

**NYC Psychiatrist Services, P.C. (d/b/a/ Fermata)**

**PRIVACY NOTICE**

**Last Updated: March 20, 2025**

At NYC Psychiatrist Services, P.C. (d/b/a/ Fermata) (“Fermata”), your privacy is important to us. Our Privacy Notice describes the information we collect, how we collect the information, the reasons we collect information, and how we share or use the information we collect. This Privacy Notice also describes the choices you have with the information we collect, including how you can manage, update, or request to delete information.

Please take a moment to review this Privacy Notice. You may scroll through this Privacy Notice or use the headings below. It is important that you understand this Privacy Notice. By using our Website and Services, you are agreeing to the terms of this Privacy Notice. If you have any questions or concerns about this Privacy Notice, you may [Contact Us](#) at any time.

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## I. Who is Fermata?

Fermata provides psychiatric care including medication management in the outpatient setting. We offer dTMS, esketamine and other interventional psychiatry services. We also provide couples, business partners, group and family therapy. Fermata also provides its users with the ability to obtain a telehealth consultation with its clinical providers (each, a “**Provider**”).

## II. Key Terms & Definitions and Our Privacy Notice

It is helpful to start by explaining some of our key terms and definitions used in this Privacy Notice.

Key Term	Definition
Notice of Privacy Practices	Our notice of privacy practices located <a href="#">here</a> .
“Personal Information”	Any information relating to an identified or identifiable individual and any information listed <a href="#">here</a> .
“Privacy Notice”	This privacy notice.
our “Services”	Any services that we provide.
our “Terms of Use”	Our terms of use located <a href="#">here</a> .
our “Website”	Our websites at <a href="https://www.fermatahealth.com">https://www.fermatahealth.com</a> and <a href="https://www.fermata.health">https://www.fermata.health</a>
“Fermata,” “we,” “us,” or “our”	NYC Psychiatrist Services, P.C. (d/b/a/ Fermata) and our affiliates, subsidiaries, and related entities.

### **When does our Privacy Notice apply?**

This Privacy Notice describes the types of information we may collect from you when:

- You visit or use our Website or any of our Services
- We communicate in e-mail, text message, and other electronic messages between you and us; and

- We communicate in person, such as on the phone or through a telehealth visit.

### **When does our Privacy Notice not apply?**

This Privacy Notice does not apply to information collected by any other website operated either by us or by a third party, unless the website is listed above or links to this Privacy Notice. It also does not apply to any website that we may provide a link to or that is accessible from our Website. It also does not apply with respect to Protected Health Information (see below).

### **Our Privacy Notice and Terms of Use.**

This Privacy Notice is incorporated into our Terms of Use, which also apply when you use our Website or Services.

### **Health Information**

Please note that as part of the Services, we may collect or process information that is subject to the Health Insurance Portability and Accountability Act (“HIPAA”). When governed by HIPAA, this information is called “Protected Health Information” or “PHI.” When PHI is collected or used by Fermata, it is governed by Fermata’s HIPAA Notice of Privacy Practices and not this Privacy Notice. Please see Fermata’s [HIPAA Notice of Privacy Practices](#) for more information on HIPAA, PHI, and your rights with respect to your PHI. To the extent there are inconsistencies between our HIPAA Notice of Privacy Practices and this Privacy Notice, the HIPAA Notice of Privacy Practices will govern.

## **III. Personal Information**

### **What is Personal Information?**

Personal information is information from and about you that may be able to personally identify you. We treat any information that may identify you as personal information. For example, your name and e-mail address are personal information.

### **What types of Personal Information do we collect?**

We may collect and use the following personal information (hereinafter, collectively referred to as “Personal Information”):

<b>Categories of Personal Information</b>	<b>Specific Types of Personal Information Collected</b>
Personal Identifiers	A real name, birth date, postal address, unique personal identifier, or e-mail address.
Information that identifies, relates to, describes, or is capable of being associated with a particular individual	A username or online identifier, telephone number, credit card number, debit card number, your medical information, or signature of any kind.

Internet or other electronic network activity information	IP address and information regarding a consumer's interaction with an Internet Web site, application, or advertisement.
User Generated Content	Information you provide to be published or displayed (hereinafter, "Posted") on public areas of our Website or transmitted to other users of the Website or other third parties.

### **How do we collect your Personal Information?**

We collect most of this Personal Information directly from you. For example, when we speak to you in person, by phone, text message, and e-mail. Additionally, we will collect information from you when you visit our Website and fill out forms, or purchase our Services.

We may also collect Personal Information in the following ways:

- **When you create an account on our Website.**
- **When you interact with our Providers or other staff about our Products, Services or your medications.**
- **During your telehealth visit with a Provider.**
- **When you make payments through the Website.** We do not collect or store financial account information, though we may receive transaction identifiers and summary information that does not include credit card or bank account numbers.
- **When You Contact Us.** When you contact Fermata directly, such as when you contact our Customer Service team, we will receive the contents of your message or any attachments you may send to us, as well as any additional information you choose to provide.

