

# Privacy Notice for MyClinicalExchange

*Last updated August 26, 2024*

Welcome to MyClinicalExchange! This Privacy Notice explains how we collect and treat information through your use of the myClinicalExchange (“MCE”) website and services. This Privacy Notice is part of and governed by the [HealthStream Terms of Use](#). Any additional notices we may provide about our privacy practices will be considered to form part of this Privacy Notice. If you have questions about our privacy practices or would like to make a complaint, please contact us at [privacy@healthstream.com](mailto:privacy@healthstream.com) or by calling 800.521.0574.

## The MCE Privacy Promise

MCE (or “us” or “we”) values your privacy and we want you to know how we treat and protect the information you entrust to us. Here is a summary of our promise to you, as detailed in this Privacy Notice:

- MCE is designed to be a secure and private information repository for Students and Instructors participating in programs with Medical Centers and Educational Institutions.
- Access to your information is strictly limited to you, us, and your Medical Clinic or Educational Institution as described in more detail below.
- You can always control your data, either directly through your account, through your Medical Center or Educational Institution, or by contacting MCE for help.
- MCE is a HealthStream product. You may receive emails from HealthStream about MCE or related products or services unless you unsubscribe or opt-out.
- MCE does not sell your Personal Information or share it with others for cross-contextual behavioral advertising.
- Any reporting we do on trends or content consumption is in the aggregate and will not identify you individually.

We encourage you to read this Privacy Notice to understand in detail how we collect and use your information.

## About MCE

MCE is a HealthStream service that allows hospitals, clinics, medical offices, and other medical centers (“Medical Centers”) that have students (“Students”) from schools, nursing clinics, universities, and other educational institutions (“Educational Institutions”) to manage Student rotation schedules, rotation notes, documentation, and other information to participate in the Medical Center program (the “Services”). This Privacy Notice covers the Services. It does not cover the Medical Center’s or Educational Institution’s own practices or any third-party platform.

## Your Consent

You consent to the privacy practices described in this Privacy Notice by indicating your acceptance via an online form, submitting Personal Information to MCE, or using or accessing the Services in any manner. If you do not agree with this Privacy Notice, do not use the Services.

## Personal Information

When we say, “Personal Information,” we mean information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual consumer or household. For our purposes, Personal Information typically falls within one or more of these categories:

- Identifiers (e.g., name, email address, address, telephone number, username);
- Sensitive Personal Information (e.g., racial or ethnic origin; biometrics; union membership; state ID; precise geolocation; contents of messages when we are not the recipient);
- Protected classification information (e.g., race, citizenship, marital status, medical condition, sex, sexual orientation, veteran or military status);
- Biometric information (e.g., image, keystrokes, behavioral or biological characteristics);
- Internet or other similar activity (e.g., general location, content interactions, browsing history);
- Employment-related information (e.g., current or past employment);
- Non-public educational information, including information protected under the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99);
- Commercial information (e.g., products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies); and
- Inferences drawn from Personal Information to create a profile about preferences, characteristics, trends, predispositions, behavior, attitudes, intelligence, and aptitudes.

Note that information may not be protected by privacy laws if it is: (i) publicly available (ii) aggregated, meaning data about a group or category of services or users from which individual identities and other Personal Information has been removed; or (iii) deidentified so that it cannot be easily linked back to the individual.

## HIPAA and FERPA

MCE is not subject to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). We do not claim that the Services or disclosures of information are permissible under HIPAA or other healthcare or medical laws. Each Medical Center and Educational Institution, and not MCE, is responsible for using the Services in compliance with HIPAA and other laws and regulations governing health care or medical professions.

If MCE contracts with your Medical Center or Educational Institution, we do so as a contractor and a “school official” under the Family Educational Rights and Privacy Act (“FERPA”). Each Medical Center and Educational Institution, and not MCE, is responsible for ensuring its use of the Services complies with FERPA.

