



Banyan Privacy Notice

Last Updated: September 11, 2024

Banyan Inc. and its affiliates and subsidiaries (“**Banyan**,” “**we**,” “**us**,” or “**our**”) respect your privacy. This Privacy Notice (“**Notice**”) describes the processing of Personal Information (defined below) that is provided, collected, or disclosed while providing our products or services to you (“**Services**”) and on the websites, applications, and online platforms that link to this Notice (collectively, “**Site**”), including when you apply for a job with us. It also describes rights you may have under applicable laws. Please read this Notice carefully to understand our policies and practices regarding your Personal Information and how we will treat it.

Personal Information We Collect

We collect several categories of Personal Information from and about users of our Site and Services. “**Personal Information**” means information that uniquely identifies, relates to, describes, or is reasonably capable of being associated with or linked to you. The categories of Personal Information we collect may include:

- *Contact Information* – If you submit an inquiry, register for an account, or provide information on or through our Site or Services, we may collect your contact information (or those of your alternative contacts, should you become a patient with us) including name, mailing address, email address, and phone number.
- *Commercial Information* – If you submit an inquiry, or provide information on our Site, we may collect commercial information including information about the Services you have shown interest in (such as your future appointments).
- *Usage Information* – When you use our Site, we may automatically record information, including your Internet Protocol address (IP Address), geolocation of your device, browser type, referring URLs (e.g., the website you visited before coming to our Site), domain names associated with your internet service provider, and any other information regarding your interaction with our Site.
- *Employment Information* – If you apply for employment with us, we will collect Personal Information related to your potential employment, including your education and employment history, address and contact information, demographic information, and any other information included in your resume or application.
- *Communication Information* – We may collect Personal Information contained within your communications with us via email, chat functionality, social media, telephone, or otherwise, and in certain cases we may use third-party service providers to do so. Where permitted by applicable law, we may collect and maintain records of calls and chats with our agents, representatives, or employees via message, chat, post, or similar functionality.
- *Health Information* – If you are a patient with our practice group and elect to complete any patient forms or access any patient portals or other patient-related services we offer online, we may collect health-related information (including information about your health, medications, health history, and health insurance) as part of those online features and patient-related Services.



- *Financial Information* – If you use our Services, including becoming a patient with our practice group, we may collect financial information such as credit card details via our third-party payment processor to facilitate payments. We may also monitor any related health insurance claims, including their status, co-payment and balance amounts due.

How We Collect Personal Information

- *Directly From You* – We collect Personal Information that you provide to us directly, for example, if you choose to contact us, request information from us, sign up to receive updates, or otherwise utilize our Site or Services.
- *From Third Parties* – We may collect Personal Information from third parties, including but not limited to business partners, advertising networks, social networks, data analytics providers, mobile device providers, Internet or mobile service providers, recruiters and job application portals, and background check providers.
- *Through Online Tracking Technologies* – We use cookies and similar technologies to collect Personal Information automatically as you navigate our Site. For additional information regarding our use of these technologies, see the *Cookies and Tracking Technologies* section below.

How We Use Personal Information

To the extent permitted by applicable law, we use Personal Information:

- *To provide and personalize our Site and Services*, such as processing or fulfilling orders and transactions, providing and personalizing our Services, processing payments, providing customer service, maintaining or servicing accounts, providing financing, verifying customer information, creating and maintaining business records, verifying eligibility, and undertaking or providing similar services.
- *To optimize, improve, and maintain our Services*, including understanding how users interact with our Services, gauging user interest in certain Services or Site functionality, and troubleshooting problems.
- *For internal research and development*, such as testing, verifying, and improving the quality of our Services or developing new ones.
- *For marketing and advertising*, including using your information to send you messages, notices, newsletters, surveys, promotions, or event invitations about our own or third parties' goods and services that may be of interest to you. We also use Personal Information to conduct interest-based advertising as discussed in the *Cookies and Other Tracking Technologies* section below. You can manage your marketing and other communications preferences by logging into your account on our Site. You also unsubscribe from any marketing emails or text messages that we may send you by following the instructions included in the email or text correspondence or emailing us at marketing@banyancenters.com.
- *For communicating with you*, such as responding to your questions and comments or notifying you of changes to our Site or Services.