We will also collect information automatically as you navigate through our Website. We use the following technologies to automatically collect data:

- **Cookies.** We and our service providers may use cookies, web beacons, and other technologies to receive and store certain types of information whenever you interact with our Website or Services through your computer or mobile device. A "cookie" is a small file or piece of data sent from a website and stored on the hard drive of your computer or mobile device. Some of the cookies we use are "session" cookies, meaning that they are automatically deleted from your hard drive after you close your browser at the end of your session. Session cookies are used to optimize performance of the Website and to limit the amount of redundant data that is downloaded during a single session. We also may use "persistent" cookies, which remain on your computer or device unless deleted by you (or by your browser settings). We may use persistent cookies for various purposes, such as statistical analysis of performance to ensure the ongoing quality of our Website and/or the Services. We and third parties may use session and persistent cookies for analytics and advertising purposes, as described herein. On your computer, you may refuse to accept browser cookies by activating the appropriate setting on your browser, and you may have similar capabilities on your mobile device in the preferences for your operating system or browser. However, if you select this setting you may be unable to access or use certain parts of our Website or the Services. Unless you have adjusted your

browser or operating system setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website.

- **Google Analytics.** We use Google Analytics, a web analytics service provided by Google, Inc. (“Google”) to collect certain information relating to your use of our Website. Google Analytics uses cookies, to help us analyze how users use our Website. You can find out more about how Google uses data when you visit our Website by visiting “How Google uses data when you use our partners' sites or apps”, (located at [www.google.com/policies/privacy/partners/](http://www.google.com/policies/privacy/partners/)). For more information, please visit Google and pages that describe Google Analytics, such as [www.google.com/analytics/learn/privacy.html](http://www.google.com/analytics/learn/privacy.html).
- **Other third party tools and cookie providers.** We use other third party tools and cookie providers which allow us to track the performance of our Website as well as market our Services. These tools provide us with information about errors, app and website performance, and other technical details we may use to improve our Website and/or the Services. For more information related to these third-party analytics providers please review [How do we collect your Personal Information?](#).

### **How do we use your Personal Information?**

We may use your Personal Information for the following purposes:

- Operate, maintain, supervise, administer, and enhance our Website or the Services, including monitoring and analyzing the effectiveness of content on the Website, aggregate site usage data, and other usage of the Website and/or the Services such as assisting you in completing the registration process.
- Provide Services to you, in a user-friendly way.
- Provide you with information or Services that you request from us or that may be of interest to you.
- Promote and market our Website and/or Services to you.
- Provide you notices or about your account.
- Contact you in response to a request.
- Notify you about changes to our Website and/or the Services.
- Fulfill any other purpose for which you provide it.
- Carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- Anonymize and aggregate information for analytics and reporting.
- Respond to law enforcement requests, court orders, and subpoenas and to carry out our legal and contractual obligations.
- Administer surveys and questionnaires.
- Provide you information about goods and services that may be of interest to you, including through newsletters.
- Any other purpose with your consent.

### **How do we share your Personal Information?**

We may share Personal Information with third parties in certain circumstances or for certain purposes, including:

- **Our business purposes.** We may share your Personal Information with our affiliates, vendors, service providers, and business partners, including our data hosting and data storage partners, analytics and advertising providers, technology services and support, and data security advisors. We may also share

your Personal Information with professional advisors, such as auditors, law firms, and accounting firms.

- **With your consent.** We may share your Personal Information if you request or direct us to do so.
- **Compliance with law.** We may share your Personal Information to comply with applicable law or any obligations thereunder, including cooperation with law enforcement, judicial orders, and regulatory inquiries.
- **Business transfer.** We may share your Personal Information to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of a bankruptcy, liquidation, or similar proceeding, in which Personal Information held by us about our users are among the assets transferred.
- **To enforce our rights.** We may share your Personal Information to enforce any applicable terms and conditions and Terms of Use, and to ensure the safety and security of our Services and our users.
- **De-identified information.** We may also disclose de-identified information, so that it cannot be reasonably used to identify any individual, with third parties for marketing, advertising, research, or similar purposes.
- **To improve our Website and Services.** We may use your Personal Information for internal testing, research, analysis, and product development, including to develop and improve our website/application, and to develop, improve, or demonstrate our services.
- **To market our Products and Services.** We may share your Personal Information with affiliates and third parties to market our products and services. To opt out, see Your choices about how we share your Personal Information below.
- **Third party analytics.** We use Google Analytics and other analytics tools to understand and evaluate how visitors interact with our Website and/or the Services. These tools help us improve our Website and/or the Services, performance, and your experience. See [How do we collect your Personal Information](#) above.

