

# Special State Disclosures & Policies

## **Texas**

### **Texas Residents**

As required under Section 181.154(a)(2) of the Texas Health and Safety Code, please be advised that if we do receive data that identifies you and that is related to your past, present or future physical or mental health, healthcare or payment for your healthcare, such data may be subject to electronic disclosure by such means as file transfers or email.

## **Washington**

### **Washington State Consumer Health Data Privacy Policy**

The following Privacy Notice is provided under Washington’s “My Health My Data Act” (2023 Wash. Laws 191) (MHMDA) and applies to Washington residents and those whose “*consumer health data*” is collected in the state of Washington by Liquidia Corporation and/or its subsidiaries and affiliates (“Liquidia” “we,” “us,” or “our”).

Under MHMDA and this policy, health data means personal information that is linked or reasonably linkable to a consumer and that identifies the consumer's past, present, or future physical or mental health status). We hereby provide notice that even though Liquidia is not a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), we may sometimes have access to protected health information (PHI) as such term is defined in HIPAA when providing products or services to you (for example when we collect your information in connection with a clinical trial in which you are participating or when you apply to one of our patient support programs).

### *What Personal Information We Collect*

The personal information that we collect (including consumer health data), can vary significantly depending on the nature of your relationship and interactions with us. Here are some examples of Washington consumer health data categories that we may collect from time to time:

- Individual health conditions, treatment, diseases, or diagnosis;
- Social, psychological, behavioral, and medical interventions;

- Health-related surgeries or procedures;
- Use or purchase of prescribed medication;
- Bodily functions, vital signs, symptoms, or other measurements of health data;
- Diagnoses or diagnostic testing, treatment, or prescribed medication;
- Reproductive or sexual health information;
- Biometric data;
- Genetic data;
- Precise location information that could reasonably indicate a consumer's attempt to acquire or receive health services or supplies;
- Data that identifies a consumer seeking health care services; and
- Other information that may be processed to derive or infer data related to the above or other consumer health data.

In collecting the above consumer health data we may obtain or gain access to the following personal information, when collected in connection with your past, present, or future physical or mental health status:

- Identifiers such as name, contact information, online identifiers, and government-issued ID numbers;
- Characteristics of protected classifications under state or federal law such as age and medical conditions;
- Commercial Information such as transaction information and purchase history;
- Internet or Network Activity Information such as browsing history, interactions with our website, Internet Protocol (IP) address, Media Access Control (MAC) address; operating system and version; Internet browser type and version; • Geolocation data such as device location; and
- Audio recordings, such as calls to Customer Service; We may deidentify or anonymize Washington consumer health data so that it cannot reasonably be reidentified by us or by another person, and we may use this deidentified data for any reason permitted by applicable law.

*How We Use Personal Information*

We may use this Personal Information to operate, manage, and maintain our business, to provide our products and services, for our employment purposes, in connection with clinical research and to otherwise accomplish legitimate business purposes and objectives including but not limited to communicating with you about your use of our products, services or programs (e.g. patient support programs); to communicate changes to our terms, conditions, and policies; to respond to inquiries that you have made; to confirm your identity; to investigate, prevent or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety or legal rights of any person or third party or respond to government or court orders; to comply with legal and regulatory obligations; to improve our products and services; for marketing, internal research, and development; to consider and implement possible mergers, acquisitions, reorganizations, bankruptcies, or other business transactions, and other activities related to the administration of our business, etc.

#### *Sources of Personal Information*

We generally collect personal information, which may include consumer health data, from the following categories of sources:

- Directly from you and automatically from your devices;
- Through our affiliates; and
- From vendors or business partners.

#### *How We May Share Consumer Health Data*

The categories of third parties and other recipients with whom we may share consumer health data as described herein include:

- Our subsidiaries and affiliates;
- Our business partners and third parties that provide us with services
- Government or public authorities if we believe that disclosure is reasonably necessary to (i) comply with the terms of any applicable law, regulation, legal process, or governmental request; (ii) to enforce contractual terms, policies, or terms of service or defend ourselves against third-party claims or proceedings, (iii) to protect the security or integrity of our services, our property, employees or the public from harm or illegal activities, (iv) to respond to an emergency which we believe in the good faith requires us to disclose information to assist in preventing the death or serious bodily injury of any person.

### *How to Exercise Your Rights*

MHMDA grants certain rights including a right to confirm whether we are collecting, sharing, or selling your consumer health data, access to your data, and deletion of your data, as well as the right to withdraw consent previously given, subject to certain exceptions. If you would like to exercise your rights under the MHMDA, please contact us at +1 919-328-4400 or by e-mail at [privacy@liquidia.com](mailto:privacy@liquidia.com) and indicate that you are making a request pursuant to your Washingtons MHMDA. We will make reasonable efforts to respond promptly to your requests in accordance with applicable laws. Because of the prevalence of identity theft and scams, and to protect your privacy, we may, after receiving your request, require additional information from you to honor your request and verify your identity.

If your request to exercise a right under the MHMDA is denied, you may appeal the denial by following the procedure contained in our denial letter. If your appeal is unsuccessful and you are still dissatisfied, you can escalate the matter to the Washington State Attorney General at [www.atg.wa.gov/file-complaint](http://www.atg.wa.gov/file-complaint).

If you would like to learn more about your rights under the MHMDA, you can visit the following link: [Protecting Washingtonians' Personal Health Data and Privacy | Washington State](#).