

FitnessEMS Privacy Policy

Last Updated: February 15, 2022

FitnessEMS, LLC (“FitnessEMS,” “we,” “us,” or “our,”) respects the privacy of our users (“you” or “your”). This privacy policy (“Privacy Policy”) governs the mobile or web applications (“Apps”) and websites we provide (collectively, the “Services”). This Privacy Policy covers our treatment of personal information we gather from you when you are accessing or using our Services.

PERSONAL INFORMATION WE COLLECT

Personal information may include, without limitation, your name, username, home and/or work address, telephone number, e-mail address, company affiliation and associated interests, together with other information that you choose to provide (“Personal Information”). We collect:

- Information based on your use of the Services. Examples include:
 - Service requests, type of equipment, your name, email address, company information and Personal Information of your service providers and fitness facilities that you enter into the Services. We also collect data from your browser and other data from the App or Services.
 - Device and location data. We collect information about the device(s) used to access the Services and, with your consent, location data used to locate the applicable equipment and provide the Services.
 - Cookies and similar technology. We and our partners technologies such as cookies and similar technology on our Services. Browser contain controls that allow you to customize or limit our use of cookies.
- Information which you voluntarily provide to us. When you communicate with us, you may provide us information related to account set up, name, email, phone number, address, job title, employer and payment information.

WHAT WE DO (AND DON'T DO) WITH YOUR PERSONAL INFORMATION

- What we don't do.
 - We don't sell or rent your personal information to third parties for their marketing purposes without your explicit consent.
 - We don't collect Personal Information of minors under the age of 13. We do not knowingly collect such information or allow children to open a FitnessEMS account. If any such information is unknowingly collected, we will delete it upon notice.
- What we do with your Personal Information.

- We use your Personal Information to provide our Services, and contacting you regarding your use of the Services. For example, we may send you product information, receipts, status updates and similar data.
- We may use your information to send you communications we think will be of interest to you, including information about promotions, products, or services of FitnessEMS and other companies.
- We share your Personal Information with other companies and people to perform tasks for us or for you (e.g. your service providers who also use our App or Website to facilitate providing their own services to you, such as fitness equipment maintenance). We also will make information available through the Services to customers to whom you provide your services or who provide services to you, such as your equipment service providers and fitness facilities. Additionally, we use Personal Information of your service providers and fitness facilities that you enter into the Services to contact those parties to invite them to use the Services. Finally, we share Personal Information to other users to facilitate interaction within the Services. Unless otherwise disclosed to you, those service providers do not have any right to use your Personal Information except as is necessary to perform such tasks.
- If authorized by you, we share your Personal Information with third-party payment processors in order to complete transactions on the Services. All of your financial information (e.g. credit card number, expiration date or other financial information) is only stored by the third-party payment processing companies. We do not collect or store any of that type of information. Please familiarize yourself the payment processor's applicable terms of service and privacy policy.
- We reserve the right to use Personal Information that we reasonably believe is necessary to comply with applicable law, regulations or judicial decrees, as necessary to enforce conditions of use of the Services, and for fraud protection and credit risk reduction.
- We may disclose your Personal Information to other business entities, should we plan to merge with or be acquired by that business entity. Should such a combination occur, we will require that the new combined entity follow this privacy policy with respect to your personal information. If your personal information will be used contrary to this policy, you will receive prior notice.
- We may aggregate and anonymize your Personal Information so that you cannot be individually identified. We use that aggregated and anonymized data to improve the Services, track industry trends and we may provide such aggregated and anonymized data to other customers, service providers, partners or other third parties.

INTERNATIONAL TRANSFERS

We may transfer your personal data to recipients who may be located anywhere in the world. We will only transfer your personal data from the European Economic Area (EEA), United Kingdom

or Switzerland to third countries, i.e. countries outside the EEA, on the basis of appropriate safeguards or if otherwise authorized by applicable law. Third countries providing an adequate level of data protection according to the European Commission currently include Andorra, Argentina, Canada (for companies covered by the Personal Information Protection and Electronic Documents Act), Switzerland (for transfers out of the EEA), the Faroe Islands, Guernsey, the State of Israel, the Isle of Man, Japan, Jersey, New Zealand, the United Kingdom and Uruguay. In other cases, FitnessEMS provides the necessary safeguards, e.g. through the conclusion of data protection contracts adopted by the European Commission (e.g. standard data protection clauses (2021/914/EU, 2010/87/EU, 2001/497/EC or 2004/915/EC)) with the recipients, or through other measures provided for by law.

