourage you to use encrypted email, facsimile, or good old-fashioned hardcopy and snail-mail. Standard email traffic is unencrypted, and passes through any number of Internet “places” on its way to its destination. This means that emailed PHI (in the message itself or attached to it) could easily be intercepted, read, copied, stored, used, and/or disclosed by third parties without your knowledge or permission. If you make a request under this Policy using unencrypted email, we will assume you are okay with these risks—and we will reply and respond in the same way.

Why and how do we use and disclose your PHI?

We have to collect—and use—PHI in order to function as a pharmacy and as a business. We can’t provide you with safe, effective pharmacy services without doing so. But we strive to invade your privacy as little as possible, and pledge never to use your PHI except to the minimum necessary as laid out in this Policy.

Here are the types of PHI we collect, how we use them, and who else might receive them. These are general categories only, to give you an idea of how everything works. Not every conceivable use or disclosure is listed, but all of the ways we might use or disclose your PHI will fall into at least 1 of these categories.

- **Treatment.** Triad collects PHI from you and from your healthcare providers (the doctors, pharmacists nurses, and other providers who are treating you) for use in meeting your pharmacy service needs, most commonly filling your prescriptions and dispensing medication to you. This multifaceted relationship among you, Triad, and your healthcare providers is interactive and adaptive, meaning that different types of PHI flow back and forth at different times, depending on your healthcare requirements.
- **Operations.** We may use and disclose PHI to help improve our own operations as a pharmacy and a business. We might, for example, use your PHI to assess pharmacy staff performance, in an effort to hold down costs and be more efficient. This also extends to improving overall quality, to try to make sure we are providing the most effective pharmacy services and products possible. We also might also search data providers and other healthcare providers to help make sure we have the most accurate and up-to-date information possible in the interest of providing high-quality care.
- **Payment.** Triad operates on a cash-only model. Not literal “cash” because we do accept credit/debit cards and other forms of electronic payment as per our website. But what we don’t do is accept third-party claims and payments. We do not, for example, participate in health insurance, workers’ compensation, or government programs such as Medicare/Medicaid, nor will we submit or support any claim for reimbursement from any insurer or program. If our model were to change, however, we would need to disclose your PHI to your insurer, payor, or other agent to obtain payment for products or services provided to you. And regardless of the business model, we may also contact you about a payment or balance due.

Other Allowable Uses/Disclosures – No Permission Required

- **Serious Health/Safety Threats.** Your PHI may be used and disclosed to prevent a serious threat to the health and safety of you, another person, or the public. We are ethically required to do this—and will do so if and when absolutely necessary to help prevent or minimize the threat.
- **Per Legal Requirements.** We will disclose your PHI as and when required (and may do so if permitted) under federal, state, or local law. This includes:
 - Reporting adverse reactions to medications or product defects and similar problems to manufacturers, distributors, and regulatory authorities such as FDA, DEA, and Boards of Pharmacy;
 - Preventing or controlling injuries, disabilities, or diseases, especially in the context of threats to the health, safety, and welfare of you and the public, for example, by (i) reporting certain communicable diseases to public health authorities such as CDC or a local health department, and/or (ii) notifying people who may have been exposed to placed at risk for contracting or spreading communicable diseases;
 - Reporting abuse or neglect to governmental authorities if we reasonably believe you are a victim, but only (i) to the extent required by law, (ii) if you agree to the disclosure, or (iii) if the

law permits the disclosure and we believe it is necessary to prevent serious harm to you or someone else;