## **How MCE Collects and Uses Personal Information**

MCE collects and uses Personal Information to match your use of the Services. You might be a Student, instructor with a Medical Center or Educational Institution registered to use the Services (“Instructor”), or an administrator with a Medical Center or an Educational Institution (“Administrator”), or website visitor. In any case, we only collect and use Personal Information as adequate and relevant to the purposes described in this Privacy Notice, as reasonable and necessary to provide you with our Services, or for other purposes that we disclose to you and are compatible with the context of how we collected your Personal Information.

We will not collect additional categories of Personal Information or use already collected Personal Information for purposes that are materially different, unrelated or not reasonably necessary or compatible with the original purpose without notice and consent to you as required by law. We will update this Privacy Notice or otherwise notify you before we collect additional categories of Personal Information or use your Personal Information for purposes that are incompatible with the purpose stated at the time of collection.

During the last 12 months, we have collected Personal Information like identifiers, employment and non-public education information, biometric information, protected information, sensitive Personal Information, and internet activity. We have collected and used this information as described below.

### **Directly from you, with consent**

You must create an account to use the MCE Services. When you create your account, MCE will collect:

- Registration Information, which includes contact information like your name, email address, mailing address, and phone number, your login credentials and, if required by your Medical Center or Educational Institution, documents related to your role.
- If you are a Student, we also collect identifiers like your date of birth, educational information like graduation date, a photograph, certain protected information like gender and other demographic information, and sensitive Personal Information including your social security number and vehicle make, model and license plate. Your Medical Center or Educational Institution may require you to provide additional non-public educational information, employment information, or sensitive Personal Information.

- If you are an Instructor, we collect any additional Personal Information required by your Medical Center or Educational Institution to manage your role within the organization. For example, your Medical Center or Educational Institution may require you to provide a photograph, medical information like your immunizations, health records, and drug screening results, additional sensitive Personal Information like vehicle make, model and license plate or information found in background investigations and credit reports, employment information like work history and work authorizations, and certain non-public educational information.
- Your account information is used to create and provide you with your MCE account and to communicate with you about MCE and HealthStream via your account, via email, or otherwise.

Please note that an Administrator with your Medical Center or Educational Institution can access, maintain, and share any Personal Information associated with your account. You may refuse to supply any requested Personal Information, but this may impede your ability to participate in your clerkship, rotation, or other program. Please contact your Medical Center or Educational Institution with any questions about the categories of Personal Information requested for your account.

## **From your Medical Center or Educational Institution, as a service provider**

Your Medical Center or Educational Institution might provide MCE with Personal Information on your behalf, such as:

- Registering and creating your account, including submitting some or all of your Registration Information.
- Working with third parties to transmit your medical information (e.g., immunizations, health records, or drug screening results), sensitive Personal Information found in background investigations and credit reports, employment information, or non-public educational information to associate with your account.
- Inputting your Student or Instructor rotation or clerkship details, performance notes or review, supervisor or other reports, or any other details necessary to manage your role with the Medical Center or Educational Institution.

MCE collects and uses this information in our role as a service provider to provide our Services to you and your Medical Center or Educational Institution. We do not control or verify the information provided to us by a Medical Center or Educational Institution. If you have any questions about information on your account not input by you directly, please contact your Medical Center or Educational Institution.

## **When you participate in a chat**

If you participate in a live chat with us on our website or through MCE, we collect and record any information, including Personal Information, that you choose to include in

your chats with us, such as identifiers like your name, username, or email address and any other Personal Information you choose to include in your communication.

Please note that our live chat feature is made possible through our relationship with a third-party service provider, and your chats may be accessible simultaneously and in real-time by that third-party service provider. BY INITIATING OR CONTINUING A LIVE CHAT, YOU CONSENT TO OUR THIRD-PARTY SERVICE PROVIDER ACCESSING YOUR CHATS. If you do not consent to such access to your chats, you should not initiate or participate in a chat with us.

## **Automatically from you when you visit the website, for a legitimate interest**

When you interact with the Services, we automatically collect data about your internet activity such as your IP address, internet service provider, browser, information, device data, date and time of access, and the content with which you interact. Like most online services, the Services use cookies as described in our [Cookie Declaration](#). We collect this information to achieve our legitimate interest of managing and improving our Services. We use this information to administer the website, provide and improve the Services, analyze usage, protect the Services and its content from inappropriate use, and improve the nature and marketing of the Services.

