

Attachment B – Newtopia Wellness Program and Genetic Testing

The Newtopia health risk assessment asks about individuals' health status, history, and risk factors, including family history of obesity.

Newtopia Genetics
Genetic Testing for Weight and Lifestyle Management

Family history of being overweight or obesity:

Father: Yes No

Mother: Yes No

Brothers: Yes No

Sisters: Yes No

Children: Yes No

58 % of 100

Nutrition Weight Loss Exercise Well-being **Genetics** Medical Health Personal Profile Summary

The Health Risk Assessment also invites individuals to undergo genetic testing.

Newtopia Genetics
Genetic Testing for Weight and Lifestyle Management

You have 0 family members that are either overweight or obese. Based on familial connection, would you be interested in taking a genetic test for weight and lifestyle management as part of your Newtopia program?

Yes No

At Newtopia we are able to offer you a personal genetic test – Newtopia Genetics™ – to help design a completely personalized program for you. The test is non-invasive - just a sample of your saliva is required – and results are kept strictly confidential. Newtopia Genetics™ testing is very unique and highly valuable as it can assess your genetic predisposition for key susceptibility genes for weight gain. Using your genetic information, Newtopia will design a completely personalized program for you based on genetically driven recommendations in nutrition, exercise and behavioural well-being for the best results in sustainable weight loss and healthy living.

61 % of 100

Nutrition Weight Loss Exercise Well-being **Genetics** Medical Health Personal Profile Summary

Upon completion of the HRA, individuals are recommended to purchase Newtopia nutritional supplements and vitamins

Welcome | Scheduling | **N-E-W Life Profile** | Genetics

YOUR UNIQUE N-E-W LIFE PROFILE

Your N-E-W Life Profile is as unique as you are - just as your Newtopia program is

Summary | Health | Nutrition | Exercise | Well-being | Genetics | **Products**

The following natural health products are recommended based on your answers.

- Weight Loss**
Newtopia's Weight Loss contains hypoallergenic vitamins and mineral supplements designed to aid in weight reduction and in the prevention of weight gain. A high potency B complex supports fat, carbohydrate and protein metabolism, as well as supports energy production. Chromium supports weight loss and blood sugar control, and aids in decreasing body fat. Green tea is included to support weight loss and alertness. Gymnema is added to support weight loss and blood sugar control, and aid in the improvement of signs of metabolic syndrome.
- Women's Daily**
Newtopia's Daily Care for Women contains a hypoallergenic, and highly absorbable multivitamin and mineral tablet with added ginseng that assists in boosting energy. There is a high potency B vitamin to assist women with energy, hormone balance and deficiencies related to hormone replacement therapy or the birth control pill. A high potency fish oil is added to support mental function, support healthy skin and aid in the prevention of cancer and cardiovascular disease. A calcium and magnesium supplement with vitamin D is included to support bone health and aid in the prevention of osteoporosis and bone fractures. Extra vitamin D is also added to aid in the prevention of cancer and reduction of mortality, and to assist with mood.
- Omega Support**
Newtopia's Omega Support is a rich source of long-chain omega-3 fatty acids. This is a fish oil, providing a mixture of eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA). Fish oils support mental function, support healthy skin and aid in the prevention of cancer and cardiovascular disease. Fish oils have

product recommendations

The vendor also markets “genetically tailored” nutritional supplements and vitamins to participants based on their results

The Terms of Use and Privacy policies disclose that Newtopia is a Canadian company, not subject to US laws, that use of the web site constitutes agreement to all terms, including the privacy policy, and that personal information may be collected, used, and disclosed for purposes of marketing Newtopia products and services, and for offering participants information about products of other businesses.

[Newtopia Terms of Use](#)

<https://www.newtopia.com/terms-of-service/>

TERMS & CONDITIONS

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Acceptance of Contract Terms

The following are terms of a legal agreement between you and Newtopia Inc. (“Newtopia”). By accessing, browsing and/or using this site (“Site”), you acknowledge that you have read, understood, and agree, to be bound by these terms and to comply with all applicable laws and regulations. If you do not agree to these terms, do not use this Site. The material provided on this Site is protected by law, including, but not limited to, Canadian Copyright Law and international treaties. This Site is controlled and operated by Newtopia from its offices within Canada. Newtopia makes no representation that materials in the Site are appropriate or available for use in other locations, and access to them from territories where their contents are illegal is prohibited. Those who choose to access this Site from other locations do so on their own initiative and are responsible for compliance with applicable local laws. Any claim relating to, and the use of, this Site and the materials contained herein is governed by the laws of the province of Ontario and the laws of Canada applicable therein.

