



## PRIVACY POLICY

Last Updated: 16 February 2024

October Health LLC operates and maintains a website (located at <https://october.health>) (the “**Site**”) and the October online platform, which provides predictive and proactive mental health support and resources for high performing staff and human resource teams (the “**Platform**”). The Platform includes a 24/7 live data platform that provides real-time business intelligence on employee mental wellness, team and corporate culture and performance with actionable insights (the “**Data Portal**”), employee-facing mobile application (the “**Mobile App**”) which includes self-guided content, live, audio-only, proactive, interactive, digital, psycho-educational and support group sessions and other coaching and companionship services generated by artificial intelligence (collectively with the Site, the “**Services**” or “**Service**”).

This Privacy Policy explains what personal information we collect from individuals who use our Mobile App and other individuals, such as representatives of our business customers, whose interactions with us include browsing our Site, subscribing to our newsletters or other communications, or interacting with us on social media. We refer to all of these individuals collectively as “**users**” or “**you**.” This Privacy Policy explains how we handle your personal information and your choices regarding our data practices.

This Privacy Policy does not apply to personal information pertaining to authorized users of the Data Portal or information that your employer, insurer, or related institution provides us to verify your eligibility for and facilitate your access to the Platform (such as your name, email address, and relationship to the organization). We process this information as instructed by our customers, in our capacity as a service provider/data processor, in accordance with the terms of our customer agreements.

Any references to “October”, “**we**”, “**us**” or “**our**” in these Terms and Conditions shall be to October Health LLC, a subsidiary of October Health Limited.



## **Personal Information We Collect**

We collect the following categories of personal information about you:

### **Information you provide to us:**

- **Contact information** that you provide when you sign up for our newsletter or contact us about our Services, such as your first and last name, email and mailing addresses, and phone number.
- **Account information** that you provide when you create an account on our Mobile App, such as your username, password, age range, selected interests, and your profile picture and gender information if you voluntarily choose to provide it.
- **Health and wellness information and other user content** that you may choose to provide when you use the Mobile App, including any text or audio information that you upload. For example, you may choose to provide information about your mental health and well-being when you use our AI-powered coaching tool, share comments in the Forest (being October's core peer support community feature within the Mobile App), or write in your October journal. Where required by applicable law, we will collect this information only with your consent.
- **Communications** that we exchange with you, including when you contact us with questions, feedback, or otherwise.
- **Marketing information** such as your preferences for receiving our marketing communications and details about your engagement with them.
- **Other information** not specifically listed here, which we will use as described in this Privacy Policy or as otherwise disclosed at the time of collection.

**Information we obtain from cookies and other automated technologies**, such as information about the devices you use to engage with our Services, and online activity data. For more details about the technologies we use, the categories of information we collect, and how we use this information, please review our Cookie Policy.



### **Information we obtain from other sources:**

- **Social media.** We may maintain pages on social media platforms, such as X, LinkedIn, and other third-party platforms. When you visit or interact with our pages on those platforms, the platform provider's privacy policy will apply to your interactions and their collection, use and processing of your personal information. You or the platforms may provide us with information through the platform, and we will treat such information in accordance with this Privacy Policy.
- **Other sources.** We may obtain personal information from other third parties, such as marketing partners, publicly-available sources, and data providers.

### **How We Use Personal Information**

We use personal information for the following purposes or as otherwise described at the time of collection:

**To provide our Services.** We use personal information to operate, maintain, and provide you with our Services. In particular, we use personal information to perform our contractual obligations under our terms of service, except where consent is required under applicable law.

**To communicate with you about our Services.** It is in our legitimate business interests to use personal information to respond to your requests, provide customer support, and communicate with you about our Services, including by sending announcements, updates, security alerts, and support and administrative messages.

**To improve, monitor, personalize, and protect our Services.** It is in our legitimate business interests to improve and keep our Services safe for our users, which includes:

- Understanding your needs and interests, and personalizing your experience with the Services and our communications.
- Troubleshooting, testing and researching, and keeping the Services secure.



- Investigating and protecting against fraudulent, harmful, unauthorized, or illegal activity.

**For research and development.** We may use personal information for research and development purposes where it is in our legitimate business interests, including to analyze and improve the Services and our business. As part of these activities, we may create or use aggregated, de-identified, or other anonymized data from personal information we collect. We make personal information into anonymized data by removing information that makes the data personally identifiable to you. We may use this anonymized data and share it with third parties, such as your employer or related institution, for our lawful business purposes, including to analyze and improve the Services and promote our business.