## **Other Uses of Your Personal Information**

In addition to the specific uses described above, MCE might also use your Personal Information to: (i) provide, maintain, and improve the Services; (ii) personalize the user experience and provide customer service; (iii) send you support and administrative messages or communicate with you about MCE or HealthStream; (iv) monitor your compliance with any of your agreements with us; (v) detect, investigate, and prevent fraudulent transactions and other illegal activities and protect the rights and property of Company and others; (vi) protect your privacy, enforce this Privacy Notice, and comply with applicable laws, regulations, legal processes or court orders; (vii) if we believe it is necessary, to identify, contact, or bring legal action against persons who may be causing injury to you, to us, or to others; or (viii) fulfill any other purpose to which you consent.

## **Retention of Personal Information**

MCE retains Personal Information for the period necessary to fulfil the purpose for which it was collected. Medical Centers and Educational Institutions use our Services as a central repository of information about their Students and Instructors. Any Personal Information that a Medical Center or Educational Institution may need for credentialing or auditing purposes is kept for 10 years after a Student or Instructor has completed or discontinued their program. All other Personal Information is retained for two years. Different retention periods may be applied to comply with policies, laws or regulations.

We may also retain and use Personal Information if needed to comply with our legal obligations, resolve disputes, or enforce our agreements. MCE permanently deletes Personal Information at the end of the retention period.

## Disclosure of Personal Information

We only disclose your Personal Information in limited circumstances and for specific purposes. In the last 12 months, MCE has disclosed all categories of Personal Information that we collected for a business purpose to these recipients:

- **Your Medical Center or Educational Institution, in our role as a service provider.** This disclosure is essential to enable you and your Medical Center or Educational Institution to manage your rotation, clerkship, or other role within those organizations.
- **Our Affiliates.** As a part of the HealthStream family of services, we may disclose the Personal Information we collect about you via MCE to HealthStream or other services or brands offered by HealthStream ("Affiliates"). For example, we share Personal Information with Affiliates for customer support purposes, marketing, and to improve technical operations.
- **Our Chat Provider.** To enable the chat feature we provide, we may transfer certain data to our third-party chat service provider simultaneously and in real-time. Our chat service provider will only use your chat data to facilitate your chat and provide you with support, to provide us with the live chat feature, or for internal operations purposes. BY PARTICIPATING IN A LIVE CHAT, YOU CONSENT TO THE DISCLOSURE OF YOUR CHATS, AND THE DATA YOU INCLUDE IN THOSE CHATS, TO OUR THIRD-PARTY SERVICE PROVIDERS, AND YOU WAIVE ANY POTENTIAL EAVESDROPPING OR WIRETAPPING CLAIMS.
- **Our Service Providers.** We use a variety of service providers such as our chat provider, data hosting companies, analytics services, email hosting services, and payment processors. The type of information that we share with a service provider will depend on the service that they provide to us. Our service providers are subject to contractual agreements that protect your Personal Information, and we require all service providers to maintain confidentiality standards that are commercially reasonable to ensure the security of your Personal Information. We prohibit our service providers from selling or disclosing the Personal Information we provide, and we require all service providers to maintain confidentiality standards and appropriate technical and organizational measures to ensure the security of your Personal Information.
- **[Cookie](#) information recipients** subject to their respective privacy notices.
- **Other third parties**, for example: if we go through a business transition (e.g., merger, acquisition, or asset sale); to law enforcement as required by enforcement or judicial authorities; to comply with a legal requirement or a court order; when we believe it is appropriate to take action regarding illegal activities

or prevent fraud or harm to any person; to exercise or defend our legal claims; or for any other reason with your consent.

- **Aggregated and Deidentified Information.** MCE reserves the right to disclose aggregated, anonymized, or deidentified information about any individuals with affiliated or nonaffiliated entities for marketing, advertising, research, or other purposes, without restriction. For example, we may share reports showing trends about the general use of our Services without identifying an individual. This information is not your Personal Information, so we may do this for our purposes and without restriction.

