

VIVACITY.NET TERMS AND CONDITIONS AND PRIVACY STATEMENT

Last update: January 6, 2016

The purpose of this website is to communicate with employers and other individuals interested in learning about the wellness program administration services offered by Vivacity, Inc. (“Vivacity”). All content provided on and through this website is for purposes of providing information about wellness program administration services offered by Vivacity. This website is not intended to provide information for wellness program participants, however, the Wellness Program Privacy Statement that follows these Terms and Conditions describes how Vivacity treats the personal information of participants in wellness programs administered by Vivacity. Please note that changes are periodically made to this website and may be made at any time without notice. **By accessing this website, you unconditionally agree to accept these Terms and Conditions. If you do not agree to these Terms and Conditions, please do not access this website.** We reserve the right to change these Terms and Conditions from time to time. Any changes will take effect upon posting to this website. Your continued use of this website following such posts will constitute your acceptance of such changes.

Use Guidelines

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DISCLAIMER OF WARRANTIES

VIVACITY MAKES NO REPRESENTATIONS ABOUT THE ACCURACY, RELIABILITY, COMPLETENESS, OR TIMELINESS OF THE MATERIAL PROVIDED ON OR MADE AVAILABLE THROUGH THIS WEBSITE. THIS WEBSITE IS PROVIDED ON AN “AS IS” AND “AS AVAILABLE” BASIS AND WITHOUT WARRANTY OF ANY KIND. WE DO NOT MAKE AND HEREBY DISCLAIM ANY REPRESENTATIONS OR WARRANTIES, ARISING BY LAW OR OTHERWISE, REGARDING THE WEBSITE AND ASSOCIATED CONTENT. WE CANNOT GUARANTEE THAT MATERIAL ACCESSIBLE FROM THIS WEBSITE IS FREE OF VIRUSES OR OTHER MALICIOUS CODE AND WE DO NOT ACCEPT ANY RESPONSIBILITY FOR ANY DAMAGE OR LOSS CAUSED BY ANY SUCH

CODE. WITHOUT LIMITING THE FOREGOING, WE SPECIFICALLY DISCLAIM ANY REPRESENTATION OR WARRANTY THAT USE OF THE WEBSITE WILL MEET YOUR REQUIREMENTS OR THAT THE SERVICE WILL BE UNINTERRUPTED, TIMELY, SECURE OR ERROR-FREE.

EXCLUSION OF LIABILITY

IN NO EVENT SHALL VIVACITY OR IT'S AFFILIATES BE LIABLE FOR ANY DAMAGES WHATSOEVER (INCLUDING, WITHOUT LIMITATION, SPECIAL, INDIRECT, INCIDENTAL AND CONSEQUENTIAL DAMAGES, LOST PROFITS, OR DAMAGES RESULTING FROM LOST DATA OR BUSINESS INTERRUPTION) ARISING FROM YOUR USE OR INABILITY TO USE THE WEBSITE, OR FROM MATERIALS ON OR AVAILABLE THROUGH THIS WEBSITE, EVEN IF WE HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. YOU EXPRESSLY ACKNOWLEDGE AND AGREE THAT THE USE OF THE WEBSITE IS AT YOUR OWN RISK.

Termination

We may terminate or limit your access or usage of this website and the material at any time without notice.

Governing Law

These Terms of Use shall be governed by and construed in accordance with the laws of the State of Washington.

Vivacity.net Privacy Statement

How is personal information collected by this website and how does Vivacity use this information?

Contact Information

A user may provide their contact information (such as name, email address and phone number) on this website to request additional information regarding Vivacity's wellness program administration services. Such information will be used solely by Vivacity and its affiliates and Vivacity's third party service providers and partners for purposes of contacting you to provide additional information about our services.

Cookies

Our server will specifically recognize the domain name and address of all site users. Our website transfers a text file to your computer's hard drive (known as a "cookie") for record keeping purposes. The cookie assigns a unique, random number to your computer. We record data on the categories or sections of our website that you have visited along with the cookie information, and may use this information for monitoring and improving

the performance and content of this website, analyzing website usage and creating internal reports.

How We Respond to Browser “Do Not Track” Signals

Some web browsers incorporate a “Do Not Track” (DNT) or similar feature that signals to websites that a visitor does not want to have his/her online activity and behavior tracked. If a website that responds to a particular DNT signal receives the DNT signal, the browser can block that website from collecting certain personal information about the browser’s user. Not all browsers offer a DNT option and DNT signals are not yet uniform. For this and other reasons, we and many website operators do not respond to DNT signals.

To Whom can Vivacity Disclose Personal Information Collected via this Website?

