

## **MyLiNX Data Protection Notice**

Version Date: November 29, 2017

Dynamic Controls, of 39 Princess St. Riccarton, Christchurch, New Zealand (“Dynamic”, “our”, “us”, or “we”), collects and processes personal data through the MyLiNX application (“MyLiNX”) as set out in this Notice. We are committed to safeguarding the privacy of the users of MyLiNX.

This Notice describes how we will collect and process<sup>1</sup> your personal data<sup>2</sup> in connection with your use of MyLiNX on your products that use a “LiNX controller”, such as power wheelchairs, oxygen concentrators and beds, for example (“your products”). To continue using your products without disclosing personal data through MyLiNX, you can select “Cancel” on the Consent Form that follows this Notice, or at any time turn-off or delete MyLiNX, in which case you will not be able to use MyLiNX. If you delete MyLiNX after you have selected “Accept” on the Consent Form, then your personal data will be retained as described below.

### **The types of personal data we collect and process**

While we do not collect any direct identifiers, such as your name or contact details, we will collect and process serial numbers, IP address, regional location data so we can display MyLiNX in your local language, generic data related to your use of MyLiNX (such as how often you use MyLiNX and what features of MyLiNX you access the most, for example), and technical product data (such as battery levels and usage patterns, error codes, seat angle patterns, motor characteristics, and run time for example) from your products (the “Data”) for the purpose of: (a) providing information to you for evaluating the status and performance of your products; (b) remotely diagnosing your products for servicing purposes; (c) remotely monitoring product usage patterns for alerting and educating you on proper product usage (e.g., battery charging patterns); (d) analysing product and component performance and usage; (e) detecting product errors; (f) research and development of new and improved products and services; (g) using de-identified or aggregated technical product data which is not capable of identifying you for our research or business purposes; and (h) sharing or selling de-identified or aggregated technical product data which is not capable of identifying you to third parties for research or their business purposes. The Data we collect when you sign-up for MyLiNX comes from you, your products, or third parties (e.g., app store).

We may separately have access to other personal data about you, for example, your name and address, in the context of providing warranties and guarantees for your products. We may combine such data with the Data for the purposes described above.

We will retain de-identified Data or aggregated Data which is not capable of identifying you for as long as we desire to use it for our research and business purposes. We will retain all other Data for a period required to: comply with applicable laws or regulations, perform contractual commitments or provide you with access to the Data through MyLiNX.

### **Sharing your personal data with third parties**

Subject to appropriate contractual safeguards, we may share the Data with: (i) third party service providers selected by you that will use the Data to service your products, (ii) your health care professionals that may provide you with feedback on your product usage patterns, and (iii) our group members (as defined below), third party cloud vendors and other service providers that will process the Data on our behalf so that you, and such third party service providers and health care professionals, can access the Data for the purposes set out above.

Those service providers and health care professionals selected by you may add to or combine such Data with any personal data that you provide to them separately in order to provide their services to you. You should carefully review the privacy practices and notices of such service providers and health care professionals as we are not responsible for their practices.

We may disclose the Data to any member of our corporate group (this means our subsidiaries, our ultimate parent company and all its subsidiaries) ("group members") insofar as reasonably necessary for the purposes set out in this Notice.

We may also disclose such Data: (a) to our professional advisors and insurers in order to establish, exercise or defend our legal rights, (b) to tribunals and courts, law enforcement authorities and other parties to the proceedings and their professional advisors in connection with any ongoing or prospective administrative or legal proceedings; (c) to the foregoing third parties mentioned in (a) and (b) and others to the extent that we are required to do so by law or by a court ruling or order; and (d) to the purchaser (or prospective purchaser) of any business or asset that we are (or are contemplating) selling.

### **Internationally transferring your personal data**

The group members, cloud vendors and service providers listed in (ii) and (iii) in the preceding section, and other recipients listed in (a) to (d) in the preceding section, to whom we may disclose the Data may be located in countries outside of Australia, namely the European Union, New Zealand and the USA, for the purposes described in this Notice.