## Offered in the U.S. and Canada

MCE is owned and operated in the United States and is designed to serve Medical Centers and Educational Institutions and their users located in the United States and Canada. We do not market the Services to residents of the European Union or any other jurisdiction outside of the United States and Canada. If you are an EU resident, please do not submit any Personal Information to MCE.

If you are a Student, Instructor or other user who is a non-US resident or if you visit the website from outside of the United States, you acknowledge that Personal Information we collect about you will be transferred to our servers in the United States and maintained there in accordance with our retention policy. This may require the transfer of your Personal Information out of your country of origin with laws governing data collection and use that may differ from or be more restrictive than U.S. law, or may result in governments, courts, law enforcement, or regulatory agencies having access to or obtaining disclosure of your Personal Information pursuant to the laws of the applicable foreign jurisdiction. By allowing us to collect Personal Information about you, you consent to this Privacy Notice and the transfer and processing of your Personal Information as described in this paragraph, and you waive any and all remedies that you may have based on the laws of your jurisdiction.

## Children's Privacy

MCE Services are available for ages 13 and up only, and user under age 16 needs parent or guardian consent at registration or by email. Please contact [privacy@healthstream.com](mailto:privacy@healthstream.com) if you think MCE has collected any information online from a child under 16 without parent or guardian consent so we can delete that information.

MCE cannot control the privacy practices of Medical Centers and Educational Institutions that use the Services. If a Medical Center or Educational Institution chooses to input children's Personal Information on the Services, it is done under their own privacy practices, not ours. We are not responsible for any other party's compliance or noncompliance with laws or regulations. Please contact the Medical Center or Educational Institution directly if you have questions about their privacy practices.

## Your Privacy Choices and Controls

MCE believes you should have the ability to control the Personal Information we collect and hold about you on your own. If you have questions or need help, please contact your Medical Center or Educational Institution, send us a [Consumer Privacy Request](#) or email us at [privacy@healthstream.com](mailto:privacy@healthstream.com).

## **Your Account Profile and Device Settings**

Users can sign in to change or delete certain Personal Information in their accounts at any time. For accurate credentialing purposes, Students can only change their last name on their account. All other changes to Student accounts must be facilitated and confirmed by the Medical Center or Educational Institution. You can also control the data we collect by adjusting your device settings.

## **Emails from MCE**

If you provide us with your email address, we may send you emails about MCE or HealthStream. You can opt-out of our marketing emails by clicking the “Unsubscribe” link at the bottom of the email or by contacting [privacy@healthstream.com](mailto:privacy@healthstream.com). You can opt-out of marketing emails but not our support or transactions emails. To opt-out, change your preferences via the links provided in the emails or email

## **Texting Consent**

If you provide us with your wireless number, you consent to MCE sending you text messages for informational or authentication purposes. The number of texts that we send to you will be based on your circumstances and requests. You can unsubscribe from text messages by replying STOP or UNSUBSCRIBE to any of these text messages. Messaging and data charges may apply to any text message you receive or send. Please contact your wireless carrier if you have questions about messaging or data charges.

## **Deleting Personal Information**

MCE serves as an information repository for Medical Centers and Educational Institutions. Most Personal Information must be retained for 10 years after a Student or Instructor has completed or discontinued their program to meet audit or regulatory purposes. Sometimes a different retention period is necessary to comply with applicable policies, governing regulations, or applicable law. For this reason, we may be unable to delete your Personal Information even if you ask us to.

## **Do Not Track Requests**

Do Not Track signals are signals sent through a browser informing us that you do not want to be tracked. Currently, our systems do not recognize browser “do-not-track” requests. If this changes in the future, we will update this Privacy Notice.

## **Consumer Privacy Requests**



If you wish to exercise your rights beyond the methods provided, express concerns, lodge a complaint, or obtain additional information about the use of your Personal Information, please contact your Medical Center or Educational Institution.

Alternatively, you can send us a [Consumer Privacy Request](#) or email MCE at [privacy@healthstream.com](mailto:privacy@healthstream.com). We will relay your request to your Medical Center or Educational Institution or fulfill it directly if we can. MCE does not charge a fee to process or respond to a verifiable request unless we have legal grounds to do so. In that case, we will tell you the cost estimate and why we are charging the fee before completing your request. We may be unable to fulfill some or all of your request, for example, if your request falls within a statutory exception or if fulfilling your request would prevent us from complying with a statutory or contractual obligation.

