

Privacy Notice

Effective Date: 3/4/2025

Notice Version: 2.0

Data Controller Contact Information:

Soul and Swole Fitness, Incorporated
6520 Lonetree Blvd. #1035
Rocklin, CA 95765
getswole@soulandswolefitness.com

Our privacy notice governs the privacy practices of our www.SoulandSwolefitness.com and all sub-domains, our mobile app, collectively and hereinafter called website.

Our privacy notice tells you what personal data and nonpersonal data we collect from you, how we collect them, how we protect them, how we disclose them, how you can access and change them, and how you can limit our disclosing of them. Our privacy notice also explains certain legal rights that you have about your personal data.

Definitions - *These definitions may vary slightly from jurisdiction to jurisdiction.*

‘NONPERSONAL DATA’ (NPD) means any information that is in no way personally identifiable.

‘PERSONAL DATA’ (PD) means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person can be identified directly or indirectly by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person. PD is in many ways the same as Personally Identifiable Information (PII). However, PD is broader in scope and covers more data.

‘SENSITIVE PERSONAL DATA’ (SPD) means a consumer’s social security, driver’s license, state identification card, or passport number; a consumer’s account log-in, financial account, debit card, or credit card number in combination with any required security, access code, password, or credentials allowing access to an account; a consumer’s exact geolocation; a consumer’s ethnic or racial origin, religious or philosophical beliefs, or union membership; the contents of a consumer’s mail, text messages, and email unless the business is the intended receiver of the communication; a consumer’s genetic data; the processing of biometric data to uniquely identify a consumer; personal information collected and analyzed about a consumer’s health; sex life or sexual orientation.

Topics Covered in Our Privacy Notice

YOUR RIGHTS

INFORMATION WE COLLECT AND HOW WE COLLECT IT

HOW YOUR PD IS USED AND DISCLOSED

DATA RETENTION POLICY

PROTECTING THE PRIVACY RIGHTS OF THIRD PARTIES

DO NOT TRACK SETTINGS

LINKS TO OTHER WEBSITES

PROTECTING CHILDREN'S PRIVACY

OUR EMAIL POLICY

OUR SECURITY POLICY

USE OF YOUR CREDIT CARD

TRANSFERRING PD FROM OTHER COUNTRIES

CHANGES TO OUR PRIVACY NOTICE

YOUR RIGHTS

Contact us using the information at the top of this privacy notice to exercise any of your legal rights contained within this privacy notice. We will respond to your request within 30 days of receiving it. Occasionally it may take longer for multiple requests or complex circumstances.

Our policy is that we do not sell our users and customers PD except in the sale or merger of our business. See the section about "Disclosures to Successors" in this privacy notice. The provision below is only here because it is required by law that we include it. If you want to opt out of the sale or sharing of your personal data, you can do so at the link at bottom of this page. You can also submit your request by contacting us using the information at the top of this privacy notice.

When using our website and submitting PD to us, you may have certain rights under privacy laws in the United States including the California Consumer Privacy Act (CaCPA), the California Privacy Rights Act (CPRA), and other U.S. state laws. You may also have rights under privacy laws of other countries including the European Union General Data Protection Regulation (the EU GDPR), the UK General Data Protection Regulation (the UK GDPR), the UK Data Protection Act of 2018, Canada's Personal Information Protection and Electronic Documents Act (PIPEDA), and other global privacy laws. Even if not listed here, we will make reasonable efforts to honor data subject access requests even though we may be under no legal obligation to do so. However, we reserve the right to decline any data subject access request that we are not legally obligated to comply with. Your rights may include but are not limited to the following:

1. The right to equal service, and price, and not be discriminated against even if you exercise your privacy rights.
2. The right to one or more means where you can submit requests under this privacy notice including (at minimum) a toll-free telephone number and an email address if the business operates a storefront and a website. If the business operates only an

Internet website, then it must have a dedicated email address where you can submit requests for information required to be disclosed by law.

