

## **PRIVACY POLICY**

Effective Date: January 1, 2019

It is the policy of Airway Therapeutics, Inc (“Airway”) to respect the privacy of each person or entity using our products and/or services (each, a “User”). We provide this Privacy Policy to inform you of our policies and procedures regarding the collection, use and disclosure of personally identifiable information that can be used to contact or identify you (“Personal Information”) we receive when you visit and use our website, at [www.airwaytherapeutics.com](http://www.airwaytherapeutics.com) (the “Website”). This Privacy Policy applies only to information that you provide to Airway through the Website or that is automatically collected when you access, download, purchase or use any information, services, products or content appearing on the Website. This Privacy Policy does not apply to “protected health information” as defined in 45 C.F.R. §160.103 (“PHI”). Any PHI created, received, maintained, or transmitted by Airway from or on your behalf will be governed by the Business Associate Agreement entered into between you and Airway.

**BY USING THE WEBSITES, YOU EXPRESSLY CONSENT TO THE PROCESSING OF YOUR PERSONAL INFORMATION ACCORDING TO THIS PRIVACY POLICY. YOUR PERSONAL INFORMATION MAY BE PROCESSED IN THE COUNTRY WHERE IT WAS COLLECTED AS WELL AS OTHER COUNTRIES (INCLUDING THE UNITED STATES) WHERE LAWS REGARDING PROCESSING OF PERSONAL INFORMATION MAY BE LESS STRINGENT THAN THE LAWS IN YOUR COUNTRY.**

### **The Personal Information We Collect**

When you contact us with a question or comment or otherwise utilize the Website, you may submit personal information. Personal information may include, but is not limited to, your name, phone number and e-mail address (“Personal Information”) and other information you provide to us. Airway may also collect Personal Information from you if you choose to opt-in to participate in applications, surveys or contests.

### **Use and Disclosure of Personal Information**

Personal Information is used (1) to provide and improve our services, features and content, (2) to administer your use of our services and your Airway account, (3) to enable you to enjoy and easily navigate the Website, (4) to better understand your needs and interests, (5) to fulfill requests you may make, (6) to personalize your experience, (7) to provide service announcements and (8) to provide you with further information and offers from us or third parties you may find useful or interesting, including newsletters, marketing or promotional materials and other information on our services. If you decide at any time that you no longer wish to receive any such communications, please follow the unsubscribe instructions provided in any such communication. Further, your privacy and email settings may be easily adjusted via your account settings at any time.

We may employ third party service providers to provide services on our behalf or to perform services related to administration of the Website (including, without limitation, maintenance, hosting and database management services, web analytics, payment processing and administration). These third parties have access to your Personal Information only to the extent

necessary to perform these tasks on our behalf and are obligated not to disclose or use your Personal Information for any other purpose.

Except as otherwise provided elsewhere in this policy, Airway will not disclose your Personal Information obtained through the Website to third parties other than Airway's service providers, affiliates, vendors and business partners unless Airway has the good faith belief that disclosure is reasonably necessary to:

- cooperate with law enforcement authorities or comply with legal process served on Airway or any such service provider, affiliate, vendor or business partner;
- protect the property and rights of Airway and such service providers, affiliates, vendors and business partners;
- protect the safety of the public or any person;
- prevent or stop any activity we may consider to be, or to pose a risk of being, illegal, unethical, inappropriate or legally actionable;
- complete, as permitted by law, a business sale, asset transfer, merger, acquisition or reorganization; or
- fix or debug problems with the Website or Airway's servers, software or service.

### **Logging and Cookies**

As you use the Website, our servers automatically record information that the browser sends whenever it points to a Website or online service ("Log Data"). Log Data may include, but is not limited to, a computer's Internet Protocol address, browser type, the web page visited before arriving at the Website and information searched for, or viewed, on the Website and profile information viewed via the Website.

Like many websites, we use "cookies" to collect information. A cookie is a small data file that we transfer to a computer for record-keeping purposes. We may use "persistent cookies" to save usernames and passwords for future logins to the Website. We may use "session ID cookies" to enable certain features of our service, to better understand how the User interacts with the Website, to monitor web traffic routing on the Website and to monitor aggregate usage of the Website. Certain browsers can be instructed to stop accepting cookies and/or to issue a prompt before accepting a cookie. If a browser being used by a User does not accept cookies, that User may not be able to use all portions of the Website or all functionality of our services.

We may share aggregated information that includes non-personally identifying information and Log Data with third parties for industry analysis, demographic profiling, and to deliver targeted advertising about other products and services, all for the sole benefit of Airway. Users and others using the Website will not be compensated such aggregated or non-identifying information.

## **Choices About How We Use and Disclose Your Information**

We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- **Tracking Technologies and Advertising.** You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe's website. If you disable or refuse cookies, please note that some parts of this site may then be inaccessible or not function properly.
- **Promotional Offers from the Company.** If you do not wish to have your information used by the Company to promote our own or third parties' products or services, you can opt-out by following the unsubscribe procedure at the bottom of your emails. If we have sent you a promotional email, you may send us a return email asking to be omitted from future email distributions. This opt out does not apply to information provided to the Company as a result of a product purchase, warranty registration, product service experience or other transactions.

## **Children's Privacy**

Children under 18 years of age are not permitted to use the Website for any purpose and we do not collect or maintain information at our Website from those we know are under age 18 years of age. If you believe we have information about your child please contact us and we will delete this information from our files.

## **Third Party Sites and Sponsors**

You may find advertising or other content on our Website that link to the sites and services of our partners, suppliers, advertisers, sponsors, licensors and other third parties. Airway makes no endorsement of or representations regarding, and may not be deemed responsible for, the information, privacy or other practices of any website that is linked to the Website. Any advertisers or others with websites linked to the Website may have their own terms and conditions. You should review any such terms and conditions, including the information, privacy and other policies and practices, prior to accessing or further using such advertisers' or others' websites.

## **Security of your Personal Information**

We are committed to protecting your personal information. We regularly test our facilities and use a variety of security technologies and procedures to help protect your personal information from unauthorized access, use or disclosure.

## **Your California Privacy Rights**

A business subject to California Civil Code section 1798.83 is required to disclose to its California customers, upon request, the identity of any third parties to whom the business has

disclosed personal information within the previous calendar year, along with the type of personal information disclosed, for the third parties' direct marketing purposes.

If you are a California resident and would like to make such a request, please send an email to [info@airwaytherapeutics.com](mailto:info@airwaytherapeutics.com).

### **Changes to this Privacy Policy**

Except as otherwise provided below, we reserve the right to change this Privacy Policy from time to time without notice and any such changes shall be effective upon our posting of any such change. Please (1) review this Privacy Policy from time to time to review the most up-to-date version and (2) that your continued use of the Website subsequent to any such changes constitutes your acceptance of such changes. We will provide notice to you of, or obtain your consent to, these changes where required by applicable law.

### **Contacting Airway**

If you have any questions about this Privacy Policy, please contact us at [info@airwaytherapeutics.com](mailto:info@airwaytherapeutics.com). You may also contact us by mail at: Airway Therapeutics, Inc, 11804 Conrey Road, Suite 175, Cincinnati, OH 45249.