- *For legal, security, or safety reasons*, such as protecting our and our users' safety, property, or rights; complying with legal requirements; enforcing our terms, conditions, and policies; detecting, preventing, and responding to security incidents; and protecting against malicious, deceptive, fraudulent, or illegal activity.
- *As part of a corporate transaction*, such as in connection with the sale
- of part or all of our assets or business, the acquisition of part or all of another business or another business' assets, or another corporate transaction, including bankruptcy.
- *To fulfill any other purpose for which you provide it*, including purposes described when you provide the information or give your consent.

If you are applying for employment with us, we also use Personal Information to process your job application, to verify the information you have provided in your application, conduct interviews, perform background and reference checks, to communicate with you and answer your questions, to confirm your eligibility for employment, and improve our recruiting processes. We may also save your Personal Information for future employment opportunities with us.

How We Disclose Personal Information

We may disclose aggregated information about our users, and information that does not identify any individual, without restriction.

We may disclose your Personal Information with your consent or in the following circumstances:

- *Employees and Other Personnel* – We may share Personal Information with our employees and personnel (such as contractors) who have a need to know the information for our business purposes.
- *Affiliates and Subsidiaries* – We may share Personal Information within our family of companies for their and our business and marketing purposes, including providing you with information about the Services we think may be of interest to you.
- *Service Providers* – We disclose your Personal Information with the service providers that we use to support our business, including but not limited to, data analytics providers, website hosting providers, and other technology providers. If you are applying for a job with us, this may include service providers such as background check providers and human resource providers.
- *Business Partners* – We may disclose Personal Information with trusted business partners. For example, we may disclose your Personal Information with a company whose products or services we think may be of interest to you or who we co-sponsor a promotion or service with.
 - *Ad Tech Companies and Other Providers* – We may share or make available limited Personal Information (such as a mobile device identifiers) with ad tech companies and other online service providers. When we share your Personal Information in this context, we follow applicable legal requirements, which may require that we provide opt-out rights or other individual rights.



- *Legal Obligation or Safety Reasons* – We may disclose Personal Information to a third party when we have a good faith belief that such disclosure of Personal Information is reasonably necessary to (a) satisfy or comply with any requirement of law, regulation, legal process, or enforceable governmental request, (b) enforce or investigate a potential violation of any agreement you have with us, (c) detect, prevent, or otherwise respond to fraud, security or technical concerns, (d) support auditing and compliance functions, or (e) protect the rights, property, or safety of Banyan, its employees and clients, or the public against harm.
- *Merger or Change of Control* – We may disclose Personal Information to third parties as necessary if we are involved in a merger, acquisition, or any other transaction involving a change of control in our business, including but not limited to, a bankruptcy or similar proceeding. Where legally required, we will give you notice prior to such disclosure.
 - *Other* – We may disclose Personal Information to third parties when explicitly requested by or consented to by you, or for the purposes for which you disclosed the Personal Information to us as indicated at the time and point of the disclosure (or as was obvious at the time and point of disclosure).

Cookies and Other Tracking Technologies

We and our service providers may use cookies and similar technologies to collect usage and browser information about how you use our Site. The technologies we use for this automatic data collection may include cookies and web beacons that permit us to verify system and server integrity and generate statistics around the popularity of certain content. We process the information collected through such technologies, which may include or be combined with Personal Information, to help operate certain features of our Site, to enhance your experience through personalization, and to help us better understand the features of our Site that you and other users are most interested in.