3. The right to know whether your PD is sold or disclosed and to whom.
4. The right to request that we do not sell any of your PD.
5. The right to be informed about the PD that we collect from you and how we process them.
6. The right to get confirmation that your PD are being processed and you can access your PD.
7. The right to have your PD corrected if they are inaccurate or incomplete.
8. The right to request the removal or deletion of your PD if there is no compelling reason for us to continue processing them. However, the right to deletion is not absolute and can be overridden to continue data processing in some cases where we still have a legal ground or overriding legitimate interest to process your data.
9. The right to 'block' or restrict the processing of your PD. When your PD are restricted, we are permitted to store your PD, but not to process them further.
10. The right to request the PD that you provided to us and use them for your own purposes. Upon express request, we will provide your data to you or another service or product provider within 30 days of your request subject to commercial and industrial secrets.
11. The right to object to us processing your PD for the following reasons:
 - a. processing was based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
 - b. direct marketing and targeted advertising (including profiling);
 - c. processing for purposes of scientific/historical research and statistics.
12. The right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects regarding you or similarly significantly affects you.
13. The right that we limit the collection of your PD to that which is "adequate, relevant and reasonably necessary with the purposes for which the data is processed.
14. The right that we do not process your PD for purposes that are neither reasonably necessary nor compatible with the disclosed purposes for which such personal data is processed, as disclosed to you unless the controller obtains your consent.
15. The right to designate an authorized agent to make a request on your behalf. When designating an authorized agent, you must provide a valid power of attorney, the requester's valid government-issued identification, and the authorized agent's valid government-issued identification.
16. The right to file a complaint with supervisory authorities if your information has not been processed in compliance with your rights under privacy laws.

INFORMATION WE COLLECT AND HOW WE COLLECT IT

Based on our current data collection methods, and including our practices over the last 12 months, we collect the following categories of PD, SPD, and other information about you:

Automatic Information

We automatically receive information from your web browser or mobile device. This information may include the IP address of your computer or the proxy server you use to access the Internet, your Internet service provider's name, your web browser type, the type of mobile device, your computer operating system, and data about your browsing activity when using our website. We use this type of information to help improve our website and marketing.

When Entering and Using Our Website

When you enter and use our website and agree to accept cookies, some of these cookies may contain your PD.

Our Use of Cookies

Our website uses cookies. A cookie is a small piece of data or a text file downloaded to your computer or mobile device when you access certain websites. Cookies may contain text that can be read by the web server that delivered the cookie to you. The text in the cookie consists of a sequence of letters and numbers that uniquely identifies your computer or mobile device; it may contain other information as well.

By agreeing to accept our use of cookies you are giving us and the third parties with which we partner permission to place, store, and access some or all the cookies described below on your computer and or mobile device.

- **Strictly Necessary Cookies** - These cookies are necessary for the proper functioning of the website, such as displaying content, logging in, confirming your session, responding to your request for services, and other functions.
- **Performance Cookies** - These cookies collect information about the use of the website, such as pages visited, traffic sources, users' interests, content management, and other website measurements.
- **Functional Cookies** - These cookies enable the website to remember users' choices, such as their language, usernames, and other choices while using the website.
- **Media Cookies** - These cookies can be used to improve a website's performance and provide special features and content. They can be placed by us or third parties who provide services to us.
- **Advertising or Targeting Cookies** - These cookies are usually placed and used by advertising companies to develop a profile of your browsing interests and serve advertisements on other websites that are related to your interests.
- **Session Cookies** - These cookies allow websites to link the actions of a user during a browser session. They may be used for remembering what a user puts in their shopping cart as they browse a website. Session cookies also permit users to be recognized as they navigate a website so that any item or page changes they make are remembered from page to page. Session cookies expire after a browser session.

- Persistent Cookies - These cookies are stored on a user's device between browser sessions, which allows the user's preferences or actions across a website or across different websites to be remembered. Persistent cookies may be used for remembering users' choices and preferences when using a website or target advertising to them.
- We may also use cookies for:
 - identifying the areas of our website that you have visited;
 - personalizing the content that you see on our website;
 - our website analytics;
 - remarketing our products or services to you;
 - remembering your preferences, settings, and log-in details;
 - targeted advertising and serving ads relevant to your interests;
 - allowing you to disclose content with social networks.

Most web browsers can be set to disable the use of cookies. However, if you disable cookies, you may not be able to access features on our website correctly or at all.

Web Beacons

We may use a technology called web beacons to collect general information about your use of our website and your use of special promotions or newsletters. The information we collect by web beacons allows us to statistically watch the number of people who open our emails.

At User Registration or When Buying Products or Services

Based on our current practices when you provide information to us (including our practices over the last 12 months), we collect some or all of the following categories of PD when you register as a user or when buying our products or services: your full name, email address, physical address, credit card or other payment information, phone number and other information listed.

Collecting Information About Your Physical Location

When you use our services, we may collect and process information about your actual physical location. We use several technologies such as GPS and IP tracking to determine your location. These technologies may also give us information about nearby cell towers, Wi-Fi access points, and other devices.