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[Newtopia Privacy Policy](#)

<https://www.newtopia.com/privacy-policy/>

PRIVACY POLICY, TERMS OF USE AND HIPAA NOTICE

Newtopia, Inc. (the “Company”) knows that you care about how your personal information is used and shared, and we take your privacy seriously. Please read the following to learn more about our privacy policy. **By visiting the Newtopia.com website and domain name, and any other linked pages, features, content, or application services offered from time to time by the Company in connection therewith (collectively, the “Sites,” as further defined in our Terms), or using any of our Services, you acknowledge that you accept the practices and policies outlined in this Privacy Policy.** Capitalized terms not defined in this Privacy Policy shall have the meanings set forth in our Terms of Use, in Schedule A below (“Terms”).

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PLEASE NOTE: **By using the Services, you consent to, and authorize Newtopia to disclose your genetic color group to the other users of the Sites and Services.** The users, including but not limited to Site administrators, Health Coaches, and your fellow support group members will have access to a range of Personal Information such as your name and picture, linking you to your genetic color group and reason for program participation. (The Health Coach and Site Administrator will know your name. Whether you choose to disclose your name, genetic results or photo to any other support group members is at your discretion.) Specifically, as we group participants based on certain characteristics, fellow support group members may be co-workers or other acquaintances.

We take great efforts in protecting your privacy, however, we cannot control, and expressly disclaim any responsibility for, whether or how users who are not our employees or subcontractors will subsequently use or disclose posted or previously disclosed information. If you do not consent to the disclosure of this information, you should not access or use the Sites or the Services.

3. WHAT PERSONAL INFORMATION DO WE SHARE?

Personal Information about our participants is an integral part of our business. We will not rent, sell, or share Personal Information about you with other people or non-affiliated companies except to provide Services, when we otherwise have your permission, or under the following circumstances:

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Agents: **We employ other companies and people to perform tasks on our behalf and need to share your information with them to provide products and/or services to you. We are responsible for the actions of our agents.** You hereby consent to our sharing of Personal Information for the above purposes and to their use of the Personal Information for any purpose for which you grant permission to Newtopia.

Promotional Offers: **We will never disclose your personal information to other businesses for their marketing purposes, but we may send you offers that promote the products of other businesses. These offers**

will be intended to benefit you, your health, or your Newtopia experience. If you do not wish to receive these offers, please send an email with your request to privacy@newtopia.com, and we will process your request within a reasonable time. Please note that you may receive additional offers as we process your request.

Effective Date: 2015-09-04.

[Schedule A Terms of Use and Schedule B HIPAA Notice follow]

Schedule A – Terms of Use

Welcome to Newtopia!

Welcome to the Newtopia website located at www.newtopia.com (the “Site”). Please carefully read these Terms of Use (the “Terms”) and our Privacy Policy (<https://www.newtopia.com/privacy-policy/>) to which these Terms are a schedule, because they govern your use of our Site (and the other websites we own or operate) and our online services that we provide. To make these Terms easier to read, the Site and our services are collectively called the “Services.”

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If you have been authorized to, and are helping another person visit our Services, these Terms constitute a legally binding agreement between both the helper and the person being helped and Company.

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1. Applicability of These Terms

Your access to, and use of the Services is expressly conditioned on your acceptance of and compliance with these Terms. These Terms apply to all users of the Services, including users who are also contributors of content, information, and other materials or services in the Services. If you do not agree with these Terms, you are not authorized to access or use any portion of the Services in any manner, for any purpose.

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2. Our Services

As part of the Services, we offer programs to certain individuals (such as web-based health coaching services) for changing behaviors that can lead to health problems. Our Services may include, without limitation, the following:

- i. The ability to access health information shared by you and others through our Services, augmented with information collected about you through authorized third parties (e.g., suppliers of scales, or wearable devices such as FitBit) and build an online community related to your weight loss and health goals.
- ii. Access to other information about Company and our products and/or services through the various websites we own and operate, including, without limitation, the Newtopia.com website and domain name, and any other features, content, or applications offered from time to time by Company in connection

therewith.

iii. The ability to interact with relevant Company personnel in a timely and effective manner from the time of initial application and throughout the course of program participation.

