

## **PRIVACY NOTICE**

**Last updated: 9 January 2025**

SOENIA<sup>®</sup> is a brand owned by BrainCare Oy.

Braincare Oy (“Braincare”) provides private persons (“User(s)”) the use of a digital symptom diary (“Service”) for documenting various symptoms, such as epileptic seizures, as well as other information relating to their medical state. The Service is used by the User in connection with a patient-doctor relationship with a healthcare provider (“Healthcare Provider”), and information derived from the Service is used as part of this patient relationship for the diagnosis and treatment of the User.

Furthermore, data from the Service may be used in anonymized form for commercial or non-commercial research for the development of new and better diagnostic and treatment tools and medical devices.

For the contact details of the Healthcare Provider, please contact the Healthcare Provider in question. The contact details of Braincare are the following:

Braincare Oy (business ID 2554390-9)  
c/o Finn-Medi 1, Biokatu 6L, 33520 Tampere, Finland  
[info@soenia.com](mailto:info@soenia.com)

### **1. Personal data in the Service, data controller**

Personal Data is collected and processed in connection with the Service for two different purposes:

1. The User’s personal data is mainly collected and processed by Braincare on behalf of the Healthcare Provider for the diagnosis and treatment of the User by the personnel of the Healthcare Provider. For this personal data, the Healthcare Provider is the data controller and Braincare is the data processor.
2. The User’s personal data is processed by Braincare for the limited purpose of anonymising said personal data, so that the anonymous data can be used by Braincare or Braincare’s partners for commercial or non-commercial research. For this personal data, Braincare is the data controller.

For the avoidance of doubt, Healthcare Provider may publish its own, more specific privacy notice with respect to the data referred to in point 1. above, in which event such a specific privacy notice will be applied rather than this Privacy Notice.

### **2. Personal data and legal basis for collecting and processing**

In general, the Service collects only personal data that is voluntarily provided, for example when signing up for the Service or writing entries into the Service. Use of the Service is only available for users who provide Personal Data such as their name and/or contact information.

**Personal data for which Healthcare Provider is the data controller:**

Category of personal data	Legal basis	Purpose of processing	Duration of processing	Third party recipients
Name, contact details	Processing is necessary for performance of a contract (GDPR Article 6(1)(b))	Verifying the patient's identity for the purposes of using the Service for medical diagnosis and treatment	Duration of patient-doctor relationship or duration of use of Service by Healthcare Provider, whichever is shorter	None
Contact details	Processing is necessary for performance of a contract (GDPR Article 6(1)(b))	Registering for an account in the Service	Duration of patient-doctor relationship or duration of use of Service by Healthcare Provider, whichever is shorter	None
General demographic data (gender, age)	Processing is necessary for performance of a contract (GDPR Article 6(1)(b))	Gathering background information for the purpose of treatment or diagnosis of patients	Duration of patient-doctor relationship or duration of use of Service by Healthcare Provider, whichever is shorter	None
Description, location, date and time, severity and trigger of symptoms, patient activity levels, details concerning medication, prescribed treatment plan, other information provided by patient relating to symptoms	Processing is necessary for performance of a contract (GDPR Article 6(1)(b))	Gathering information for the treatment and diagnosis of patients, treating patients	Duration of patient-doctor relationship or duration of use of Service by Healthcare Provider, whichever is shorter	None

**Personal data for which Braincare is the data controller:**

Category of personal data	Legal basis	Purpose of processing	Duration of processing	Third party recipients
All of the above personal data	Processing is necessary for the legitimate interests pursued by the controller or the controller's research partners (GDPR Article 6(1)(f)) – see Balance of interests below.	Anonymising the above personal data so that some or all of it can be used, in anonymous form, for commercial or non-commercial research in the public interest into new methods of treatment or diagnosis, or new medical devices	Personal data is not retained after anonymisation for Braincare's purposes (but will be retained for the purposes of the Healthcare Provider stated above)	None (however, anonymous data can be given to third parties)

**3. Balance of interests (personal data for which Braincare is the data controller)**

The processing of personal data for which Braincare is the controller referred to above is justified on the basis of the legitimate interests of Braincare and its partners, which are not overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

The legitimate interests pursued by Braincare and its partners are the development of new or improved tools and methods for the diagnosis and treatment of patients, and the development of better medical devices. Such new tools, methods and devices will create value for Braincare and its partners, but they are also substantially in the public interest and will have a positive public health impact, leading to earlier detection and better diagnosis of various diseases and health conditions, as well as better and more informed treatment of various diseases and health conditions, leading to better patient outcomes.

On the other hand, the risks to the interests or fundamental rights and freedoms of the Users are minimal, as all of the data will be rigorously anonymised with state of the art technology, and will only be used for the abovementioned purposes in anonymised form, so that individual patients/data subjects cannot be identified.