- Disclosing your PHI to a regulatory oversight agency, as necessary and legally authorized for purposes of the government monitoring and regulating the healthcare system, government programs, and compliance with civil rights laws, including for purposes of complying with regulatory audits, investigations, inspections, and licensure;
 - Disclosing your PHI as required by military and/or veteran-related authorities if you are a current or former member of U.S. or foreign armed forces;
 - Disclosing your PHI (i) to a government agency in response to a court or administrative order, or (ii) to agencies and persons in response to a valid subpoena or similar request having the force of law—if efforts have been made to tell you about the request or to obtain an order protecting the information requested; and/or
 - Disclosing your PHI in connection with any lawsuit or similar proceeding or dispute between you and Triad, including as to payment.
- **Law Enforcement.** We may disclose PHI when requested by law enforcement:
 - In response to a court order, subpoena, warrant, summons, or similar process;
 - To identify or locate a suspect, fugitive, material witness, or missing person;
 - About you if you are believed to have been the victim of a crime, if, under certain limited circumstances, we are unable to obtain your agreement;
 - About a death we believe may be the result of criminal conduct;
 - About criminal conduct at Triad; and/or
 - In emergency circumstances to report a crime, the location of the crime or victim, or the identity, description, or location of the perpetrator.
 - **National Security and Intelligence Activities.** We may disclose your PHI to authorized federal officials for purposes of intelligence, counterintelligence, protecting the President (or other domestic or foreign official or dignitary), and other national security purposes, as authorized by law.
 - **Parents or Legal Guardians.** Triad follows all applicable and federal state laws when it comes to minors' PHI. And if you are under the age of 18 (or 19 if you live in Alabama or Nebraska), your parents or legal guardians generally have the right to access your PHI. We may release your PHI to them—if we are required to do so under federal and applicable state laws. Sometimes the law may require us to get your permission (or at least to notify you) first, and we will not release your PHI to your parents/guardians without doing so.
 - **Business Associates.** Third-party contractors may perform services for us, such as payment processing, copying, IT, and consulting. These service contractors (usually called “business associates” in HIPAA-speak) may need your PHI to perform services for us. Their contracts with us (and the law) require them to protect your PHI at least as well as we do, and their use/disclosure is restricted to the minimum necessary to provide their services to us.

- **Individuals Involved in Payment or Care.** We may give PHI to someone who helps pay for your care and/or is involved with your care, most often a family member or close friend. For example, if you authorize your spouse to pick up your prescription, the pharmacy label on the medication is required by law to have PHI on them, such as your name and address and the type of medication. We also may disclose PHI to other healthcare providers directly involved in your care and treatment, if necessary in our pharmacists' professional judgment.
- **Research.** We may use your PHI to conduct research, and we may disclose your PHI to researchers as authorized by law. For example, we may use or disclose your PHI as part of a research study when the research has been approved by an institutional review board or privacy board that has reviewed the research proposal and established protocols to ensure the privacy of your information.
- **Workers' Compensation.** Triad is not a workers' compensation provider, and we not participate in networks, programs, insurance, or policies that cover or pay for work-related injuries, illnesses, or disabilities. If this were to change, we may disclose your PHI to those networks, programs, or insurers in connection with your claims for benefits or coverage. Otherwise, we will disclose your PHI to these networks, etc. only as required by law.
- **Organ and Tissue Donation.** We may disclose your PHI to private organizations and government entities that procure, bank, transfer, or transplant organs and tissues for donation and transplant purposes, consistent with applicable law and especially if you pre-register as an organ donor.
- **Medical Examiners and Funeral Directors.** Your PHI may be disclosed as and to the extent necessary for (i) a coroner or medical examiner to identify a deceased person or determine the cause of death, and/or (ii) funeral directors and morticians to carry out their duties in a safe and effective manner.
- **Correctional Institution.** Should you be(come) an inmate of any correctional institution, we may disclose your PHI to the institution or its agents as necessary for the health and safety of you and others.

Other Uses/Disclosures – Your Permission Required

We will not use your PHI or disclose it to anyone or for any purpose without your written permission, except as covered by this Policy or required by law. If you decide to give us that permission, you may revoke it in writing at any time, and we will stop. We cannot "un-ring the bell" though, so PHI disclosures, once made, may not be taken back—even after you revoke your permission.

Your Rights to Your PHI

Your health records are Triad's property, and we are required by law to retain them. However, the actual PHI in those records belongs to you. As such, you have certain rights concerning your PHI and how we handle it:

- **Right to Request Restrictions.** You have the right to request reasonable restrictions or limitations on the PHI we use or disclose about you. For example, you may request that we refrain from disclosing PHI to someone who might otherwise be involved in your care or the payment for your care, such as a family member or friend.
 - Reasonable Limitations. All restriction requests have to be reasonable and written. Anything that causes harm or creates an avoidable risk of harm to anyone (including you) or the general

public isn't reasonable. Anything that prevents Triad from performing professional pharmacy duties and essential business functions isn't reasonable. And anything that would result in (or aid, abet, or conceal) any violation of law or deviation from the standard of care isn't reasonable. You could not, for example, request that Triad refrain from (i) attempting to collect payment, (ii) reporting a theft to law enforcement, or (iii) contacting your other healthcare providers in connection with your treatment.