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5. Privacy and your Personal Information

These Terms are Schedule A to Company's current privacy policy, located at <https://newtopia.com/privacy/> (the "Privacy Policy") which is expressly incorporated into these Terms. The Privacy Policy discloses Company's practices regarding the collection, use and disclosure of your personal information. By agreeing to these Terms, you are also agreeing to the terms of Company's Privacy Policy and consenting to the use and disclosure of information provided to Company as set forth herein. For inquiries in regard to the Privacy Policy, or to report a privacy-related problem, please contact privacy@newtopia.com.

The Services may include the ability to connect with a small social network of people diagnosed with certain medical conditions, including metabolic syndrome. **BY VISITING OR USING THE SERVICES, YOU CONSENT TO OUR COLLECTION, USE AND DISCLOSURE OF YOUR PERSONAL INFORMATION, INCLUDING HEALTH-RELATED INFORMATION SUCH AS YOUR MEDICAL CONDITIONS, IN ACCORDANCE WITH OUR PRIVACY POLICY. IF YOU DO NOT CONSENT TO THE DISCLOSURE OF THIS INFORMATION, YOU SHOULD NOT ACCESS OR USE THE SITES OR THE SERVICES.**

By posting, creating, using, and disclosing data, including your individually identifiable health information through User Submissions on or at any of the Sites or otherwise through the Services, you hereby irrevocably and unconditionally acknowledge that all such data is owned by Company, subject to Company's compliance with the current Privacy Policy, the HIPAA Notice (attached as Schedule B to Company's current privacy policy), and all applicable federal and state privacy laws.

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As a condition of participating in our Services, you will be required to provide Company with the personal information identified in s.5 above. As part of the Sites you may, and Services, you will, receive from us email and other communications (e.g., SMS messages and voice calls) relating to your use of our Sites and/or your participation in our Services. By disclosing this contact information or otherwise sending electronic communications through the Services or the Sites, you acknowledge and agree that we may send you communications through registered mail, email and other electronic communications, SMS messages, voice calls or otherwise, that we determine, in our sole discretion, are related to your use of our Sites and/or participation in our Services. As part of using our Sites and or Services you agree to receive all agreements, notices, disclosures and other communications that we provide to you in electronic form, and acknowledge that receipt of such documents in electronic form satisfies any legal requirement that such communications be in writing.

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THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

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Health-related products and services. We may use and disclose your PHI to tell you about our health-related products or services that may be of interest to you.

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Marketing. We must also obtain your written authorization (“Your Marketing Authorization”) prior to using your PHI to send you any marketing materials. We can, however, provide you with marketing materials in a face-to-face encounter without obtaining Your Marketing Authorization. We are also permitted to give you a promotional gift of nominal value, if we so choose, without obtaining Your Marketing Authorization. In addition, we may communicate with you about products or services relating to your care, case management or care coordination, or alternative approaches, therapies, providers or care settings without Your Marketing Authorization. If we receive any direct or indirect payment for making such a communication, however, we would need your prior written permission to contact you. The only exception for seeking such permission are when our communication describes only a drug or medication that is currently being prescribed for you and our payment for the communication is reasonable in amount.

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7. Minimum Necessary.

To the extent required by law, when using or disclosing your PHI or when requesting your PHI from another covered entity, we will make reasonable efforts not to use, disclose, or request more than a limited data set (as defined below) of your PHI or, if needed by us, no more than the minimum amount of PHI necessary to accomplish the intended purpose of the use, disclosure, or request, taking into consideration practical and technological limitations. For purposes of this Notice, a “limited data set” means health information that excludes the following items:

- Names
- Postal address information, other than town or city, State, and zip code
- Telephone numbers
- Fax numbers
- Electronic mail addresses
- Social security numbers
- Health record numbers
- Health plan beneficiary numbers
- Account numbers
- Certificate/license numbers
- Vehicle identifiers and serial numbers, including license plate numbers
- Device identifiers and serial numbers
- Web Universal Resource Locators (URLs)
- Internet Protocol (IP) address numbers
- Biometric identifiers, including finger and voice prints
- Full face photographic images and any comparable images