Chat Software or Contact Forms

Our website contains chat software or contact forms that enable visitors to communicate with us online or offline by email. Sometimes, visitors can communicate with us without buying our products and services. When you use our chat software or contact forms, we may collect some or all the following information: your email address, first name, last name, and any other information you willingly choose to provide us.

Google Analytics

Our website uses Google Analytics to collect information about the use of our website. Google Analytics may collect information from users such as age, gender, interests, demographics, how often they visit our website, what pages they visit, and what other websites they have used before coming to our website. We use the information we get from Google Analytics to analyze traffic and improve our marketing, advertising, and website. We do not combine the information collected using Google Analytics with PD. You can prevent Google Analytics from using your information by opting out at this link: <https://tools.google.com/dlpage/gaoptout>

Our Legal Basis for Collecting and Processing PD

Our legal basis for collecting and processing your PD when you buy our products and services are based on the necessity for the performance of a contract or to take steps to enter into a contract.

What Happens If You Don't Give Us Your PD

If you do not provide us with enough PD, we may not be able to provide you with all our products and services. However, you can access and use some parts of our website without giving us your PD.

HOW YOUR PD IS USED AND DISCLOSED

We use the information we receive from you to:

- respond to any requests from you regarding sales and support;
- contact you about any agreements or terms that you may have with us;
- collect payment and bill you for our services;
- interact with other users if applicable;
- diagnose and resolve problems and prevent fraud;
- provide the products and services you have requested or purchased from us;
- contact you with updates to our website, products, and services;
- resolve problems and disputes;
- respect and apply your decisions to opt-out of any data sharing such as a 'data sale' or similar concept under applicable laws or regulations;
- We may share your PD with our affiliates, in which case we will require those affiliates to honor this Privacy Notice. Affiliates include our parent company and any other subsidiaries or joint venture partners;
- Make privacy and data protection agreements with our merchants and contractors.

Communications and Emails

When we communicate with you about our website, we will use the email address you provided when you registered as a user or customer. We may also send you emails with promotional information about our website or offers from us or our affiliates unless you have opted out of receiving such information. You can change your contact preferences at any time through your account or by contacting us using the information at the top of this privacy notice.

Text Messaging, SMS, Push Notifications, and Telephone Calls

If you provide a mobile telephone number or landline telephone number to us, you are giving your express consent and authorize us or a third party to contact you by using any of these communication methods. You are not required to give us your consent to contact you through these communication methods. However, withholding your consent may interfere with or prevent us from providing some or all our services to you. You can stop receiving text messages, push notifications, and telephone calls by contacting us or using one of our opt-out methods.

Disclosing Your PD to Third Parties, Service Providers and Contractors

At times we disclose your PD to third parties, service providers, and contractors whom we hire to provide services to us. These service providers and or contractors may include but are not limited to payment processors, web analytics companies, call centers, data management services, help desk providers, accountants, law firms, auditors, shopping cart and email service providers, and shipping companies. We have contracts with qualified, third parties, service providers, and contractors that obligate them to comply with specific requirements under the law.

Legally Required Releases of Information

We may disclose your PD if such disclosure is (a) required by subpoena, law, or other legal processes; (b) necessary to assist law enforcement officials or government enforcement agencies; (c) necessary to protect us from legal action or claims from third parties, including you and or other users; or (d) necessary to protect the legal rights, personal and or real property, or the personal safety of our company, users, employees, and business partners.

Disclosures to Successors

If our business is sold or merges in whole or in part with another business that would become responsible for providing the website to you, we retain the right to transfer your PD to the new business. The new business would retain the right to use your PD according to the terms of this privacy notice as well as to any changes to this privacy notice as instituted by the new business. We also retain the right to transfer your PD if our company files for bankruptcy and some or all of our assets are sold to another individual or company.

Community Discussion Boards, Blogs, or Other Mechanisms

Our website may offer the ability for users to communicate through online community discussion boards, blogs, or other mechanisms. If you choose to post on these discussion mechanisms, you should use care when exposing any PD, as such information is not protected by our privacy notice nor are we liable if you disclose your PD through such postings. Also, PD which you post on our website for publication may be available worldwide on the Internet. We cannot prevent the use or misuse of such information by others.

DATA RETENTION POLICY**Retention Periods**

We retain your PD and SPD if necessary to provide our services and or products to you and to fulfill the purposes outlined in our privacy notice. We retain PD for as long as necessary to fulfill the purposes for which it was collected, or as required by applicable legal, regulatory, or contractual obligations, at this point, we will destroy, delete, or erase it, or until you ask us to delete it.

