

## Mark Berger, DDS Privacy Policy

EFFECTIVE DATE: April 8th, 2021

In this Privacy Policy (“Policy”), we describe the information that Mark Berger, DDS (“Mark Berger, DDS”) collects from visitors to our website, <https://markbergerdds.com> (the “Site”), and when you contact us over the phone. This Policy does not apply to any information that we collect about you in your capacity as a patient of our dental services, and, as applicable, we may provide you with a policy when you visit our office governing our use of your health information.

By visiting our Site, you agree that we will use your personal information as described in this Policy.

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### The Information We Collect About You

We collect information about you directly from you and automatically through your use of our Site.

***Information We Collect Directly From You.*** If you request information from us, we collect your name, email address, and the nature of your request. We ask that you not submit any health information in the contact us form. We also may request information from you over email; for example, from time to time, we may request that you complete a survey about your experience with us. We also may collect information if you contact us over the phone, such as information necessary to process your payment (copay), or to respond to your inquiries.

***Information We Collect Automatically.*** We automatically collect information about your use of our Site through cookies, web beacons, and other technologies. In particular, as described more fully in our analytics section, we collect the following about your use of our Site: domain name; your browser type and operating system; web pages you view on the Site; links you click on the Site; your IP address; the length of time you visit our Site; and the referring URL, or the webpage that led you to our Site.

Please see the section “Cookies and Other Tracking Mechanisms” below for more information.

### How We Use Your Information

We use your information, including your personal information, for the following purposes:

- To provide our services to you.

- To respond to your inquiries, including for customer service purposes.
- To send you email marketing about our products and services.
- To send you news and newsletters.
- To send you email marketing about products and services of our affiliated entities.
- To send you email marketing about products and services of other entities that we think may be of interest to you.
- To assist us in advertising on third party websites, mobile apps, and other online services, and to evaluate the success of our advertising campaigns through third party channels (including our online targeted advertising and offline promotional campaigns).
- To better understand how users access and use our Site, both on an aggregated and individualized basis. For example, we will evaluate which features of our Site are more (or least) used by users, and we will use this information.
- To administer surveys and questionnaires, such as for market research or patient satisfaction purposes.
- To comply with legal obligations, as part of our general business operations, and for other business administration purposes.
- Where we believe necessary to investigate, prevent or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person or violations of our Terms of Service or this Privacy Policy.

## How We Share Your Information

We may share your information, including personal information, as follows:

- **Service Providers.** We disclose the information we collect from you to service providers, contractors or agents who perform functions on our behalf. These service providers include assisting us with maintaining our website, sending emails, performing analytics, and otherwise maintaining our relationship with you.
- **Affiliates.** We disclose the information we collect from you to our affiliates or subsidiaries. Our affiliates and subsidiaries may use your contact information for their own marketing or analytics purposes.
- **Other Entities.** As noted, this Policy applies only to the information that we collect about you through our website and for customer service purposes (e.g., phone inquiries). To read more about our privacy practices regarding health and medical information under the Health Insurance Portability and Accountability Act (“HIPAA”), please review our HIPAA Notice of Privacy Practices [https://www.markbergerdds.com/hub\\_sites/berger-mark/www/assets/uploads/files/Notice\\_Of\\_Privacy\\_Practices.pdf](https://www.markbergerdds.com/hub_sites/berger-mark/www/assets/uploads/files/Notice_Of_Privacy_Practices.pdf)
- In the event of any conflict between our HIPAA Notice of Privacy Practices and this Policy, the terms of our HIPAA Notice of Privacy Practices shall control.

We also disclose information in the following circumstances:

- **Business Transfers.** If (i) we or our affiliates are or may be acquired by, merged with, or invested in by another company, or (ii) if any of our assets are or may be transferred to another company, whether as part of purchase, a bankruptcy or insolvency proceeding or otherwise, we may transfer the information we have collected from you to the other company. As part of the business transfer process, we may share certain of your personal information with lenders, auditors, and third-party advisors, including attorneys and consultants.
- **In Response to Legal Process.** We disclose your information to comply with the law, a judicial proceeding, court order, or other legal process, such as in response to a court order or a subpoena.

