



## HOME GROWN MOVEMENT PERFORMANCE WODIFY PRIVACY POLICY

Thank you for using Wodify. We are committed to protecting your privacy and, for that reason, we have adopted this Privacy Policy to explain our data collection, use, and disclosure practices for the Wodify mobile applications, including but not limited to Wodify, Wodify POS, Wodify Rise, Wodify Athlete, Wodify Core, and Wodify Arena – Judge’s App, and our website at [wodify.com](http://wodify.com) (collectively, the “Wodify Apps”). The Wodify Apps are owned and operated by Wodify Technologies, LLC, a New Jersey limited liability company (“Wodify”, “we”, “us”, or “our”).

Wodify is providing the Wodify Apps to you as a result of your membership with your gym, which is Wodify’s customer, and Wodify collects and processes your information in order to provide its services to your gym. This Privacy Policy applies to information Wodify collects through the Wodify Apps, as well as other information provided to us online or offline by third parties, when we associate that information with customers or users of the Wodify Apps; however, it does not apply to information collected from our employees, contractors, or vendors. It also does not apply to information that you share with third parties or is collected by third parties through the Wodify Apps (including crash analytics tools). Please note that Wodify cannot control the data collection or use practices of any third-party users of the Wodify Apps, or any third party not affiliated with Wodify who distributes the Wodify Apps. Wodify is responsible for its own contracted service providers.

This Privacy Policy describes, among other things:

- Personal and other information we collect about you;
- How we use your information;
- How we may share your information with third parties; and
- Your choices regarding the personal information we collect about you.

### 1. Consent

By accessing or using the Wodify Apps, you consent to this Privacy Policy. If you do not agree with this Privacy Policy, you may not access or use the Wodify Apps. Information gathered through the Wodify Apps may be transferred, used, and stored in the United States or in other countries where our service providers or we are located. If you use the Wodify Apps, you agree to the transfer, use, and storage of your Personal Information (as defined below) in those countries. The data protection and other laws of the United States and other countries might not be as comprehensive as those in your country. You agree that all transactions relating to the Wodify Apps or Wodify are deemed to occur in the United States, where our servers are located.

#### A) European Union Residents

If you reside in a country in the European Economic Area or in Switzerland, then information we collect from you may be subject to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free

movement of such data, and repealing Directive 95/46/EC (the “GDPR”), and the following additional information is provided for your benefit.

Wodify processes your Personal Information (as defined below) on behalf of your gym, which is Wodify’s customer. As a result, under the GDPR, Wodify is a processor of your Personal Information, and your gym is the controller of your Personal Information. Please contact your gym if you have questions or concerns regarding the use of your Personal Information.

If you use the Wodify Apps, you acknowledge that your Personal Information is being processed by Wodify in order for Wodify to fulfill its contractual obligations as a service provider to your gym. You further acknowledge and consent to your information that is gathered through the Wodify Apps being transferred to, used in, and stored in the United States. You may withdraw your consent at any time by following the instructions in the Accessing/Updating/Deleting Your Personal Information section below, but this will not affect the lawfulness of processing based on consent before its withdrawal. However, as a technical matter, if you do withdraw your consent or if you decline to provide your Personal Information to us, this may hinder or prevent certain features and functionalities of the Wodify Apps from working as intended. You have the right to file a complaint relating to the processing of personal data with a supervisory authority.

#### **B) Accessing/Updating/Deleting Your Personal Information**

If you would like to delete, update, or access the Personal Information we have collected from you, and/or deactivate or delete your Wodify account, you can send an email to [support@wodify.com](mailto:support@wodify.com). You should also direct such requests to your gym. Additionally, if your Personal Information is subject to the GDPR, you may have certain additional rights, including the right of restriction of processing of personal data, and the right to object to the processing of personal data. Please send an e-mail to [support@wodify.com](mailto:support@wodify.com) for more information.

