Upheal

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# Notice of Privacy Practices

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Name of care provider or organisation: _____ ("**We**")
Email: _____

Dear _____ (“**you**” or “**Client**”),
We use an application called Upheal as part of our services. Upheal transcribes our conversations and helps us review, summarize, and analyze them, enhancing care and potentially improving treatment outcomes. Using Upheal reduces our administrative workload, allowing us to devote more attention to our time together, rather than to documentation.

This notice explains our privacy practices, which fulfill our legal obligations around your **protected health information (PHI)**, such as health records, and **personally identifiable information (PII)**, such as name and email. We follow the rules set by the New Zealand Privacy Act 2020 and Health Information Privacy Code 2020 to safeguard your information. This policy is in effect as soon as you agree to it. If we make any significant changes, we'll let you know by email.

## How, why, and when do we process your PHI and PII?

**Your consent allows the collection and processing of the following types of data:**

- **PHI**: Upheal processes PHI to accurately transcribe and generate documentation for your sessions, and to support the administration of our practice. This includes any health data, habits, or lifestyle information you mention during a session and provide us with access to. If we request specific technical support from Upheal, an Upheal technician may temporarily access and process your session transcript and/or PHI. Access ends once the issue is resolved.
- **PII**: We may use Upheal to record sessions, create user profiles and manage our practice, including billing. The PII we provide to Upheal may include your name, contact information, date of birth, sex and billing information.
- **Usage data (excludes PHI or PII)**: We may give Upheal feedback about the technical experience of a session and other services, and Upheal uses that data to improve its services.
- **Recordings**: Upon notifying you, we as your provider may store your audio and video recordings in Upheal or elsewhere for further analysis to enhance your individual care. Upon your request, we will delete recordings immediately. Upheal does not automatically store recordings after processing (see How long data is kept below).

**Your consent to the following is optional and must be collected separately from this notice:**

- **AI training:** With your explicit consent, in order to improve Upheal’s AI services, Upheal may collect and process your data in a de-identified format (names, emails, and all identifying information is omitted from the data). The data includes: i) Session transcripts and insights, and ii) usage data, which may consist of session insights, clinical notes, datasets for AI training, and spoken language. You can withdraw your consent at any time, and your data will stop being shared.

## How long is your data stored by Upheal and by us?

As your provider, we are responsible for maintaining and retaining medical records (including your PHI) under the Retention of Health Information Regulations 1996. We may use Upheal or another system for this purpose. We are able to delete all data stored in Upheal, and Upheal does not store any data after we delete it.

**How long data is kept:**

- **PHI and PII:** Upheal will keep your PHI and PII only as long as we store it there. If we use Upheal to meet local law health record keeping requirements, we may store personal information in user profiles, usage data, and medical records for up to 10 years in Upheal after the last processing.
- **Session data:** Upheal retains audio and video recordings only long enough to ensure the insights and transcript are generated.
- **Recordings:** If consent is given to store session recordings to improve our care, we will store the data for up to 10 years. If requested, we will immediately delete the recordings.
- **De-identified data:** If you provide consent (fully optional and independent of this notice) to Upheal to use your de-identified data for AI training, Upheal stores your de-identified data for up to 5 years, de-identified transcript data for only up to 1 year.

Neither we nor Upheal use automated systems to make decisions about your care.

## What are your rights to your data processed by Upheal?

The law grants you access rights to your health information including:

- **To obtain a copy of your PHI**. However, this right does not apply to the private notes written by us whether inside or outside of Upheal.
- **To correct or amend your PHI**.
- **To restrict what PHI we use or share**.
- **To know who we have shared your PHI with**.
- **To request a particular way of receiving confidential communications from Us**.
- **To receive a paper copy of this Notice of Privacy Practices**.
- **To file a complaint**. You may file the complaint directly to the New Zealand Privacy Commissioner. You will not be retaliated against for filing a complaint.

The list above might vary depending on the jurisdiction where you live.

## Who else can access your data processed by Upheal?

Upheal may share your data, including PHI, with trusted, secure, contracted third-party services that are part of Upheal's technical functions, such as data processing. These services can only process your data as directed by Upheal.

If the law, a court, or a government agency requires us to share your data, we will inform you and only share the data if the disclosure is legally mandated. If there is any breach of your protected health information, we will promptly notify you.

## Where does Upheal process your data?

See https://www.upheal.io/privacy for more information, or contact support@upheal.io.

*The Client (or their responsible party if the Client cannot legally consent) confirms they have read and understood this notice, and provided their consent on the date below.*

By: _____ Name: _____

Email: _____ Date: _____