

Data Privacy Notice
(Regarding Rx Savings Solutions)

The Dow Chemical Company and certain of its affiliates (collectively, “**Dow**”) and certain Dow-sponsored group health plans (the “**Dow Health Plans**”) have engaged [Rx Savings, LLC d/b/a Rx Savings Solutions](#) (“**RxSS**”), a third-party service provider that helps employers, health plans, and members reduce prescription drug costs through a combination of clinical technology, member engagement, and concierge support. This notice describes how the Dow Health Plans and RxSS will process your personal data—including your Protected Health Information (“**PHI**”) covered by the Health Insurance Portability and Accountability Act (“**HIPAA**”)—in connection with RxSS’s services, if you are U.S. Dow employee, retiree, or covered dependent (each a “**Member**”) covered by the Dow Health Plans. In the context of RxSS’s services, the Dow Health Plans act as the HIPAA “[Covered Entity](#)”; RxSS acts as the HIPAA “[Business Associate](#).”

As explained in Dow’s [Employee Privacy Notice](#) and [Notice of Privacy Practices](#), Dow (via the Dow Health Plans) processes Member personal data (including PHI) to administer Dow’s benefit plans and otherwise comply with applicable contractual and legal obligations. To enable RxSS’s services, the Dow Health Plans provide RxSS with certain Member benefit data; RxSS analyzes individual claims to find all possible clinical therapies and costs; and RxSS alerts Members to savings opportunities via text, email, and/or direct mail. Members are not required to respond to RxSS, to register/activate their RxSS account, or to otherwise take advantage of any savings opportunities identified by RxSS. However, if a Member declines to do so, that Member may miss out on potential savings opportunities. RxSS will process that Member’s personal data and PHI regardless of whether the Member chooses to engage with RxSS or take advantage of savings opportunities.

To enable the Members’ eligibility for RxSS’s services, the Dow Health Plans authorize their third-party health and benefits manager, [Willis Tower Watson Plc](#) (“**WTW**”), to provide certain categories of Member personal data to RxSS, which may include all or certain of the following (the “**Eligibility Data**”):

	Field Description	Data Description	Required
1	Member ID	An employee ID or member ID that uniquely represents the individual Member.	Required if Member SSN not provided
2	Employee ID	Identifier that ties dependents to the primary policy holder. Primary Member's ID should populate here for dependent records.	Required if Employee SSN not provided
3	Member SSN	Member SSN. Uniquely represents the individual Member. Required to register for the Rx Savings portal if Member is greater than 18 years of age.	Required
4	Employee SSN	Employee Social Security Number. Required for all Members. Primary Member's SSN should populate here for dependent records. This is used to tie a family together.	Required
5	First Name	The first name of the individual Member.	Required
6	Middle Name	The middle name of the individual Member.	Optional
7	Last Name	The last name of the individual Member.	Required
8	Name Suffix	The name suffix of the individual Member.	Optional
9	Gender	The gender of the individual Member.	Required
10	Date of Birth	The date of birth of the individual Member.	Required
11	Address 1	The first line of the residential address of the individual Member.	Required
12	Address 2	The second line of the residential address of the individual Member.	Required

	Field Description	Data Description	Required
13	City	The city of residence for the individual Member.	Required
14	State	The state of residence for the individual Member.	Required
15	Zip	Zip code of the individual Member.	Required
16	Mobile Phone	Mobile phone of the individual Member.	Required When Available
17	Home Phone	Home phone of the individual Member.	Required When Available
18	Work Email	Member work email address for the receipt of electronic materials.	Required When Available
19	Personal Email	Member home email address for the receipt of electronic materials.	Required When Available
20	Record Identifier	Employee or dependent indicator.	Required
21	Relationship Code	Individual's relationship to the primary Member (employee, spouse, child, other).	Required
22	Group Name	Group identifier.	Optional
23	Group Number	Subgroup identifier or group code set by vendor.	Optional
24	Plan ID	Unique ID to identify the pharmacy group plan to which the Member belongs.	Required
25	Plan Name	Type of insurance plan for the individual Member (PPO-Choice, PPO-Restricted, HMO, Medicare Advantage, etc.).	Required
26	Coverage Level	Indicator of coverage level for Member (i.e. employee only, employee +1, employee + family, etc.).	Required When Available
27	Health Insurance ID	Member-specific insurance ID provided by the health insurer.	Optional
28	Health Insurance Group Number	Health insurance group ID provided by the health insurer.	Optional
29	Benefit Start Date	Member's benefit start date.	Optional
30	Benefit End Date	Member's benefit end date.	Optional
31	Retiree Flag	Indicator of whether the Member is retired or not.	Optional
32	Cobra Flag	Indicator of whether the Member is on Cobra or not.	Optional
33	Medicare Flag	Indicator of whether the Member is on Medicare or not.	Optional
34	Language Indicator	The Member's primary language.	Optional
35	CMS ID	The unique CMS Bid ID is the combination of the Contract ID, the Plan ID, and the Segment ID.	Required for Medicare populations