Website Delivery and Appearance – We may use third party providers to enable certain customer interaction opportunities, content delivery (like audio or video), or other service capabilities. Examples include, but are not limited to, the following functionality:

- **Content Delivery:** We partner with service providers to host our Site and deliver specific content in support of our Services. For example, we partner with companies like YouTube and Matterport to deliver specific content delivery like audio, video, and virtual 3D facility tours. For more information about how YouTube collects and uses your data, visit [Google's Privacy Policy](#).
- **Customer Interaction:** We enhance our customer interactions by offering features like Google Maps to locate our Service locations, patient and provider portals (provided via service providers like CollaborateMD and Kipu Systems), and payment processors to facilitate online payments. Each of these offerings are governed by the terms, conditions, and policies of the underlying service provider. For example, please see [Google Maps/Google Earth Terms of Service](#) and [Google's Privacy Policy](#) for more information on how that feature operates.
- **Chat-based Customer Support:** We use a chat feature powered by a third-party (like LiveChat or a similar service provider) to enable live customer service and technical support via our Site. When you engage in the live chat enabled by this service provider, we will automatically collect and share certain information (such as personal identifiers, usage information, and message content) with the vendor to provide the customer service and technical support enabled by the live chat tool. For more information on the specific information collected via this tool, and how this information is used and handled by LiveChat, please see LiveChat's privacy policy [here](#).



Website Analytics and Session Replay – We use analytics and session replay services, that use cookies and other technologies that collect your Personal Information, to assist us with analyzing our Site traffic and site usage to optimize, maintain, and secure our Site and inform subsequent business decisions (including, e.g., advertising). These include, but are not limited to, the following third-party services:

- **Microsoft Clarity:** We partner with Microsoft Clarity and Microsoft Advertising to capture how you use and interact with our Site through behavioral metrics, heatmaps, and session replay to improve and market our products/services. Site usage data is captured using first and third-party cookies and other tracking technologies to determine the popularity of products/services and online activity. Additionally, we use this information for site optimization, fraud/security purposes, and advertising. For more information about how Microsoft collects and uses your data, visit the [Microsoft Privacy Statement](#).
- **Google Analytics:** To learn more about how Google uses data, visit [Google's Privacy Policy](#) and Google's page on "[How Google uses data from sites or apps that use our services.](#)" You may download the [Google Analytics Opt-out Browser Add-on](#) for each web browser you use, but this does not prevent the use of other analytics tools. To learn more about Google Analytics cookies, visit [Google Analytics Cookie Usage on Websites](#).
- **Crazy Egg:** Some of our Site analytics may be enabled via an analytics service provider, Crazy Egg. To learn more about how this vendor collects and processes your activity, please see [Crazy Egg's Privacy Policy](#).

Interest-Based Advertising – We may also allow or enable third parties to collect Personal Information to provide their interest-based advertising on behalf of our products and services, or their own. Interest-based advertising occurs when advertisements are shown to you based on information collected from your online interactions over time and across multiple websites, devices, or online services that you visit or use. Some companies may engage in cross-context behavioral advertising to predict your preferences and show you advertisements that are most likely to be of interest or relevant to you. We do not control these third parties' collection or use of your information for these purposes, or the opt-out options they may individually offer you via their terms, conditions, and privacy policies. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly. Examples of the third-party service providers we engage to serve interest-based advertisements include Google Ads (including Google Dynamic Remarketing and DoubleClick), Microsoft advertising, ShareThis (for more information, please see [their Privacy Notice](#)) and NextRoll, Inc. (for more information on their data collection and processes practices, please visit [their Privacy Policy](#)).

Selling or Sharing Personal Information – While we do not sell Personal Information in exchange for monetary consideration, we do share Personal Information for other benefits that could be deemed a “sale” or “sharing” under various data protection laws, because they are sometimes broadly defined to include activities such as the delivery of interest-based advertising on websites or allowing third parties to receive certain information, such as cookies, IP address, and/or browsing behavior. We similarly engage in interest-based advertising when we use data about your activities on our Site to serve you ads on websites owned or controlled by third parties. It is in this context that we have provided advertising networks, data analytics providers, social networks, and video sharing platforms with Personal Information such as your IP address, device information, Internet and other electronic network activity information, and geolocation information in the last twelve months.