**4. Processing of special categories of data (medical data)**

The processing of medical data in connection with the Service is, for personal data for which the Healthcare Provider is the data controller, permitted on the basis of Article 9(2)(h) of the GDPR. This personal data processed in connection with the Service is processed for the purposes of for medical diagnosis or the provision of health care pursuant to a contract with a healthcare professional, subject to an obligation of professional secrecy that is binding upon the healthcare professionals working for the Healthcare Provider.

The processing of medical data in connection with the Service is, for personal data for which Braincare is the data controller, permitted on the basis of Article 9(2)(j) of the GDPR and Section 6(1)(7) of the Finnish Data Protection Act. This personal data is processed for statistical or scientific research purposes based on Member State (Finnish) law, i.e. for the purposes of irreversibly and effectively anonymising the personal data in

question so that it can be used for commercial or non-commercial research in the public interest into new methods of treatment or diagnosis, or new medical devices, subject to the safeguards set out in Section 6(2) of the Finnish Data Protection Act.

## **5. Use of sub-processors, transfers to countries without EU-equivalent level of data protection**

Braincare acts as processor for the personal data for which the Healthcare Provider is the data controller subject to a data processing agreement with the Healthcare Provider.

Braincare uses the following processors/sub-processors for processing personal data referred to in this Privacy Notice, subject to a separate data processing agreement:

-cloud service provider, currently Amazon Web Services

Personal Data relating to the Service is not transferred outside the EU/EEC or countries deemed to have an adequate standard of data protection, and Personal Data shall not be processed outside the same.

## **6. Security**

Personal data will be protected by reasonable security safeguards against accidental loss, unauthorized processing, the destruction of, or use or modification of, or unauthorized disclosure of the personal data. Braincare employs appropriate technical and organizational security measures in order to protect the personal data. The safeguards Braincare employs, such as limiting its personnel's and subcontractors' access to personal data and encryption of data, are proportionate to the likelihood and severity of any potential harms or threats, the sensitivity of the personal data, and the context in which it is held as well as development of security technologies.

With regards to the personal data for which Braincare is the data controller, Braincare uses state of the art technology in order to effectively and irreversibly anonymise the personal data. Furthermore, Braincare constantly monitors the state of the art in terms of the relevant technology, and will if necessary make changes or improvements to its anonymisation processes in order to preserve the anonymity of the data in the future as well.

## **7. Rights of data subjects**

Under the General Data Protection Regulation, the data subject has the following rights with regards to Personal Data, as more closely specified in Articles 15-21 of the GDPR:

Right of access: the data subject has the right to request confirmation of whether his or her personal data is processed in connection with the Service, and access to that personal data.

Right of rectification: the data subject has the right to request the data controller to rectify any inaccurate or incomplete personal data concerning him or her held by or processed in connection with the Service.

Right of erasure: the data subject has the right to request that personal data concerning him or her is erased where it is no longer necessary for the purpose for which it was collected or processed, where he or she objects to the processing and there are no overriding legitimate grounds for processing, where his or her personal data is being unlawfully processed, or where personal data must be erased in order to comply with relevant legislation.

Right of restriction: the data subject has the right to request restriction of processing of his or her personal data where the accuracy of the personal data is contested, where processing is unlawful or where the personal data is no longer needed by the data controller but he or she legitimately opposes the erasure of the personal data, or where he or she objects to the processing and it has not yet been verified whether legitimate grounds exist for the processing.

Right of data portability: with respect to the personal data for which the Healthcare Provider is the data controller, the data subject shall have the right to receive the personal data concerning him or her in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided.

Right to object: the data subject has the right to object to the processing of his or her personal data where the processing is based on the legitimate interests of the data controller or third parties as specified in Section 2.

The data subject has the right the right to contact the competent data protection authority and file a complaint regarding the processing of his or her personal data. With regards to Finland, the competent data protection authority is the Data Protection Ombudsman ([www.tietosuoja.fi](http://www.tietosuoja.fi)).

## **8. Contact information regarding data privacy matters**

The data protection officer for Braincare is Jukka-Pekka Pirhonen.

Questions regarding this Privacy Notice or Personal Data related practices relating to the Service should be addressed to the data controller as specified in Section 2. With regards to personal data for which Braincare is the data controller, please address queries to the data protection officer of Braincare at the following address:

[gdpr@soenia.com](mailto:gdpr@soenia.com)

For privacy protection purposes, you may be asked to provide proof of identification and other relevant details.

## **9. Changes to the Privacy Policy**

This Privacy Policy may change from time to time by posting an updated version in the Service, thereby superseding earlier versions. If there are changes that materially alter privacy practices relating to the Service, you may also be notified by other means, such as by email, in-app notification, or by posting a notice on Braincare's websites and / or social media pages in reasonable time prior to the date that the changes take effect.