We may share your personal information collected via this website with our affiliates and third party service providers and partners for purposes of contacting you to provide additional information regarding Vivacity’s services. Vivacity will not otherwise disclose your personal information collected via this website to any third party, unless we are required or permitted to do so by law, including the exercise or defense of our legal rights. We may disclose any information as necessary to satisfy any applicable law, regulation, legal process, or governmental request or to cooperate with law enforcement and other authorities in investigating a claim of illegal activity.

Children

This website contains business-related content and is aimed at and designed for use by adults. We do not knowingly solicit or collect personal information from or about individuals under the age of 13 years.

Linking to Other Sites

This website may contain links to other sites. Vivacity is not responsible for the availability, content or privacy practices of these sites, nor does Vivacity endorse, warrant or guarantee the products, services or information described or offered on these external sites. We encourage our users to be aware when they leave our site and to read the terms and conditional and privacy statements of other sites.

Wellness Program Privacy Statement

General

Vivacity is an administrator of wellness programs, which means that Vivacity facilitates wellness programs as a service to other companies, such as employers or insurance companies. Vivacity cares about the privacy and security of personal information and

takes precautions to protect the personal information of wellness program participants (“Participants”). The following describes how Vivacity treats personal information of Participants when it administers a wellness program. We reserve the right to change this Wellness Program Privacy Statement without notice.

Please note that vivacity’s wellness program administration services are not intended and must not be taken to be the provision or practice of medical, nursing or professional health care advice or services in any jurisdiction. Participants should always seek the advice of their physician or other qualified health provider prior to starting any new exercise program or treatment or with any questions regarding a medical condition.

What is personal information?

Personal information includes, to the extent it relates to wellness program operation, a Participant’s demographic information (e.g., name, email address, date of birth, gender, member identification number and/or mailing address and zip code) and medical information, including medical history and information contained on claims and health assessments.

How is personal information collected by Vivacity?

Employers and Health Plans: Employers and health plans may provide participant’s personal information to Vivacity for purposes of wellness program operation. For example, an employer may send the demographic information of its employees to Vivacity so that Vivacity has a list of employees that are eligible to participate in the employer’s wellness program.

Information provided by Participants: Vivacity will receive the personal information of Participants as part of the administration of wellness programs. For example, Vivacity may receive a Participant’s biometric screening results and answers on a health risk assessment questionnaire that are collected as part of a wellness program.

Affiliates, partners, and other third parties: Personal information may be exchanged between Vivacity and third parties that are affiliated with Vivacity or that work with Vivacity or a Participant’s employer or health plan in the facilitation of wellness programs or health plan administration. For example, Vivacity contracts with other companies to provide wellness services, such as biometric screenings, to Participants. In such cases, the biometric screening results may be provided to Vivacity and/or a Participant’s health plan.

Who may receive my personal information?

Health plans: Vivacity may provide a Participant's personal information to the Participant's health plan for the health plan's treatment, payment and health care operations activities.

Employers: Vivacity will not disclose a Participant's individually identifiable medical information to an employer. If a wellness program is sponsored by an employer, Vivacity may advise the employer about whether an individual participated in a wellness program.

Note that Vivacity does not consider an employer sponsored health plan to be part of the employer. Therefore, a Participant's individually identifiable medical information may be provided to the Participant's employer sponsored health plan for the health plan's treatment, payment and health care operations activities. Administrators of the employer sponsored health plan, who may be part of the employer's workforce, may have access to such information in the same way they may have access to other health information in their role in administering the employer sponsored health plan.

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With consent: A Participant's personal information may also be disclosed pursuant to the Participant's authorization.



Discrimination is Against the Law

Vivacity complies with applicable Federal and Washington state civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, sex, gender identity, or sexual orientation. Vivacity does not exclude people or treat them differently because of race, color, national origin, age, disability, sex, gender identity, or sexual orientation. Vivacity provides free aids and services to people with disabilities to communicate effectively with us, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, other formats). Vivacity provides free language services to people whose primary language is not English, such as qualified interpreters and information written in other languages. If you need these services, contact the Civil Rights Coordinator. If you believe that Vivacity has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, sex, gender identity, or sexual orientation, you can file a grievance with: Civil Rights Coordinator — Complaints and Appeals, PO Box 91102, Seattle, WA 98111, Toll free: 855-332-6396, Fax: 425-918-5592, TTY: 711, Email AppealsDepartmentInquiries@LifeWiseHealth.com. You can file a grievance in person or by mail, fax, or email. If you need help filing a grievance, the Civil Rights Coordinator is available to help you. You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at: U.S. Department of Health and Human Services, 200 Independence Ave SW, Room 509F, HHH Building, Washington, D.C. 20201, 1-800-368-1019, 800-537-7697 (TDD). Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>. You can also file a civil rights complaint with the Washington State Office of the Insurance Commissioner, electronically through the Office of the Insurance Commissioner Complaint Portal available at <https://www.insurance.wa.gov/file-complaint-or-check-your-complaint-status>, or by phone at 800-562-6900, 360-586-0241 (TDD). Complaint forms are available at <https://fortress.wa.gov/oic/onlineservices/cc/pub/complaintinformation.aspx>.