Cookie Choices – To manage your preferences with respect to these technologies, you can:



- Visit our preferences page, or customize your browser settings to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable certain cookies, please note that some parts of our Site may not function properly. These settings may be lost and require reconfiguration if you delete your cookies.
- Block the collection and use of your information by online platforms and ad tech companies for the purpose of serving interest-based advertising by visiting the opt out pages of the self-regulatory programs of which those companies are members: [National Advertising Initiative](#) and [Digital Advertising Alliance](#) (or the [European Interactive Digital Advertising Alliance](#), if you are located in the European Economic Area). Please note that even if you opt out of interest-based advertising, you may still see “contextual” ads which are based on the context of what you are looking at on the websites and pages you visit.
- Review and execute any provider-specific instructions to customize your preferences or opt-out of certain processing, including interest-based advertising, by third party service providers. For example, to opt-out of this type of advertising by Google, customize your ad preferences, or limit Google’s collection or use of your data, visit [Google’s Safety Center](#) and [Google’s Ad Settings](#) and follow [Google’s personalized ad opt-out instructions](#). You can also opt out of Crazy Egg’s analytics by following [Crazy Egg’s opt-out instructions](#).

How Long We Keep Your Personal Information

We retain your information for as long as needed: (i) to conduct business with you; (ii) fulfill the purposes outlined in this policy; and (iii) to comply with our legal obligations, resolve disputes, and enforce any agreements.

Criteria we will use to determine how long to retain your Personal Information include the nature and length of our business relationship with you; our legal rights, obligations, and retention requirements; and if we have an ongoing business purpose for retaining your Personal Information, such as communicating with you about ongoing or prospective Services you requested.

Links to Third-Party Websites

We are not responsible for the practices employed by any websites or services linked to or from our Site, including the information or content contained within them. We encourage you to investigate and ask questions before disclosing Personal Information to third parties, since any Personal Information disclosed will be handled in accordance with the applicable third party’s privacy policy.

In some cases, we offer links to social media platforms (like Facebook, Instagram, Pinterest, X (formerly known as Twitter), and LinkedIn) that enable you to easily connect with us or share information on social media. Any content you post via these social media pages is subject to the Terms of Use and Privacy Policies for those platforms.

We may also integrate with other websites to provide enhanced services, technological capabilities, or resources for you. These plug-in services and capabilities are governed by the terms, conditions, and policies of the underlying companies. Some of the integrations we currently offer include the ability to view our business and/or provider profiles on Google and Facebook, including the customer reviews publicly posted there. This hyperlinked content (including any embedded customer reviews) is governed according to the privacy policies for each platform, and the links to these external websites and services provided for your convenience. We also offer virtual support group meetings via video-sharing services like Microsoft Teams.

International Use and Cross-Border Data Transfers

If you are visiting our Site from outside of the United States, please note that our Site is hosted in the United States. Where permitted by applicable law, we may transfer the personal data we collect about you to the United States and other jurisdictions that may not be deemed to provide the same level of data protection as your home country, as necessary for the purposes set out in this Policy.

For individuals in the European Union, European Economic Area, Switzerland, and United Kingdom: Artform Creative will only transfer Personal Data to third parties located outside of this region when it has ensured appropriate safeguards for such Personal Information through use of the standard contractual clauses or other lawful and approved methods. To request a copy of applicable cross-border data transfer agreements, please reach out using the information in the *Contact Us* section.

How We Protect Personal Information

We have implemented commercially reasonable measures designed to secure your Personal Information from accidental loss and from unauthorized access, use, alteration, and disclosure. Unfortunately, the transmission of information via the internet is not completely secure. Despite these efforts to store Personal Information in a secure environment, we cannot guarantee the security of Personal Information during its transmission or its storage on our systems.