## Your Privacy Rights

In the United States, consumer privacy is governed by federal privacy laws covering specific industries or data uses (e.g., HIPAA) and state privacy laws providing general consumer privacy rights. This section gives you notice required under state privacy laws applicable to residents of California, Colorado, Connecticut, Nevada, Utah, Virginia, and other U.S. states that require companies to inform consumers about their privacy rights and provide a method to exercise those rights. Residents of states offering privacy protections (each a “Consumer”) can exercise their privacy rights as applicable to our Services by submitting a Privacy Request.

- **Right to Disclosure.** You may request that we disclose information to you about our collection and use of your Personal Information, such as: (i) the categories of Personal Information we have collected about you; (ii) the categories of sources for the Personal Information we have collected about you; (iii) our business purpose for collecting, using, processing, sharing or selling that Personal Information, as applicable; (iv) the categories of third parties with whom we share that Personal Information; and (v) if we sold or shared your Personal Information under California privacy law, two separate lists stating: (a) sales or sharing, identifying the Personal Information categories that each category of recipient purchased; and (b) disclosures for a business purpose, identifying the Personal Information categories that each category of recipient obtained. Certain laws may limit the number or frequency of requests we must fulfill.
- **Right to Correct.** You have the right to request that we correct inaccurate Personal Information about you on our systems. If you become aware that the Personal Information that we hold about you is incorrect, or if your information changes, please inform us and we will update our records.
- **Right to Deletion.** You have the right to request that we delete any of your Personal Information that we collected from you and retained, with certain exceptions. We may permanently delete, deidentify, or aggregate the Personal Information in response to a request for deletion. If you submit a right to deletion

request, we will confirm the Personal Information to be deleted prior to its deletion, and we will notify you when your request is complete.

- **Right to Access.** You may have the right to request confirmation that we have collected Personal Information about you and that we provide you with access to that Personal Information. If you submit an access request, we will provide you with copies of the requested pieces of Personal Information in a portable and readily usable format. Please note that we may be prohibited by law from disclosing certain pieces of Personal Information, and we may be limited in the number or frequency of requests we must fulfill.
- **No Selling or Sharing Personal Information.** Some states entitle consumers to opt-out of the sale or sharing of Personal Information or targeted advertising practices. We do not, and will not, sell the Personal Information we collect about you from your use of MCE or share your Personal Information with third parties for cross-contextual behavioral advertising purposes. If this ever changes in the future, we will update this posting and provide you with methods to opt-out of such sale or sharing
- **Limited Use and Disclosure of Sensitive Personal Information.** You may have the right to opt-out or limit our use of your sensitive Personal Information. We do not seek to collect your sensitive Personal Information, though you may choose to provide some sensitive Personal Information when using MCE. In no case will we use or disclose your sensitive Personal Information for the purpose of inferring characteristics about you. If this ever changes in the future, we will update this Privacy Notice and provide you with methods to limit use and disclosure of Sensitive Personal Information.
- **No Profiling.** You may have the right to opt-out of automated profiling. We do not use any form of automated processing of Personal Information to evaluate, analyze, or predict your performance, preferences, choices, or behavior. If this changes in the future, we will update this posting to describe our use of profiling and your options to opt-out.
- **Health Data Rights.** The Services are not designed for collection or processing of health data. Some laws entitle consumers to certain details about health data collected about them, including (i) confirmation of whether the entity collects, shares, or sells the consumer's health data and access that data, including a list of all third parties and affiliates with whom the entity has shared or sold the health data and a method to contact those third parties, (ii) a method to withdraw consent related to use of health data, and (iii) the right to have their health data be deleted.
- **Right to Nondiscrimination.** We will not discriminate against you for exercising any of your privacy rights. Unless permitted by law, we will not (i) deny you goods or services, (ii) charge you different prices or rates for goods or services, (iii) provide you a different level or quality of goods or services, (iv) retaliate against

you as an employee, applicant for employment, or independent contractor for exercising your privacy rights; or (v) suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services, because you exercised a privacy right.