### **Your choices about how we share your Personal Information.**

This section of our Privacy Notice provides details and explains how to exercise your choices. We offer you choices on how you can opt out of our use of tracking technology and disclosure of your Personal Information for our advertising to you. **We do not control the collection and use of your information collected by third parties.** These third parties may aggregate the information they collect with information from their other customers for their own purposes. You can opt out of third parties collecting your Personal Information for targeted advertising purposes in the United States by visiting the [National Advertising Initiative's \(NAI\) opt-out page](#) and the [Digital Advertising Alliance's \(DAA\) opt-out page](#).

Each type of web browser provides ways to restrict and delete cookies. Browser manufacturers provide resources to help you with managing cookies. Please see below for more information.

- [Google Chrome](#)
- [Internet Explorer](#)
- [Mozilla Firefox](#)
- [Safari \(Desktop\)](#)
- [Safari \(Mobile\)](#)
- [Android Browser](#)
- [Opera](#)
- [Opera Mobile](#)

For other browsers, please consult the documentation that your browser manufacturer provides.

If you do not wish to have your e-mail address used by Fermata to promote our own Services, you can opt-out at any time by clicking the unsubscribe link at the bottom of any e-mail or other communications you

receive from us or logging onto your Account Preferences page. This opt out does not apply to information provided to Fermata as a result of a purchase of products or services, or your use of our Website and/or the Services.

#### **How do I access and correct my Personal Information?**

You can review and change your Personal Information by logging into our Services and communicating with a Fermata representative. You may also [Contact Us](#) to inform us of any changes or errors in any Personal Information we have about you to ensure that it is complete, accurate, and as current as possible or to delete your account. We cannot delete your personal information except by also deleting your account with us. We may also not be able to accommodate your request if we believe it would violate any law or legal requirement or cause the information to be incorrect.

#### **IV. Who may use the Services?**

Fermata operates subject to state and federal regulations, and the Services may not be available in your state. You represent that you are not a person barred from enrolling for or receiving the Services under the laws of the United States or other applicable jurisdictions in which you may be located. Access to and use of the Services is limited exclusively to users located in states within the United States where the Services are available. The Services are not available to users located outside the United States. Accessing the Services from jurisdictions where content is illegal, or where we do not offer the Services, is prohibited.

#### **V. Children's Privacy**

In order to access the Website, you represent and warrant that you are 18 years old or older. Our Services are available to individuals of all ages, however individuals under 18 can only access our Services if parents or legal guardians access the Website and provide the necessary personal information. We do not knowingly collect personal information from children under the age of 13 without parental or legal guardian consent. If we become aware that a child has provided us with personal information without parental or legal guardian consent or in violation of applicable law, we will delete any personal information we have collected, unless we have a legal obligation to keep it.

#### **VI. Does Fermata respond to Do Not Track signals?**

Some web browsers have a "Do Not Track" feature. This feature lets you tell websites you visit that you do not want to have your online activity tracked. These features are not yet uniform across browsers. Our Website is not currently set up to respond to those signals.

#### **VII. Data Security**

We have taken steps and implemented administrative, technical, and physical safeguards designed to protect against the risk of accidental, intentional, unlawful, or unauthorized access, alteration, destruction, disclosure, or use. The Internet is not 100% secure and we cannot guarantee the security of information transmitted through the Internet. Where you have been given or you have chosen a password, it is your responsibility to keep this password confidential.

The sharing and disclosing of information via the internet is not completely secure. We strive to use best practices and industry standard security measures and tools to protect your data. However, we cannot guarantee the security of Personal Information transmitted to, on, or through our Services. Any transmission of Personal Information is at your own risk. We are not responsible for the circumvention of any privacy settings or security measures contained on our Website, in your operating system, or mobile device.

#### **VIII. California's Shine the Light Law.**

The California "Shine the Light" law gives residents of California the right under certain circumstances to request information from us regarding the manner in which we disclose certain categories of Personal Information with third parties for their direct marketing purposes. We do not disclose your Personal Information to third parties for their own direct marketing purposes.



## **IX. Changes to our Privacy Notice**

We may update our Privacy Notice periodically to reflect changes in our privacy practices, laws, and best practices. We will post any changes we make to our Privacy Notice on this page with a notice that the Privacy Notice has been updated on our Website's homepage. The date this Privacy Notice was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable e-mail address for you, and for periodically accessing the Website and reviewing this Privacy Notice to check for any changes.

## **X. Contact Us**

If you have any questions, concerns, complaints or suggestions regarding our Privacy Notice or otherwise need to contact us, you may contact us at the contact information below or through the "Contact Us" page on the Website.

### **How to Contact Us:**

**NYC Psychiatrist Services, P.C. (d/b/a/ Fermata)**  
**58 N 9<sup>th</sup> Street Suite 103**  
**Brooklyn, NY 11249**  
**Email: [info@fermata.health](mailto:info@fermata.health)**  
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