

## **MyLiNX Data Protection Notice**

Version Date: 29 November, 2017

Dynamic Controls, of 39 Princess St. Riccarton, Christchurch, New Zealand (“Company”, “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 anonymized or aggregated technical product data for our research or business purposes; and (h) sharing or selling anonymized or aggregated technical product data 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 anonymized or aggregated Data 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 healthcare 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 New Zealand, namely the European Union and the USA, for the purposes described in this Notice.

### **Your data protection rights**

You may contact us either in writing or by e-mail at [mylinxsupport@dynamiccontrols.com](mailto:mylinxsupport@dynamiccontrols.com) to exercise the following rights: (a) to access your personal data that we have collected; (b) to request that we correct or delete your personal data; or (c) to object to the processing of your personal data based on legitimate grounds. If you object to processing or withdraw your consent, 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 this Notice. You may also contact us if you have questions relating to this Notice.

### **Contact details**

Dynamic Controls  
39 Princess St.  
Riccarton

Christchurch 8041  
New Zealand

- 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 identifiable natural person, and includes "personal information" as defined in the Privacy Act 1993 and "health information" as defined in the Health Information Privacy Code 1994. Examples of personal data are your name or contact details or the fact that you purchased a particular Company 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**

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 Dynamic Controls, of 39 Princess St. Riccarton, Christchurch 8041, New Zealand) as the controller 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 anonymized or aggregated technical product data for research or business purposes; and
- h) sharing or selling anonymized or aggregated technical product data 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 [MyLinix Data Protection Notice](#) for the purposes a) – h) described above.

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 MyLinix 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.