- **Restriction Requests Optional.** A request to restrict or limit PHI use or disclosure is just that: a request. We don't have to agree to it, and submitting a request does not obligate us to (not) do anything at all—unless and until we specifically agree in writing. If we do agree, we will comply unless otherwise required by law, or if the information is needed for your emergency treatment.
- **How to Submit a Restriction Request.** Restriction or limitation requests must be submitted in writing to our Privacy Dept., privacy@triadx.com, 26258 Pollard Rd., Daphne, AL 36526, 251-621-9914 (fax). Your request also must tell us (i) what information you want to limit; (ii) whether you want to limit our use, disclosure, or both; and (iii) to whom you want the limits to apply, for example, disclosures to your spouse.
- **Right to Inspect/Copy.** You generally have the right to inspect and copy records that contain your PHI. There are some exceptions that we will discuss with you if they come up. Inspection/copying requests must be submitted in writing to our Privacy Dept., privacy@triadx.com, 26258 Pollard Rd., Daphne, AL 36526, 251-621-9914 (fax). They also must be reasonable in terms of scope and time, and must not disrupt the pharmacy's orderly operation. We will not, for example, allow you to inspect our records on Christmas Day or make hundreds of copies without advance notice. We will not charge you for inspecting and copying the records—onsite at our pharmacy and without using our equipment or supplies. We may charge you the reasonable costs for anything else, such as for retrieving, copying, scanning, and mailing your records. If there will be a charge, we will provide a good-faith estimate before we start working, and you may choose to withdraw or modify your request at any time before we actually start. If allowed by law, we reserve the right to withhold copies made by us (or using our equipment or supplies) until you pay the charges.
- **Right to Amend.** If you feel that the PHI in your record is incorrect or incomplete, you may ask us to amend the information. This right lasts for as long as Triad keeps or controls the records containing your PHI. Amendment requests must be submitted in writing to our Privacy Dept., privacy@triadx.com, 26258 Pollard Rd., Daphne, AL 36526, 251-621-9914 (fax). You also have to provide a reason or justification. In addition to denying your request if it is not in writing or does not include a supporting reason, we may deny your request if you ask us to amend information that:
 - We did not create, unless whoever created it is no longer available (and not just unwilling) to make the amendment;
 - Is not part of the PHI kept or controlled by us; or
 - Is accurate and complete.
- **Right to an Accounting of Disclosures.** You have the right to request an "accounting of disclosures". This is a list of certain disclosures we made of your PHI—other than for core healthcare and business

purposes such as treatment, payment, or healthcare operations. Accounting requests must be submitted in writing to our Privacy Dept., privacy@triadrx.com, 26258 Pollard Rd., Daphne, AL 36526, 251-621-9914 (fax). You must also state a time period covered by the request, which may not go back farther than 6 years from the submission date, and may not include dates before January 1, 2013. Your request should indicate your preferred format and method for receiving the list. The first list you request within a 12-month period will be provided free of charge in hardcopy by first class mail to the home address we have for you on file (unless you specify otherwise in your request). Any other format or delivery method, or for additional lists, and we may charge you for the reasonable costs. If there will be a charge, we will provide a good-faith estimate before we start working, and you may choose to withdraw or modify your request at any time before we actually start. If allowed by law, we reserve the right to withhold copies made by us (or using our equipment or supplies) until you pay the charges.

- **Right to Request Alternate Communications.** You have the right to request that we communicate with you—as to clinical matters related to your care and treatment—in a confidential manner or at a specific location. For example, you may ask that we only contact you via mail to a post office box. You must submit your request in writing to our Privacy Dept., privacy@triadrx.com, 26258 Pollard Rd., Daphne, AL 36526, 251-621-9914 (fax). Your request must specify how or where you wish to be contacted. We will not ask you the reason for your request, and will accommodate all reasonable requests. Please understand that we cannot honor requests of this nature as to nonpayment or similar disputes of a non-clinical nature between you and Triad.
- **Right to a Paper Copy of This Notice.** You have the right to a paper copy of this Policy even if you have agreed to receive and/or be bound by this Policy electronically. You may ask us to give you a copy of this at any time by submitting a request in writing to our Privacy Dept., privacy@triadrx.com, 26258 Pollard Rd., Daphne, AL 36526, 251-621-9914 (fax).

PRIVACY INFORMATION FOR NEVADA RESIDENTS

This section applies **only** to Nevada residents.

Nevada laws allows residents to opt out of the sale of “personally identifiable information” to a third party who then licenses or sells that information to someone else. **Triad does not sell “personally identifiable information.”** But theoretically, that could change, if we got bought out for example. So, if you are a current or former patient and a Nevada resident, you can request to opt out of any sales in the future by emailing us at privacy@triadrx.com. Once we verify your identity and the request’s authenticity, we will keep it on file and apply it in case our practices change.