Data Type	Retention Period	Purpose
Account Information	While an account is active and 2 years after	Record keeping and compliance
First Name and Last Name	2 years after account deactivation	Record-keeping and compliance
Physical Address	2 years after account deactivation	Service delivery and legal compliance
Age	Retained while the account is active	Personalization and legal age verification
Payment Data	Retained for 7 years	Comply with financial reporting requirements
Marketing Data	Retained for 1 year unless consent is withdrawn	Legitimate interests
Website Analytic Data	6 months after collection	Legitimate interests

After the retention periods expire, the data will be securely deleted or anonymized to ensure it is no longer identifiable.

PROTECTING THE PRIVACY RIGHTS OF THIRD PARTIES

If you make any postings on our website that contain information about third parties, you agree that you have permission to include that information. While we are not legally liable for the actions of our users, we will remove any postings about which we are notified if such postings violate the privacy rights of others.

DO NOT TRACK SETTINGS

Some web browsers have settings that enable you to request that our website not track your movement within our website. Our website does not obey such settings when transmitted to and detected by our website. You can turn off tracking features and other security settings in your browser by referring to your browser's user manual.

LINKS TO OTHER WEBSITES

Our website may contain links to other websites. These websites are not under our control and are not subject to our privacy notice. We have no responsibility for these websites, and we provide links to these websites solely for your convenience. You accept that your use of and access to these websites are solely at your risk.

PROTECTING CHILDREN’S PRIVACY

Our website is not designed for use by anyone under the age of 18. We do not knowingly collect PD from children under the age of 18. If you are a parent or guardian and believe that your child is using our website and they are under the age of 18, please contact us. Before we remove any information we may ask for proof of identification to prevent malicious removal of account information. If we discover that a child under the age of 18 is accessing our website, we will delete their information within a reasonable period of time. You acknowledge that we do not verify the age of our users nor have any liability to do so.

OUR EMAIL POLICY

You can always opt out of receiving email correspondence from us or our affiliates. We will not sell, rent, or trade your email address to any unaffiliated third party without your permission except in the sale or transfer of our company, or if our company files for bankruptcy as described in the section **Disclosures to Successors**.

OUR SECURITY POLICY

We have built our website and services using industry-standard security measures and authentication tools to protect the security of your PD. We and the third parties who provide services to us also maintain technical and physical safeguards to protect your PD. SPD is protected at a higher level than most PD. Unfortunately, we cannot guarantee the prevention of loss or misuse of your PD or secure data transmission over the Internet because of its nature. We strongly urge you to protect any password you may have for our website and not disclose it to anyone.

USE OF YOUR CREDIT CARD

You may have to provide a credit or debit card to buy products and services from our website. We use third-party billing services and have no control over them. We use commercially reasonable efforts to ensure that your credit card number is kept strictly confidential by using only third-party billing services that use industry-standard encryption technology to protect your credit card number from unauthorized use. However, you understand and agree that we are in no way responsible for any misuse of your credit card number.

TRANSFERRING PD FROM OTHER COUNTRIES

PD that we collect from you may be stored, processed, and transferred among any countries in which we operate. The European Union has not found the United States and some other countries to have an acceptable level of protection of PD under Article 45 of the GDPR. Our company relies on derogations for specific situations as defined in Article 49 of the GDPR. If you are a European Union user, or a user from another country, with your consent your PD may be transferred to the United States or other countries when you request information from us. When you buy goods or services, we will use your PD to perform a contract with you. Wherever we transfer, process, or store your PD, we will try to apply reasonable safeguards to protect it. We will use the information we collect from you by following the practices described in our privacy notice. Also, we enter into data processing agreements and standard contractual

clauses when appropriate. By using our website, services, or products, you agree to the transfers of your PD described within this section.

CHANGES TO OUR PRIVACY NOTICE

We reserve the right to change this privacy notice at any time. If our company decides to change this privacy notice, we will post those changes on our website so our users and customers are always aware of what information we collect, use, and disclose. If at any time we decide to disclose or use your PD in a method different from that specified at the time it was collected, we will provide advance notice by email sent to the email address on file in your account. Otherwise, we will use and disclose our users' and customers' PD in agreement with the privacy notice in effect when the information was collected. Your continued use of our website, services, and products after any change to this privacy notice will constitute your acceptance of such change. If you have questions about our privacy notice, please contact us through the information at the top of this privacy notice.

Copyright © 2025 - This Privacy Notice may not be copied or duplicated in any way without a license from James G. Chiodo at www.PrivacyInstructor.com