YOUR RIGHTS AND CHOICES.

User Account Information. You may correct your account information at any time by updating your account through the Services. You may cancel your account by contacting us at support@FitnessEMS.com. FitnessEMS will comply with individual's requests regarding access, correction, and/or deletion of the personal data it stores in accordance with applicable law.

Your European Privacy Rights. With certain exceptions, European Union data subjects have the following rights with respect to their Personal Information:

1. The right to request access to the personal data we hold;
2. The right to request rectification of any inaccurate or incomplete personal data;
3. The right to request the deletion or erasure of the personal data;
4. The right to request that we restrict our processing of your personal data;
5. The right to object to the processing of your personal data; and
6. The right to request that your data be ported to another controller.

Additionally, when our processing is based on your consent, you may withdraw this consent at any time. You have the right to opt-out of text or email marketing communications we send you at any time. You can exercise this right by clicking on the "unsubscribe" or "opt-out" link in the marketing e-mails we send you. If you wish to exercise any of your rights above, please contact us by emailing support@FitnessEMS.com.

CALIFORNIA PRIVACY RIGHTS AND SUPPLEMENTAL CALIFORNIA PRIVACY NOTICE

The California Consumer Privacy Act of 2018 ("CCPA") requires us to provide additional privacy-related information to residents of California.

CCPA Disclosures

The section entitled "Personal Information We Collect" above lists the categories of personal information we have collected about California residents in the preceding 12 months.

The section entitled "What We Do (and Don't Do) with Your Personal Information " above lists the business and commercial purposes for which we collect and share California residents' personal information.

California Residents' Privacy Rights

Subject to certain exceptions and qualifications, as a California resident, you have the right to: (i) request access to your personal information; (ii) request deletion of your personal information; (iii) request information about the personal information about you that we have "sold" (as such term is defined under California law) to third parties within the past 12 months; and (iv) opt-out of the "sale" of your personal information, as detailed above.

- Do Not Sell My Information. As detailed above, we do not sell your Personal Information.
- Exercising other California consumer rights. Should you wish to request the exercise of your other rights as detailed above with regard to your personal information, to the extent required by applicable law, we shall respond to your request to exercise your rights above upon your request submitted in to one of the options provided below in the "Contact Us" Section below. We may need to take steps, including to request additional information from you, to verify your identity. Please indicate in your request that you are a California resident making a "California privacy rights" inquiry.

DATA RETENTION

We will retain your Personal Information for as long as your account is active or as needed to provide you Services. We will retain and use your personal information to fulfill the purposes outlined in this Privacy Policy or as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

MARKETING AND EMAIL COMMUNICATION

We may use email or text to communicate with you, to send information that you have requested or to send information about other products or services developed or provided by us or our partners. You have the right to opt-out of text or email marketing communications we send you at any time. You can exercise this right by clicking on the "unsubscribe" or "opt-out" link in the marketing e-mails we send you. If you are receiving free or reduced cost Services, then you are required to accept such marketing materials. If you do not wish to receive those marketing materials, you must cancel your account to the free or reduced cost Services.

SECURITY

FitnessEMS uses commercially reasonable physical, electronic, and procedural safeguards to protect your Personal Information against loss or unauthorized access, use, modification, or deletion. However, no security program is foolproof, and thus we cannot guarantee the absolute security of your Personal Information.

CHANGES TO THIS PRIVACY POLICY

We may amend this Privacy Policy from time to time. Use of information we collect now is subject to the Privacy Policy in effect at the time such information is used. If we make changes in the way we use Personal Information, we will notify you by posting an announcement on our website or sending you a message. You are bound by any changes to the Privacy Policy when you use the Services after such changes have been first posted.

CONTACT US

If you have any questions or concerns regarding our Privacy Policy or your Personal Information, please send us a message to support@FitnessEMS.com, and we will try to resolve your concerns.