- ***To Protect Us and Others.*** We disclose your information when we believe it is appropriate to do so to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of our Terms of Service or this Policy, or as evidence in litigation in which we are involved.
- ***Aggregate and De-Identified Information.*** We share aggregate, anonymized, or de-identified information about users with third parties for marketing, advertising, research or similar purposes.

## **Our Use of Cookies and Other Tracking Mechanisms**

We and our service providers use cookies and other tracking mechanisms to track information about your use of our Site. We may combine this information with other personal information we collect from you (and our service providers may do so on our behalf).

**Cookies.** Cookies are alphanumeric identifiers that we transfer to your device’s hard drive through your web browser for record-keeping purposes. Some cookies allow us to make it easier for you to navigate our Site, while others allow us to track your activities at our Site. There are two types of cookies: session and persistent cookies.

- **Session Cookies.** Session cookies exist only during an online session. They disappear from your device when you close your browser or turn off your device. We use session cookies to allow our systems to uniquely identify you during a session or, if applicable, while you are logged into the Site and Services.
- **Persistent Cookies.** Persistent cookies remain on your device after you have closed your browser or turned off your device. We use persistent cookies to track aggregate and statistical information about user activity.

***Disabling Cookies.*** Most web browsers automatically accept cookies, but if you prefer, you can edit your browser options to block them in the future. The Help portion of the toolbar on most browsers will tell you how to prevent your computer from accepting new cookies, how to have the browser notify you when you receive a new cookie, or how to disable cookies altogether. Visitors to our Site who disable cookies will be able to browse our Site, but some features may not function.

***Clear GIFs, pixel tags and other technologies.*** Clear GIFs are tiny graphics with a unique identifier, similar in function to cookies. In contrast to cookies, which are stored on your computer’s hard drive, clear GIFs are embedded invisibly on web and app pages. We may use clear GIFs (a.k.a. web beacons, web bugs or pixel tags), in connection with our Site to, among other things, track the activities of Site visitors, help us manage content, and compile statistics about Site usage. We and our service providers also use clear GIFs in HTML e-mails to our customers, to help us track e-mail response rates, identify when our e-mails are viewed, and track whether our e-mails are forwarded.

***Analytics.*** We use automated devices and applications, such as Google Analytics, to evaluate usage of our Site. We also may use other analytic means to evaluate our Site. We use these tools to help us improve our Site’s performance and user experiences. These entities may use cookies and other tracking technologies, such as web beacons or local storage objects (LSOs), to perform their services. To learn more about Google’s privacy practices, please review the Google Privacy Policy at <https://www.google.com/policies/privacy/>. You can also download the Google Analytics Opt-out Browser Add-on to prevent their data from being used by Google Analytics at <https://tools.google.com/dlpage/gaoptout>.

***Do-Not-Track.*** Currently, our systems do not recognize browser “do-not-track” requests. You may, however, disable certain tracking as discussed in this section (e.g., by disabling cookies).

## **Third-Party Links**

Our Site and Services may contain links to other websites. Any access to and use of such linked websites is not governed by this Policy, but instead is governed by the privacy policies of those websites. We are not responsible for the information practices of such websites.

### **Security of My Personal Information**

We have implemented reasonable precautions to protect the information we collect from loss, misuse, and unauthorized access, disclosure, alteration, and destruction. Please be aware that despite our best efforts, no data security measures can guarantee security.

### **What Choices Do I Have Regarding Use of My Personal Information?**

We may send periodic promotional emails to you. You may opt-out of promotional emails by following the opt-out instructions contained in the email. Please note that it may take up to 10 business days for us to process opt-out requests. If you opt-out of receiving promotional emails, we may still send you emails about your account or any services you have requested or received from us.

### **Children Under 13**

We do not knowingly collect information online from persons under the age of 13. If we discover that a child under 13 has provided us with personal information through our Site, we will delete such information from our systems.

### **Contact Us**

If you have questions about the privacy aspects of our services, please contact us at:

steve.sorrel@cherrytreedental.com

### **Changes to this Policy**

This Policy is current as of the Effective Date set forth above. We may change this Policy from time to time, so please be sure to check back periodically. We will post any changes to this Policy on our Site. If we make any changes to this Policy that materially affect our practices with regard to the personal information, we have previously collected from you, we will endeavor to provide you with notice in advance of such change by highlighting the change on our Site.