Language Assistance

ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 877-276-9953 (TTY: 711).

注意: 如果您使用繁體中文，您可以免費獲得語言援助服務。請致電 877-276-9953 (TTY: 711)。

CHÚ Ý: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 877-276-9953 (TTY: 711).

주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수 있습니다. 877-276-9953 (TTY: 711) 번으로 전화해 주십시오.

ВНИМАНИЕ: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 877-276-9953 (телетайп: 711).

PAUNAWA: Kung nagsasalita ka ng Tagalog, maaari kang gumamit ng mga serbisyo ng tulong sa wika nang walang bayad. Tumawag sa 877-276-9953 (TTY: 711).

УВАГА! Якщо ви розмовляєте українською мовою, ви можете звернутися до безкоштовної служби мовної підтримки.

Телефонуйте за номером 877-276-9953 (телетайп: 711).

ប្រយ័ត្ន: បើសិនជាអ្នកនិយាយ ភាសាខ្មែរ, សេវាជំនួយផ្នែកភាសា ដោយមិនគិតថ្លៃ គឺអាចមានសំរាប់អ្នក។ ចូរ ទូរស័ព្ទ 877-276-9953 (TTY: 711)។

注意事項: 日本語を話される場合、無料の言語支援をご利用いただけます。877-276-9953 (TTY:711) まで、お電話にてご連絡ください。

ማስታወሻ: የሚናገሩት ቋንቋ አማርኛ ከሆነ የትርጉም እርዳታ ድርጅቶች: በነጻ ሊያገለግሉት ተዘጋጅተዋል: ወደ ሚከተለው ቁጥር ይደውሉ 877-276-9953 (መስማት ለተሳናቸው: 711).

XIYYEEFFANNAA: Afaan dubbattu Oroomiffa, tajaajila gargaarsa afaanii, kanfaltiidhaan ala, ni argama. Bilbilaa 877-276-9953 (TTY: 711).

ملحوظة: إذا كنت تتحدث اذكر اللغة، فإن خدمات المساعدة اللغوية تتوافر لك بالمجان. اتصل برقم 877-276-9953 (رقم هاتف الصم والبكم: 711).

ਧਿਆਨ ਦਿਓ: ਜੇ ਤੁਸੀਂ ਪੰਜਾਬੀ ਬੋਲਦੇ ਹੋ, ਤਾਂ ਭਾਸ਼ਾ ਵਿੱਚ ਸਹਾਇਤਾ ਸੇਵਾ ਤੁਹਾਡੇ ਲਈ ਮੁਫਤ ਉਪਲਬਧ ਹੈ। 877-276-9953 (TTY: 711) 'ਤੇ ਕਾਲ ਕਰੋ।

ACHTUNG: Wenn Sie Deutsch sprechen, stehen Ihnen kostenlos sprachliche Hilfsdienstleistungen zur Verfügung. Rufnummer: 877-276-9953 (TTY: 711).

ໂປດອຸບ: ຖ້າວ່າ ທ່ານເວົ້າພາສາ ລາວ, ການບໍລິການຊ່ວຍເຫຼືອດ້ານພາສາ, ໂດຍບໍ່ຄ່າສ່ຽງຄ່າ, ຄວນມີພ້ອມໃຫ້ທ່ານ. ໂທ 877-276-9953 (TTY: 711).

ATANSYON: Si w pale Kreyòl Ayisyen, gen sévis èd pou lang ki disponib gratis pou ou. Rele 877-276-9953 (TTY: 711).

ATTENTION: Si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 877-276-9953 (ATS : 711).

UWAGA: Jeżeli mówisz po polsku, możesz skorzystać z bezpłatnej pomocy językowej. Zadzwoń pod numer 877-276-9953 (TTY: 711).

ATENÇÃO: Se fala português, encontram-se disponíveis serviços linguísticos, grátis. Ligue para 877-276-9953 (TTY: 711).

ATTENZIONE: In caso la lingua parlata sia l'italiano, sono disponibili servizi di assistenza linguistica gratuiti. Chiamare il numero 877-276-9953 (TTY: 711).

توجه: اگر به زبان فارسی گفتگو می کنید، تسهیلات زبانی بصورت رایگان برای شما فراهم می باشد. با 877-276-9953 (TTY: 711) تماس بگیرید.