**For marketing and advertising,** including for:

- **Direct marketing.** We may send you direct marketing communications as permitted by law, including by email. You may opt-out of our marketing communications as described in the **Opt-out of marketing communications** section below. Except where consent is required, we undertake such marketing on the basis of our legitimate business interests. Where we seek your consent, you may withdraw your consent at any time.
- **Interest-based advertising.** We use cookies and similar technologies to engage in interest-based advertising. Please review our Cookie Policy for more information. Where required by applicable law, we will engage in interest-based advertising only with your consent.

**For compliance and protection.** We may use personal information to comply with legal obligations, and it is in our legitimate business interests to enforce our terms of service and to defend our business against legal claims or disputes, including to:

- Protect our, your, or others' rights, privacy, safety, or property (including by making and defending legal claims).
- Audit our internal processes for compliance with legal and contractual requirements and internal policies.
- Enforce the terms and conditions that govern the Services.



- Prevent, identify, investigate, and deter fraudulent, harmful, unauthorized, unethical, or illegal activity, including cyberattacks and identity theft.
- Comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas or requests from government authorities.

## **Personal Information Disclosure**

### **How We Disclose Personal Information**

We do not disclose personal information to your employer, insurer, or a similar related institution that may give you access to October. We may disclose personal information to the following individuals or entities:

**Service providers.** Companies and individuals that provide services on our behalf or help us operate the Services or our business (such as hosting, information technology, customer support, email delivery, and website analytics services).

**Third parties.** We may disclose your email address to a third-party entity that is not your employer but operates as an Employee Assistance Program (EAP) and offers similar services through your employer, specifically when October is integrated into this service offering. This sharing of information is solely for the purpose of ensuring that accurate and current email address data is kept up to date.

**Advertising vendors.** Third-party advertising companies, including for the interest-based advertising purposes described above, that can collect information on our website through cookies and other automated technologies. Please review our Cookie Policy for more information.

**Professional advisors.** Professional advisors, such as lawyers, auditors, bankers, and insurers, where necessary in the course of the professional services that they render to us.

**Authorities and others.** Law enforcement, government authorities, and private parties, as we believe in good faith to be necessary or appropriate for the compliance and protection purposes described above.

**Business transferees.** Acquirers and other relevant participants in business transactions (or negotiations for such transactions) involving a corporate divestiture, merger, consolidation, acquisition, reorganization, sale or other disposition of all or



any portion of the business or assets of, or equity interests in, our business (including, in connection with a bankruptcy or similar proceedings).

### **How You Disclose Personal Information**

**Other users.** You may disclose personal information to other users of the Services. For example, you may participate in digital group sessions where you can learn, ask questions, and listen to others on topics from parenting to depression. You only disclose the personal information you voluntarily choose to provide.

### **Third-Party AI Technology**

Our Platform leverages third-party AI technology provided by our service providers in connection with our website chatbot and AI coaching tool. The AI coaching technology is trained on real-world data to generate intelligent and personalized coaching and companionship. To enable us to provide you with these personalized services, we will share your personal information with the AI service providers that power our products. We require these providers to use your information only for the purpose of allowing us to provide our Services to you, and we do not allow the providers to train their AI models using your data.

### **Privacy Rights and Choices**

**Opt out of marketing communications.** You may opt out of marketing-related emails and other communications by following the opt-out or unsubscribe instructions in the communications you receive from us or by contacting us as provided in the **How to Contact Us** section below. You may continue to receive Services-related and other non-marketing emails.

**Opt out of push notifications.** If you opt in to receive push notifications within the Mobile App, we may send push notifications or alerts to your mobile device from time to time. You can deactivate push notifications and alerts at any time by changing your device settings, changing the push notification settings within the application, or deleting the app.

**Personal information requests.** We also offer you choices that affect how we handle the personal information that we control. Depending on your location and the nature of your interactions with our Services, you may request the following in relation to personal information:



- **Information** about how we have collected and used personal information. We have made this information available to you without having to request it by including it in this Privacy Policy.
- **Access** to a copy of the personal information that we have collected about you. Where applicable, we will provide the information in a portable, machine-readable, readily usable format.
- **Correction** of personal information that is inaccurate or out of date.
- **Deletion** of personal information that we no longer need to provide the Services or for other lawful purposes.
- **Withdrawal of consent**, where we have collected and processed your personal information with your consent. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent.
- **Additional rights**, such as to **object** to and request that we **restrict** our use of personal information.

To make a request, please email us or write to us as provided in the **How to Contact Us** section below. We may ask for specific information from you to help us confirm your identity. Depending on where you reside, you may be entitled to empower an authorized agent to submit requests on your behalf. We will require authorized agents to confirm their identity and authority, in accordance with applicable laws. You are entitled to exercise the rights described above free from discrimination.