## **2. Collection of Your Personal and Other Information**

When you register for, or use our Wodify Apps, we collect Personal Information. By “Personal Information” we mean information that can identify or reasonably be linked to an individual, such as:

- Names;
- Gender;
- Email addresses;
- Phone numbers;
- Dates of birth;
- IP addresses and device IDs;
- The name of your gym;
- Information about your gym membership, attendance, transaction history, and other gym-related information; and
- Information contained in any image, photograph, text, or profile you enter or upload to any Wodify App.
- Depending on whether you choose to use certain features of any Wodify App, you may also need to provide us with access to certain features of your device, including its camera and location services (GPS), and information from those features, such as photographs, videos, and your precise location. You consent to such access when you choose to use these features of any Wodify App.

You may choose not to provide Personal Information, or to prevent the Wodify Apps from accessing certain features of your device (subject to the controls offered by your browser’s and/or mobile device’s operating system), but this may prevent you from receiving certain features of the Wodify Apps.

We also collect non-Personal Information relating to the Wodify Apps, that is, information that does not relate to you as an identifiable individual, and cannot identify you directly or indirectly. The non-Personal Information we collect includes how you interact with the Wodify Apps, information generally collected or “logged” by

Internet websites or Internet services when accessed or used by users, and information about your web browser or device accessing or using the Wodify Apps.

Examples of the non-Personal Information we collect are:

- Information about your device, such as its maker or operating system version, and HTTP header information;
- The pages of any Wodify Apps that you viewed during a visit or the features of any Wodify App that you use;
- What information or content you view or interact with using the Wodify Apps;
- Language preferences;
- The city and state in which you are located (but not your precise geographic location); and
- Other unique identifiers that are not connected and cannot reasonably be connected to your identity.

We will not use non-Personal Information to try to identify you, and if we associate any non-Personal Information with information that does relate to you as an identifiable individual, or could be used to identify you directly or indirectly, then we will treat it as Personal Information. As discussed in more detail below, we sometimes use cookies and other automatic information gathering technologies to gather non-Personal Information.

Information collected by the Wodify Apps may be collected by us or one of our service providers acting on our behalf, but in either case, this Privacy Policy will govern the collection, use, and sharing of the information.

We will retain your Personal Information for as long as needed or permitted in light of the purpose(s) for which it was obtained. The criteria used to determine our retention periods include the length of time we have an ongoing relationship with you, when we have a legal obligation to which we are subject or as advisable in light of legal requirements.

### **3. Use of Your Information**

We may use the information we collect to:

- Assist us in providing, maintaining, and protecting the Wodify Apps;
- Set up, maintain, and protect accounts to use the Wodify Apps;
- Improve the Wodify Apps and our online operations, including working with third-parties to improve the Wodify Apps and Wodify's other services so long as such third-parties are under a duty of confidentiality to Wodify;
- Process transactions;
- Provide customer service;
- Communicate with you, such as provide you with account- or transaction—related communications, or other newsletters, RSS feeds, and/or other communications relating to the Wodify Apps;
- Perform research and analysis aimed at improving our products and services and developing new products or services;
- Fulfill Wodify's contractual obligations to your gym; and
- Manage and maintain the systems that provide the Wodify Apps

### **4. Disclosure of Your Information**

We may disclose your Personal Information to third parties as described below.

The main reason we need to disclose your Personal Information is to provide the Wodify Apps to you and to provide our services to your gym, our customer. This may include disclosures to third-parties that are made in accordance with our contracts with your gym, so long as such third parties are under duties of confidentiality to

Wodify. We may also disclose Personal Information when you authorize or instruct us to do so, for example when you use the Wodify Apps to submit content or profile information. Certain Wodify Apps are a social experience, so your information may be disclosed to other users if you choose to engage in the social features of the Wodify Apps. We may also disclose Personal Information and non-Personal Information to companies, agents, contractors, service providers, or others engaged to perform functions on our behalf (such as processing of payments, provision of data storage, hosting of our website, conducting audits, and performing web analytics). We may incorporate third party software into the Wodify Apps, in which case we may disclose Personal Information and/or Non-Personal Information to the third-party software provider, subject to duties of confidentiality.