Exercising Your Privacy Rights

Depending on where you live, you may have the following rights with respect to your Personal Information under applicable data protection laws:

- *Access* – The right to request access to and obtain a copy of any Personal Information we may have about you.
- *Deletion* – The right to delete your Personal Information that we have collected or obtained, subject to certain exceptions.
- *Correction* – The right to request that we correct any inaccuracies in your Personal Information, subject to certain exceptions.
- *Opt Out of Certain Processing* – The right to: (a) opt out of the processing of your Personal Information for purposes of targeted advertising, (b) opt out of the sale or sharing of your Personal Information; (c) limit the use of your sensitive Personal Information (if applicable), and (c) opt out of profiling in furtherance of decisions that produce legal or similarly significant effects. We do not collect or process sensitive Personal Information outside of purposes permitted by law (such as section 7027(m) under the California Consumer Privacy Act Regulations), so we do not offer the option to limit its use. We also do not profile you or other individuals in a manner that would result in legal or similarly significant effects, so we do not offer an opt out.
- *Objection/Restriction of Processing* – The right to object or restrict us from processing your Personal Information in certain circumstances.



- *Withdraw Consent* – The right to withdraw your consent where we are relying on your consent to process your Personal Information.
- *Automated Decision-Making* – The right to know when you are subject to automated decision-making, the Personal Information used to render the decision, the principal factors and parameters involved in the decision, and human review or correction of the decision (or its underlying data, where appropriate). You may also have the right to consent or opt out of this automated decision-making, depending on your location.
- *Lodge a Complaint* – The right to lodge a complaint with a supervisory authority or other regulatory agency if you believe we have violated any of the rights afforded to you under applicable data protection laws. We encourage you to first reach out to us so we have an opportunity to address your concerns directly before you do so.

To exercise any of the privacy rights afforded to you under applicable data protection laws, call us toll-free at 888-394-2280 and provide access code: BANY. You may also exercise your opt out rights by broadcasting an Opt-Out Preference Signal, such as the Global Privacy Control (GPC). We honor Opt-Out Preference Signals, including GPC. If you choose to use an Opt-Out Preference Signal, you will need to turn it on for each supported browser or browser extension you use.

You will not be discriminated against in any way by virtue of your exercise of the rights listed in this Notice. However, should you withdraw your consent or object to processing of your Personal Information, or if you choose not to provide certain Personal Information, we may be unable to provide some, or all, of our Services to you.

Only you, or an authorized agent that you authorize to act on your behalf, may make a request related to your Personal Information. You may also make a request on behalf of your minor child. We must verify your identity before fulfilling your requests, and if we cannot verify your identity, we may request additional information from you. If you are an authorized agent making a request on behalf of another person, we will also need to verify your identity, which may require proof of your written authorization or evidence of a power of attorney. We endeavor to respond to requests within the time period required by applicable law. If we require more time, we will inform you of the reason and extension period in writing.

We do not charge a fee to process or respond to your requests unless they are excessive or repetitive. If we determine that a request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request. We may deny certain requests, or only fulfill some in part, as permitted or required by law. If you are not satisfied with the resolution of your request and you are afforded a right to appeal such decision, you will be notified of our appeal process in our response to your request.

Children's Privacy

We do not knowingly collect or solicit any Personal Information from children, as defined under applicable law, without verified written parental consent, and we have no actual knowledge of selling such Personal Information of minors under 16 years of age. If we learn that we have collected Personal Information from a child, we will promptly take steps to delete that information. If you believe we might have any information from or about a child, please call us toll-free at 888-394-2280 and provide access code BANY.

Individuals in the European Union, European Economic Area, Switzerland, and the United Kingdom



This section provides additional information regarding Banyan’s processing of personal data of people located in the European Union (EU), European Economic Area (EEA), Switzerland, and the United Kingdom (UK) in accordance with the EU Data Protection Regulation, UK Data Protection Regulation, and the Swiss Federal Data Protection Act.