**Limits on your privacy rights and choices.** In some instances, your choices may be limited, such as where fulfilling your request would impair the rights of others, our ability to provide a service you have requested, or our ability to comply with our legal obligations and enforce our legal rights. If you are not satisfied with how we address your request, you may submit a complaint by contacting us as provided in the **How to Contact Us** section below. Depending on where you reside, you may have the right to complain to a data protection regulator where you live or work, or where you feel a violation has occurred.



## **Other Sites and Services**

Our Services may contain links to websites and other online services operated by third parties. In addition, our content may be integrated into web pages or other online services that are not associated with us. These links and integrations are not an endorsement of, or representation that we are affiliated with, any third party. We do not control websites or online services operated by third parties, and we are not responsible for their actions. This Privacy Policy does not apply to such third-party sites or services.

### **Security**

We use reasonable organizational, technical, and administrative measures designed to protect against unauthorized access, misuse, loss, disclosure, alteration, and destruction of personal information we maintain. Unfortunately, data transmission over the Internet cannot be guaranteed as completely secure. Therefore, while we strive to protect your personal information, we cannot guarantee the security of personal information.

## **International Data Transfers**

You may provide personal information directly to our Services in the United States and the United Kingdom. We may also transfer personal information to our affiliates and service providers in the United States and other jurisdictions. Please note that such jurisdictions may not provide the same protections as the data protection laws in your home country.

When we engage in cross-border data transfers, we will ensure that relevant safeguards are in place to afford adequate protection for personal information and we will comply with applicable data protection laws, in particular by relying on an EU Commission or UK government adequacy decision or on contractual protections for the transfer of personal information. For more information about how we transfer personal information internationally, please contact us as set out in the **How to Contact Us** section below.

## **Retention of Personal Information**

Where required under applicable laws, we retain personal information only for as long as is necessary to fulfill the purposes for which it was collected and processed, in accordance with our retention policies, and in accordance with applicable laws and regulatory obligations or until you withdraw your consent (where applicable).





To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorized use or disclosure of personal information, the purposes for which we use personal information and whether we can achieve those purposes through other means, and the applicable legal and regulatory requirements.



## **Job Applicants**

When you visit the [Careers](#) portion of our Site, we collect the information that you provide to us in connection with your job application. This includes but is not limited to business and personal contact information, professional credentials and skills, educational and work history, and other information of the type that may be included in a resumé. This may also include diversity information that you voluntarily provide and that we process on the basis of your consent. We use this information on the basis of our legitimate business interests to facilitate our recruitment activities and process employment applications, such as by evaluating a job candidate for an employment activity, to monitor recruitment statistics, and to respond to surveys. We may also use this information to provide improved administration of the Services and as otherwise necessary (i) to comply with relevant laws or to respond to subpoenas or warrants served on us, (ii) to protect and defend our or others' rights or property, (iii) in connection with a legal investigation and (iv) to investigate or assist in preventing any violation or potential violation of the law, this Privacy Policy or our terms.

## **Children**

The Services are not intended for use by children under 16 years of age. Children between the ages of 16-18 affirm that they have obtained the approval of their parent or guardian to utilize the Mobile Application, where required by law. If we learn that we have collected personal information through the Services from a child without the consent of the child's parent or guardian as required by law, we will delete it.

## **Changes to This Privacy Policy**

We reserve the right to modify this Privacy Policy at any time. Where we do so, we will update the date of this Privacy Policy and post it on the Site. If we make material changes to this Privacy Policy, we will let you know.



## **How to Contact Us**

**Responsible entity.** Panda is the entity responsible for the processing of personal information under this Privacy Policy (as a controller, where provided under applicable law).

**Contact us.** If you have any questions or comments about this Privacy Policy, our privacy practices, or if you would like to exercise your rights with respect to your personal information, please email us at [help@joinpanda.com](mailto:help@joinpanda.com) or write to us at:

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London, E16RA



## **COOKIE POLICY**

This Cookie Policy explains how Panda (“**we**”, “**our**”, or “**us**”) uses cookies and similar technologies in connection with our Services. This Cookie Policy should be read in conjunction with our Privacy Policy.

If you have any questions or concerns about the Cookie Policy, please contact us at [help@joinpanda.com](mailto:help@joinpanda.com) or as otherwise described in our Privacy Policy.

### **What are cookies and similar technologies?**

- **Cookies** are text files that websites store and access on a visitor’s device to uniquely identify the visitor’s browser or to store information or settings in the browser to allow us distinguish you from other users of our Services for the purpose of helping you navigate between pages efficiently, remembering your preferences, enabling functionality, helping us understand activity and patterns, and facilitating online advertising.
- **Local storage technologies**, like HTML5, provide cookie-equivalent functionality but can store larger amounts of data, including on your device outside of your browser in connection with specific applications.
- **Web beacons**, also known as pixel tags or clear GIFs, are used to demonstrate that a webpage or email was accessed or opened, or that certain content was viewed or clicked.