- **Right to Disclosure of Marketing Information.** California's Shine the Light Act (Civil Code sections 1798.83-1798.84) entitles California residents to request certain disclosures regarding Personal Information sharing with affiliates and/or third parties for marketing purposes.

To exercise these rights or inquire further, please contact your Medical Center or Educational Institution, send us a [Consumer Privacy Request](#) or email us at [privacy@healthstream.com](mailto:privacy@healthstream.com)

## Canadian Privacy Rights

This section provides supplemental information to residents of Canada ("Canadian Consumers") in compliance with Canada's Personal Information Protection and Electronic Documents Act ("PIPEDA") and applies solely to Canadian Consumers where PIPEDA applies. The following paragraphs describe PIPEDA rights and explain how to exercise those rights.

- **Right to know** why we collect, use and distribute the Personal Information we process. We have set the required notices in this Privacy Notice. We may provide you with additional notices about other ways we process your Personal Information, such as by sending you a notice via email or by other means of communication.
- **Right to expect** us to collect, use or disclose Personal Information responsibly and not for any other purpose other than which you consented. We set your expectations in this Privacy Notice and collect express or implied consent at various stages of collection or processing. If we collect or use your Personal Information based on your consent, we will also notify you of any changes and will request your further consent as needed. You may withdraw your consent at any time with reasonable notice by submitting a [Consumer Privacy Request](#) or contacting us at [privacy@healthstream.com](mailto:privacy@healthstream.com).
- **Right to accuracy of your Personal Information.** We take steps to reasonably ensure that your Personal Information we are using is accurate. In most cases, we rely on you to ensure that your information is current, complete, and accurate. We provide methods for you to correct, update, and delete inaccurate Personal Information in your account, and we will provide you with reasonable assistance to ensure that your Personal Information is accurate in our systems and with our service providers.
- **Right to access your Personal Information.** Upon written request and identity authentication, we will provide you with your Personal Information under our

control, information about the ways in which that information is being used and a description of the individuals and organizations to whom that information has been disclosed. We will make the information available within 30 days or provide written notice where additional time is required to fulfil the request. If limited by law or potential infringement on another's privacy rights, we may not be able to provide access to some or all of the Personal Information you request. If we must refuse an access request, we will notify you in writing, document the reasons for refusal and outline further steps that are available to you.

To exercise these rights or inquire further, please contact your Medical Center or Educational Institution, send us a [Consumer Privacy Request](#) or email us at [privacy@healthstream.com](mailto:privacy@healthstream.com)

## Data Security

MCE implements and maintains reasonable and appropriate technical, organizational, and physical security measures to help protect your Personal Information from unauthorized or illegal access, destruction, use, modification, or disclosure. Our security measures are appropriate to the volume, scope, and nature of the Personal Information processed and designed to meet our duty of care with respect to your Personal Information. We employ a series of security measures, including securing data transmissions with SSL secured communication channels, encryption, and digital signatures. We ensure that MCE personnel responsible for handling Personal Information and privacy matters are informed of applicable privacy law requirements.

Please note, however, that no transmission of data over the internet is 100% secure. We cannot guarantee that unauthorized third parties will not defeat our security measures or use your Personal Information for improper purposes. It is your responsibility to keep your account secure from unauthorized access. MCE is not responsible for any lost, stolen, or compromised passwords, or any unauthorized activity on your account. We also have no control over any Medical Center or Educational Institution's security measures or practices, and we make no representations or guarantees that your Personal Information is secure on their systems.

## Third Party Websites

The Services may include links to other websites whose privacy practices may differ from ours. If you submit Personal Information to any of those websites, your information is governed by the privacy policies of those other websites. You should carefully review the privacy policy of any website you visit.

## Updates

We may periodically update this Privacy Notice. If we make any material changes, we will notify you through the Services or by updating this posting. The date that this

Privacy Notice was last revised is identified at the top of the page. Your continued use of the Services after the effective date will be subject to the new Privacy Notice. You are responsible for periodically checking this Privacy Notice for changes.