We may also disclose your Personal Information to third parties when we believe, in good faith and in our sole discretion, that such disclosure is reasonably necessary to (a) enforce or apply the terms and conditions of the Wodify Apps, including investigation of potential violations thereof, (b) comply with legal or regulatory requirements or an enforceable governmental request, (c) protect the rights, property or safety of us, our users or other third parties, (d) prevent a crime or protect national security, or (e) detect, prevent or otherwise address fraud, security or technical issues.

Finally, we reserve the right to transfer information (including your Personal Information) to a third party in the event of a sale, merger, or transfer of all or substantially all of the assets of our company relating to the Wodify Apps, or in the unlikely event of a bankruptcy, liquidation, or receivership of our business. We will use commercially reasonable efforts to notify you of such transfer, for example via email or by posting notice in the Wodify Apps.

Lastly, we may also disclose non-Personal Information, aggregated with information about our other users, to our clients, business partners, merchants, investors, potential buyers and other third parties if we deem such disclosure, in our sole discretion, to have sound business reasons or justifications.

## **5. Cookies and Automatic Information Gathering Technologies**

Every time you use the Wodify Apps (e.g., to navigate to a specific page or location within a Wodify App), we collect non-Personal Information (discussed above in Section 2) regarding that use. For example, to improve our Wodify Apps, we collect how, when, and which parts of the Wodify Apps or its features you use, which social media platforms you connect to the Wodify Apps, and when, how, and what you post to the social media platforms through the Wodify Apps. Also, we may use your device's unique identifier (UDID), media access control address (MAC Address), or other unique identifiers to assist us in collecting and analyzing this data.

To assist us in collecting and storing this non-Personal Information, we may employ a variety of technologies, including "Cookies," local browser storage, and "Web Beacons." A "Cookie" is a small amount of data a website operator, or a third party whose content is embedded in that website, may store in your web browser and that the website operator or, as applicable, the third party, can access when you visit the website. A Cookie may also refer to web-browser-based storage provided by Adobe's Flash plugin (a "Flash Cookie"). A "Web Beacon" is a small, usually-transparent image placed on a web page that allows the operator of that image, which may be the operator of the website you visit or a third party, to read or write a Cookie.

Your device may allow you to erase information stored in Cookies, Flash Cookies, and local browser storage. But if you do so, you may be forced to login to the Wodify Apps again and you may lose some preferences or settings. You may also be able to set your browser to refuse all Cookie storage or to indicate when it is permitted, but some features of our Wodify Apps may not function properly without it. We may use Cookies to keep you logged in, save your preferences for the Wodify Apps, and to collect information about how you use our Wodify Apps.

More information about managing Cookies is available [here](#). Cookie management tools provided by your browser may not affect Flash Cookies. More information about managing Flash Cookies is available [here](#). To

learn how to manage privacy and storage settings for your local browser storage, please refer to the end user documentation for your browser and/or mobile device.

To help us collect this information, we use third-party software and services. These third parties' collection and use of non-Personal Information are subject to their own privacy policies.

## **6. Transparency and Choice; Do Not Track Signals**

You may request access to your Personal Information by sending an email to [support@wodify.com](mailto:support@wodify.com). We will try to locate and provide you with your Personal Information and give you the opportunity to correct this data, if it is inaccurate, or to delete it, at your request. But, in either case, we may need to retain it for legal reasons or for legitimate business purposes. You may also remove any content that you post to the Wodify Apps using the deletion or removal options within the Service. However, we (and you) are not able to control information that you have already shared with other users or made available to third parties through the Wodify Apps.

If you need further assistance with removing any content you posted through the Wodify Apps, you can email us at [support@wodify.com](mailto:support@wodify.com). Removal of your posted content may not ensure complete or comprehensive removal from our computer systems.