This Cookie Policy refers to all these technologies, and other types of tracking technologies used through our Services, collectively as “**cookies**.”

### **How do we use cookies and other similar technologies?**

We use both persistent cookies and session cookies. Persistent cookies stay on your device for a set period of time or until you delete them, while session cookies are deleted once you close your web browser. We use persistent cookies, for example, to record your choice of language and country location. The cookies placed through your use of our Site are either set by us (first-party cookies) or by a third party at our request (third-party cookies).

We also allow our advertising partners to collect this information through our Site.



## **What types of cookies and similar technologies do we use?**

We use the following categories of cookies:

**Essential cookies:** These cookies are required to enable basic website functionality. They cannot be switched off in our systems. They are usually only set in response to actions made by you which amount to a request for services, such as setting your privacy preferences, logging in or filling in forms. You can set your browser to block or alert you about these cookies, but some parts of the Services may not work.

**Advertising cookies.** These cookies are used to deliver advertising that is more relevant to you and your interests. They may also be used to limit the number of times you see an advertisement and measure the effectiveness of advertising campaigns.

**Functional cookies.** These cookies allow the Site to remember choices you make (such as your user name, language, or the region you are in) and provide enhanced, more personal features.

**Analytics cookies.** These cookies help us understand how the Site performs, how visitors interact with the Site, and whether there may be technical issues.

### **Analytics and Advertising**

We use analytics services, such as Google Analytics, to help us understand how users access and use the Site. In addition, we work with agencies, advertisers, ad networks, and other technology services to place ads about our products and services on other websites and services. For example, we place ads through Google and Facebook that you may view on their platforms as well as on other websites and services.

As part of this process, we may incorporate tracking technologies into our own Services as well as into our ads displayed on other websites and services. Some of these tracking technologies on our Site and within our emails and advertisements may track your activities across time and services for purposes of associating the different devices you use, and delivering relevant ads and/or other content to you.



## How can you control the use of cookies?

Depending on where you access the Site from, you may be presented with a cookie banner or other tool to provide permissions prior to non-Essential cookies being set. In this case, we only set these non-Essential cookies with your consent.

You can also limit online tracking by:

- **Blocking cookies in your browser.** Most browsers let you remove or reject cookies, including cookies used for interest-based advertising. To do this, follow the instructions in your browser settings. Many browsers accept cookies by default until you change your settings. For more information about cookies, including how to see what cookies have been set on your device and how to manage and delete them, visit [www.allaboutcookies.org](http://www.allaboutcookies.org).

Use the following links to learn more about how to control cookies and online tracking through your browser:

- [Firefox](#); [Chrome](#); [Microsoft Edge](#); [Safari \(Mac\)](#); [Safari \(Mobile/iOS\)](#)
- **Blocking advertising ID use in your mobile settings.** Your mobile device settings can provide functionality to limit use of the advertising ID associated with your mobile device for interest-based advertising purposes.
- **Using privacy plug-ins or browsers.** You can block our Site from setting cookies used for interest-based ads by using a browser with privacy features, like [Brave](#), or installing browser plugins like [Privacy Badger](#), [Ghostery](#), or [uBlock Origin](#), and configuring them to block third party cookies/trackers.
- **Advertising industry opt out tools.** You can also use these opt out options to limit use of your information for interest-based advertising by participating companies:
  - Digital Advertising Alliance for Websites: [optout.aboutads.info](http://optout.aboutads.info) and <https://www.aboutads.info/appchoices> (for mobile opt outs);
  - Network Advertising Initiative: [optout.networkadvertising.org](http://optout.networkadvertising.org)
- **Platform opt-outs.** Some of our advertising partners offer opt-out features that let you opt out of use of your information for interest-based advertising, including:



- [Google](#)
- [Facebook](#)
- **Mobile App technologies.** You can stop all collection of information via our Mobile App by uninstalling the app. For Apple iOS, we will only receive access to your device's Ad ID (known as an IDFA) if you provide consent. You can reset your device's Ad Id at any time through your device settings, which is designed to allow you to limit the use of information collected about your device.

Please be aware that if you disable or remove tracking technologies some parts of the Services may not function correctly.

Note that because these opt out mechanisms are specific to the device or browser on which they are exercised, you will need to opt out on every browser and device that you use.

**Do Not Track.** Some Internet browsers can be configured to send "**Do Not Track**" signals to the online services that you visit. We currently do not respond to "Do Not Track" or similar signals. To find out more about "Do Not Track," please visit <http://www.allaboutdnt.com>.