

HEALTHSMART

SAFE HARBOR PRIVACY POLICY

HealthSmart values the confidence of its members, employees, healthcare professionals, and business partners. HealthSmart carefully protects the highest ethical standards in its confidentiality of personal information provided to it by members, employees, healthcare professionals, and business partners.

This Safe Harbor Privacy Policy sets forth the privacy principles that HealthSmart follows with respect to personal information. HealthSmart is committed to upholding best practice in our use, collection and disclosure of personal information

HealthSmart will not release personal information to third parties about members, employees, potential employees, their family members, contractors, and contingent workers, service providers and business partners, investors and shareholders, medical and healthcare professionals, customers, suppliers, vendors, government officials, industry experts and opinion leaders for purposes other than providing services that either have been previously approved or otherwise comply with applicable legal requirements.

HealthSmart complies with the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland. HealthSmart has certified that it adheres to the Safe Harbor Privacy Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement. To learn more about the Safe Harbor program, and to view HealthSmart's certification, please visit <http://www.export.gov/safeharbor>.

SAFE HARBOR

The United States Department of Commerce, the European Commission and the Swiss Federal Data Protection and Information Commissioner have agreed on a set of data protection principles and frequently asked questions (the "Safe Harbor Principles") to enable U.S. companies to satisfy the requirement under European Union and Swiss law that adequate protection is given to personal information transferred from the EU or Switzerland to the United States. The EU and Switzerland have recognized the U.S. Safe Harbor as providing adequate data protection. HealthSmart is committed to protecting personal privacy and adheres to the seven Safe Harbor Principles.

SCOPE

This Safe Harbor Privacy Policy (the "Policy") applies to all personal information received by HealthSmart in the United States of America from the EU and Switzerland, in any form including electronic, paper or verbal.

DEFINITIONS

For purposes of this Policy, the following definitions shall apply:

“Agent” means any third party that collects or uses personal information under the instructions of, and solely for, HealthSmart, or to which HealthSmart discloses personal information for use on HealthSmart’s behalf.

“HealthSmart” means HealthSmart Holdings, Inc., its predecessors, successors, subsidiaries, divisions and groups in the United States.

“Personal information” means any information or set of information that identifies or could be used by or on behalf of HealthSmart to identify an individual. Personal information does not include information that is encoded or anonymized, or publicly available information that has not been combined with non-public personal information.

“Sensitive personal information” means personal information that reveals race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, views or activities, that concerns health or sex life, information about social security benefits, or information on criminal or administrative proceedings and sanctions other than in the context of pending proceedings. In addition, HealthSmart will treat as sensitive personal information any information received from a third party where that third party treats and identifies the information as sensitive.

PRIVACY PRINCIPLES

The privacy principles in this Policy have been developed based on the Safe Harbor Principles.

Notice

Where HealthSmart collects personal information directly from individuals in the EU or Switzerland, it will inform them about the purposes for which it collects and uses personal information about them, the types of non-agent third parties to which HealthSmart discloses that information, the choices and means, if any, HealthSmart offers individuals for limiting the use and disclosure of personal information about them, and how to contact HealthSmart. Notice will be provided in clear and conspicuous language when individuals are first asked to provide personal information to HealthSmart, or as soon as practicable thereafter, and in any event before HealthSmart uses or discloses the information for a purpose other than that for which it was originally collected.

Where HealthSmart receives personal information from its subsidiaries, affiliates or other entities in the EU or Switzerland, it will use and disclose such information in accordance with the notices provided by such entities and the choices made by the individuals to whom such personal information relates.

Choice

HealthSmart does not use personal information for purposes other than which it was collected, i.e., the provision of HealthSmart services. Such information is not disclosed to non-agent third parties.

Transfers To Agents

HealthSmart most commonly transfers personal information to agents who are subject to the HIPAA Privacy Rule. As such they must safeguard personal information in a way that is consistent with the HIPAA Privacy Rule and the terms of this Policy. In the event that information is transferred to agents who are not subject to the HIPAA Privacy Rule, appropriate assurances will be sought from these agents. These may include: a contract obligating the agent to provide at least the same level of protection as is required by the relevant Safe Harbor Principles, being subject to EU Directive 95/46/EC (the EU Data Protection Directive), Safe Harbor certification by the agent, or being subject to another European Commission adequacy finding (*e.g.*, companies located in Switzerland). Where HealthSmart has knowledge that an agent is using or disclosing personal information in a manner contrary to this Policy, HealthSmart will take all reasonable steps to prevent that use or disclosure.

Data Integrity

HealthSmart will use personal information only in ways that are compatible with the purposes for which it was collected or subsequently authorized by the individual. HealthSmart will take reasonable steps to ensure that personal information is relevant to its intended use, accurate, complete, and current.

Access and Correction

Upon request, HealthSmart will grant individuals reasonable access to personal information that it holds about them. In addition, HealthSmart will take reasonable steps to permit individuals to correct, amend, or delete information that is demonstrated to be inaccurate or incomplete.

Security

HealthSmart will take reasonable precautions to protect personal information in its possession from loss, misuse and unauthorized access, disclosure, alteration and destruction.

Enforcement

HealthSmart will conduct compliance audits of its relevant privacy practices to verify adherence to this Policy. Any employee that HealthSmart determines is in violation of this Policy will be subject to disciplinary action up to and including termination of employment.

Dispute Resolution

Any questions or concerns regarding the use or disclosure of personal information should be directed to the HealthSmart Privacy Officer at the address given below. HealthSmart will investigate and attempt to resolve complaints and disputes regarding use and disclosure of personal information in accordance with the principles contained in this Policy. For complaints that cannot be resolved between HealthSmart and the complainant, HealthSmart has agreed to participate in the dispute resolution procedures of the American Arbitration Association to resolve disputes pursuant to the Safe Harbor Principles.

LIMITATION ON APPLICATION OF PRINCIPLES

Adherence by HealthSmart to these Safe Harbor Principles may be limited (a) to the extent required to respond to a legal or ethical obligation; and (b) to the extent expressly permitted by an applicable law, rule or regulation.

INTERNET PRIVACY

HealthSmart sees the Internet and the use of other technology as valuable tools to communicate and interact with its members, employees, healthcare professionals, business partners, and others. HealthSmart recognizes the importance of maintaining the privacy of information collected online and has created a Privacy Policy (“HealthSmart Privacy Policy”) governing the treatment of personal information collected through its website. With respect to personal information that is transferred from the EU or Switzerland to the U.S., the HealthSmart Privacy Policy is subordinate to this Policy. The HealthSmart Privacy Policy can be found at <http://www.healthsmart.com/LegalStatements/PrivacyPolicy.aspx>.

CONTACT INFORMATION

Questions or comments regarding this Policy should be submitted to the HealthSmart Privacy Officer by mail as follows:

HealthSmart Holdings, Inc.
Attn: Privacy Officer
222 West Las Colinas Boulevard
Suite 600N
Irving, Texas 75039
USA
sarah.bittner@healthsmart.com

CHANGES TO THIS SAFE HARBOR PRIVACY POLICY

This Policy may be amended from time to time, consistent with the requirements of the Safe Harbor Principles. If we make changes to this Policy, we will promptly post a copy of the updated Policy on our website at <http://www.healthsmart.com>. A notice will be posted on the HealthSmart web site <http://www.healthsmart.com> whenever this Safe Harbor Privacy Policy is changed in a material way.

Effective Date: August 11, 2014