PRIVACY INFORMATION FOR CALIFORNIA RESIDENTS

This section applies **only** to California residents.

Shine the Light Disclosure. Under California’s “Shine the Light” law, residents can find out how certain categories of personal information are shared with third parties for their own direct marketing purposes. **We do not share your personal information with third parties for these purposes.**

California Consumer Privacy Act. The California Consumer Privacy Act (“CCPA”) requires us to describe in greater detail how we collect, use, and share the “personal information” of California residents, although the CCPA does

not apply to a lot of the information we collect, such as medical information that is governed by health data privacy laws.

Category of Personal Information	Categories of Third Parties to Whom We may Disclose Personal Information
Commercial information such as what you purchase and when	Service providers; our affiliates; healthcare providers and services; fraud prevention entities (includes government and legal)
Financial information such as your credit card information (collected by our payment processors on our behalf)	Payment processors; service providers; our affiliates; fraud prevention entities (includes government and legal)
Device, network, or device activity, such as IP address, browsing history, and app usage	Service providers; our affiliates; fraud prevention entities (includes government and legal)
Location information, such as general location and (if you permit) precise location	Service providers; our affiliates; fraud prevention entities (includes government and legal); healthcare providers and services (to verify your location for legal/licensing reasons)
Demographic and statistical data such as your age, biological sex, and (if provided) gender	Service providers; our affiliates; fraud prevention entities (includes government and legal); healthcare providers and services
Physical characteristics such as physical descriptions and photos of you	Service providers; our affiliates; healthcare providers and services; fraud prevention entities (includes government and legal)
Customer service interactions	Service providers; our affiliates; health care providers and services; fraud prevention entities (includes government and legal)
Identifiers and contact information such as your name, address, email address, and account name	Service providers; our affiliates; healthcare providers and services; fraud prevention entities (includes government and legal)
Reviews and testimonials of Triad and its products and services that you post publicly or that you allow us (in writing) to publish, together with the	Service providers; our affiliates; healthcare providers and services; fraud prevention entities (includes government and legal); third-party operators of sites

Category of Personal Information	Categories of Third Parties to Whom We may Disclose Personal Information
following partial identifiers: your first name and city/state of residence	and services containing product or service discussions or reviews

This personal information is used for our business purposes: manage, facilitate, and improve our operations, products, and services; research, marketing, and analytics; communicate with users; technical support and customer service; security and fraud prevention; and legal compliance and defense.

CCPA Rights Disclosure. California residents have the right to submit certain requests to us about their personal information:

- To tell you the categories of personal information we collect or disclose about you; the categories of sources of that information; the business or commercial purpose for collecting your personal information; and the categories of third parties with whom we share/disclose personal information.
- To allow you access to and/or a copy of certain information we collect about you.
- To delete certain information we have about you.

We are also prohibited from discriminating against you (as defined under the CCPA) for exercising your CCPA rights.

Certain information may be exempt from CCPA requests. For example, we need certain information in order to provide the Services to you. We also verify your identity before responding.

California residents may exercise their CCPA data rights by emailing us at privacy@triadx.com. Include your full name, email address, current residential address, and (if different) your residential address when you were a patient. Also state which rights you would like to exercise. If you want copies of your medical records, please specify that in your email. **Requesting medical records like this means that you agree to receive those records by unencrypted email.**

Sale of Personal Information. Apollo does not and will not sell information that identifies you individually. This means that information tied to your name, email address, phone number, or street address may not be sold. Making certain online identifiers available to third-party advertising and analytics providers **could** be considered a “sale” under the CCPA. To opt out of interest-based advertising from participating companies, please visit [Network Advertising Initiative’s Consumer Opt-Out link](#), the [Digital Advertising Alliance’s Consumer Opt-Out link](#), or [Your Online Choices](#). These opt-outs are device- and browser-specific, so you will need to opt out on each device and browser.

Changes to This Policy

We reserve the right to change this Policy. Such changes or revisions may apply to PHI Triad already has and/or PHI we receive in the future. The most recent version of this Policy will be posted at Triad and on our website. Each version of this Policy will specify the effective date on the first page.

Complaints

If you believe your privacy rights have been violated, you may file a complaint with Triad or with the Alabama Board of Pharmacy. To file a complaint with Triad, contact our Privacy Dept., privacy@triadrx.com, 26258 Pollard Rd., Daphne, AL 36526, 251-380-7630 (phone), 251-621-9914 (fax). All complaints must be submitted in writing. You will not be penalized for filing a complaint. You also have the right to file a complaint with the U.S. Dept. of Health & Human Services (HHS).