Legal Bases for Processing

Our legal basis for processing Personal Information depends on the Personal Information involved and the context in which we process it. Where Banyan acts as a controller, we process your Personal Information: with your consent; where necessary to perform a contract; to comply with our legal obligations; and where doing so is in our legitimate interests (including the purposes described in this Notice) and such interests are not outweighed by your rights and freedoms.

Special Category Data

Banyan only collects Special Category Data where we have a lawful basis for doing so that is permitted under Article 9 of the GDPR, specifically within the employment context. If you apply for a job with us, we may collect data that reveals your racial or ethnic origin, trade union membership, sexual orientation, or health to fulfill our obligations, exercise our rights, and otherwise administer our employment relationship with you (including initial recruitment and hiring, where applicable). For example, we may collect health information to make reasonable disability accommodations; immigration information to verify your right to work in a particular jurisdiction; and data points like your race, ethnicity, and sexual orientation to monitor equal opportunities. Please refrain from sending us any Special Category Data outside this employment context.

California Residents

This section provides additional information regarding Banyan’s practices pursuant to the California Consumer Privacy Act of 2018 and its implementing regulations, as amended by the California Privacy Rights Act (“CCPA”), where “**Personal Information**” has the definition set forth in the CCPA.

Please see the below chart for detailed information about the categories of Personal Information we have collected from California residents during the twelve months preceding the date on which this Notice was last updated and the categories of third parties to whom we sell or share Personal Information. For each category of Personal Information set forth in the chart below, the categories of third parties to whom we disclose it for a business or commercial purpose are set forth in the *How We Disclose Personal Information* section above.

Personal Information Category set forth in Cal. Civ. Code § 1798.140	Categories of Third Parties To Whom We Sell or Share Personal Information
Personal identifiers , including real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, or other similar identifiers.	Third-party marketers and other third parties that set cookies and other online tracking technologies on our Site.
California Customer Records Personal Information (Cal. Civ. Code § 1798.80(e)), including name, signature, physical characteristics or description, address, telephone number, education, employment, employment history, etc.	We do not sell or share this category of Personal Information.

<p>Characteristics of protected classifications under California or federal law. This may include age, veteran status, accommodations information, gender identity and expression, sexual orientation, and religion.</p>	<p>We do not sell or share this category of Personal Information.</p>
<p>Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.</p>	<p>Third-party marketers, analytics providers and other third parties that set cookies and other online tracking technologies on our Site.</p>
<p>Internet and other electronic network activity information, including, but not limited to, browsing history, search history, and information about individual interactions with an Internet website, application, or advertisement.</p>	<p>Third-party marketers, analytics providers and other third parties that set cookies and other online tracking technologies on our Site</p>
<p>Geolocation data, such as your IP address.</p>	<p>Third-party marketers, analytics providers and other third parties that set cookies and other online tracking technologies on our Site.</p>
<p>Sensory data including audio, electronic, visual, thermal, olfactory, or similar information.</p>	<p>We do not sell or share this category of Personal Information.</p>
<p>Professional or employment-related information.</p>	<p>We do not sell or share this category of Personal Information.</p>
<p>Non-public education information as defined in the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 C.F.R. Part 99)</p>	<p>We do not sell or share this category of Personal Information.</p>
<p>Sensitive Personal Information as set forth in Cal. Civ. Code § 1798.140, including social security number, driver’s license number, state identification card, or passport number; citizenship or immigration Information; racial or ethnic origin; account access credentials (like usernames or account numbers combined with password or other security/access code to access an account).</p>	<p>We do not sell or share this category of Personal Information.</p>

Changes to this Notice

Please note that we may modify or update this Notice from time to time, so please review it periodically. If we make material changes to how we treat Personal Information, we will notify you according to applicable law. Unless otherwise indicated, any changes to this Notice will apply immediately upon posting to our Site. You are responsible for periodically visiting our Site and this Notice to check for any changes.

Contact Us



If you have any questions about our practices or this Notice, please call us toll-free at 888-394-2280 and provide access code BANY or visit <https://www.mycompliancereport.com/MCR>