In addition, the Dow Health Plans authorize RxSS to obtain Member personal data (including PHI) directly from Dow's pharmacy benefits manager, [CVS Caremark](#) ("CVS"), relating to Member pharmacy benefit claims—e.g., prescriptions (type, name, NDC code, cost, alternatives), related health conditions, therapeutic/clinical purposes, recommended dosages, refills, healthcare providers, prescribing practitioners, etc. (the "**Prescription Data**"). And—to the extent that a Member chooses to register/activate the Member's RxSS account or otherwise engage directly with RxSS—RxSS potentially may obtain other categories of the Member's personal data and/or PHI directly from the Member, depending on each Member's choices and circumstances (the "**Member-Provided Data**"; and collectively with the Eligibility Data and the Prescription Data, the "**Member Data**").

The Dow Health Plans and RxSS will process the Member Data for the following purposes: to administer Dow's benefit programs and identify potential savings opportunities for Members. RxSS will store the Member Data in its Amazon Web Services cloud tenant, using data centers located in the United States. Access to the Member Data within RxSS is limited to authorized RxSS personnel with role-based access and a need to know (the "**RxSS Authorized Recipients**"). RxSS may share the Member Data with its service providers, to the extent necessary to provide the services and operate its business. RxSS and the RxSS Authorized Recipients (and any RxSS service providers that

process the Member Data on RxSS's behalf) are contractually and legally required to maintain and protect the confidentiality, privacy, and security of the Member Data in accordance with applicable law, including HIPAA. RxSS will store the Member Data for no longer than is necessary to achieve the purposes of the processing.

RxSS may [de-identify](#) the Member Data (including PHI) during the term of its contractual relationship with the Dow Health Plans—and retain and use such de-identified information in accordance with applicable law both during and beyond the term of its contractual relationship with the Dow Health Plans—for its own purposes, including: to provide and perform (and, if applicable, enhance, optimize, or refine) RxSS's services; to perform quality assurance, including benchmarking; to calculate book-of-business and comparative metrics; to develop improved and future solutions; and to train its artificial intelligence and machine learning models and algorithms (“AI”), which AI RxSS uses to analyze individual claims, find all possible clinical therapies and costs, and otherwise deliver the services. De-identified PHI is no longer considered PHI and thus is not covered by HIPAA. RxSS is contractually prohibited from re-identifying the de-identified information, except—if at all—to the limited extent expressly permitted by applicable law. RxSS is contractually prohibited from using PHI for its AI-training purposes.

RxSS may provide the Dow Health Plans with aggregated reports regarding the results and the realized and potential benefits of RxSS services, including: total savings; category-specific savings (e.g., by disease category); total return on investment; Member-specific savings; Member engagement with RxSS (e.g., registration percentages and eligibility metrics); condition campaign metrics (e.g., savings goal metrics for condition-specific medications); RxSS messaging templates directed to Members (e.g., savings notifications via direct mail, flyers, etc.); and projected savings opportunities for registered and unregistered Members (collectively, the “**Aggregated Reports**”). To the extent permitted by applicable law, the Dow Health Plans may share the Aggregated Reports with authorized Dow personnel with role-based access and a need to know. The Aggregated Reports do not include any individually identifiable Member personal data or PHI.

The legal justification for the Dow Health Plans to collect, control, store, transfer, disclose, use and otherwise process (“[Process](#)”) the Member Data is that such Processing: (1) is necessary for the performance of a contract to which the primary Member is a party; (2) is necessary for compliance with applicable legal obligations to which the Dow Health Plans (and their fiduciaries) are subject; (3) is necessary for the purposes of the Dow Health Plans’ (and their fiduciaries’) legitimate interests and obligations in administering the Dow Health Plans in an efficient and prudent manner, solely in the interest of the Members, and for the exclusive purpose of providing benefits to Members and paying reasonable expenses; and/or (4) is otherwise based on Member consent, solely to the extent that such consent is required by (and obtained in accordance with) applicable law.

For information about Dow's privacy practices, including about certain data subject rights that may apply to Members under applicable law, please refer to Dow's [Privacy Statement](#), [Data Protection/Privacy Policy](#), and [Employee Privacy Notice](#). For privacy questions, or to exercise any Member privacy rights that may apply under applicable law—including a Member's right to revoke, at any time, a Member's HIPAA authorization/consent, if applicable—please contact the Dow Data Privacy Office at fglpriv@dow.com and/or Dow HR at (833) 693-6947. Members may submit a data subject request by filling out the form located [here](#) (internal) or [here](#) (external). For more information about RxSS, please refer to the [RxSS Privacy Notice](#) and to the [Notice of Privacy Practices](#) on the [Legally Required Documents](#) page on dowbenefits.com. For all other questions about RxSS, please contact Dow HR at (833) 693-6947.