### **Queries or Complaints**

You may contact us either in writing (at the address below) or by email at [mylinxsupport@dynamiccontrols.com](mailto:mylinxsupport@dynamiccontrols.com) if you have any queries, concerns or complaint about the manner in which we have collected, stored, used or disclosed your personal data. We will treat your complaint confidentially and, after investigating your complaint, discuss with you the ways in which we can remedy the situation. We will ensure that we respond to your complaint within a reasonable time from the date you contacted us.

### **Contact details**

Australia:      Invacare Australia  
                     1 Lenton Place, North Rocks  
                     Sydney 2151 - AUSTRALIA

1      "Process" or "Processing" includes any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage,

adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.

- 2 "Personal data" means information about an identified or reasonably identifiable natural person and includes 'personal information', 'sensitive information' and 'health information' as those terms are described in the *Privacy Act 1998* (Cth). Examples of personal data are your name or contact details or the fact that you purchased a particular Dynamic product.

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## **Consent**

### **To the Installation of the MyLiNX application on your mobile device and the LiNX controller, and Our Remote Access to Technical Product Data and Serial Numbers through MyLiNX**

The terms “process”, “processing” and “personal data” in this Consent have the meanings given to them in the MyLiNX Data Protection Notice.’

By selecting the “ACCEPT” button, you provide your CONSENT to:

(1) The installation of the MyLiNX application on your mobile device and the LiNX controller of your product (e.g., wheelchair, oxygen concentrator, bed), the collection and processing of personal data by the MyLiNX application as set out in the [MyLiNX Data Protection Notice](#) and the remote access by Dynamic Controls (of 39 Princess St. Riccarton, Christchurch 8041, New Zealand) of the afore-mentioned technical product data and serial numbers, which may qualify as your personal data, for the purposes of:

- a) providing information to you for evaluating the status and performance of your products;
- b) remotely diagnosing your products for servicing purposes;
- c) remotely monitoring product usage patterns for alerting and educating you on proper product usage (e.g., battery charging patterns);
- d) analysing product and component performance and usage;
- e) detecting product errors;
- f) research and development of new and improved products and services;
- g) using de-identified or aggregated technical product data which is not capable of identifying you for research or business purposes; and
- h) sharing or selling de-identified or aggregated technical product data which is not capable of identifying you to third parties for research or their business purposes.

(2) The combination of your personal data that we may have collected separately in relation to providing you services on your product (e.g., warranty repair) with the data described in the section “The types of personal data we collect and process” in the [MyLiNX Data Protection Notice](#) for the purposes a) – h) described above.

(3) The transfer to and handling of your personal data as described in the section “Internationally transferring your personal data”. You acknowledge and agree that by consenting to such transfer:

- a) we will not be accountable under the *Privacy Act 1988* (Cth) if the overseas recipient handles the personal information in breach of the Australian Privacy Principles and you will not be able to seek redress under the *Privacy Act 1988* (Cth);
- b) the overseas recipient may not be subject to any principles similar to the Australian Privacy Principles;
- c) you may not be able to seek redress in the overseas jurisdiction; and

- d) the overseas recipient may be subject to a foreign law that could compel the disclosure of personal information to a third party, such as an overseas authority.

You understand that you are free to refuse or withdraw your consent at any time, in which case you will not be able to use MyLiNX and your personal data will be retained as set out in the MyLiNX Data Protection Notice, except for your personal data that we may have collected separately in relation to providing you services on your product.

By selecting the “CANCEL” button, you do not provide your CONSENT to the data processing activity described in this Consent. In this case, you can continue to use your product, but you will not be able to utilize the MyLiNX application and we will not process your personal data as described in the Notice and this Consent, except for your personal data that we may have collected separately in relation to providing you services on your product.