To protect your privacy, we will take reasonable steps to verify your identity before granting access to or making any changes to your Personal Information. We ask individual users to identify themselves and the information requested to be accessed, corrected, or removed before processing such requests, and we may decline to process requests that are unreasonably repetitive or systematic, require disproportionate technical effort, jeopardize the privacy of others, would be extremely impractical (for instance, requests concerning information residing on backups), or relate to information that is not associated with your Personal Information. In any case, where we provide information access and correction, we perform this service free of charge, except if doing so would require a disproportionate effort.

Please be aware that if you request us to delete your Personal Information, you may not be able to continue to use the Wodify Apps. Also, even if you request that we delete your Personal Information, we may need to retain certain information for a limited period of time to satisfy our legal, audit and/or dispute resolution requirements.

We support the development and implementation of a standard "do not track" browser feature that provides customers with control over the collection and use of information about their web-browsing activities. Once a standardized "do not track" feature is released, we intend to adhere to the browser settings accordingly.

## **7. Children**

We do not knowingly collect or solicit Personal Information from anyone under 13 years of age without parental consent. If you believe that we have collected Personal Information from a child under 13 years of age without parental consent, please contact us at [support@wodify.com](mailto:support@wodify.com).

## **8. Information Security**

We utilize reasonable information security measures to safeguard your Personal Information against unauthorized access, modification, or destruction. For example, we utilize Secure Socket Layer (SSL), Transport Layer Security (TLS), or similar encryption technology when sensitive data is transmitted over the Internet, and use firewalls to help prevent external access into our network. However, no data transmission over the Internet and no method of data storage can be guaranteed to be 100% secure. Therefore, while we strive to use commercially acceptable means to protect your Personal Information, we cannot guarantee its security.

We restrict access to Personal Information to our employees, contractors, and agents who need to know that information in order to operate, develop, improve or support our Wodify Apps. If we share Personal Information with service providers, we require that they also use reasonable information security measures to

safeguard your Personal Information, comply with any applicable laws or regulations with respect to information security, and only use your Personal Information for the purposes for which we share it with them.

## **9. Your California Privacy Rights**

As you may know, California recently passed a new privacy law, the California Consumer Privacy Act of 2018 (“CCPA”). Under the CCPA, Wodify is a “service provider” of your gym, which may be a “business” covered by the CCPA. As a “service provider”, Wodify processes your Personal Information in order to provide its services to your gym, and in order to facilitate your interactions with your gym, Wodify, and Wodify’s software. To learn more about rights that you may have under the CCPA, such as the right to request information about the types of your Personal Information that has been collected, the right to request that your information be deleted, and the right to opt-out of the sale of your information, please contact your gym.

Wodify and the Wodify Apps comply with the CCPA and other applicable laws. If you’d like to make a request to Wodify regarding your information, please contact [support@wodify.com](mailto:support@wodify.com), and we will reasonably try to accommodate your request unless we are prevented from doing so as a result of applicable law or a significant legitimate interest of Wodify. Please also note that, depending on the nature of your request, the fulfillment of your request may hinder or prevent Wodify’s ability to provide you with certain features and functionalities of the Wodify Apps.

## **10. Third Party Websites.**

Please note that the Wodify Apps may link or integrate with third-party sites, services or apps. We are not responsible for the privacy or security policies or practices or the content of such third parties. Accordingly, we encourage you to review the privacy and security policies and terms of service of those third parties so that you understand how those websites collect, use, share and protect your information.

## **11. Changes to this Policy**

We may modify or update this Privacy Policy periodically with or without prior notice by posting the updated policy on this page. You can always check the “Last Updated” date at the top of this document to see when the Privacy Policy was last changed. If we make any material changes to this Privacy Policy, we will notify you by reasonable means, which may be by e-mail or posting a notice of the changes in the Wodify Apps. We encourage you to check this Privacy Policy from time to time. IF YOU DO NOT AGREE TO CHANGES TO THIS PRIVACY POLICY, YOU MUST STOP USING THE SERVICES AFTER THE EFFECTIVE DATE OF SUCH CHANGES (WHICH IS THE “LAST UPDATED” DATE OF THIS PRIVACY POLICY).

## **12. Questions**

To ask questions about our Privacy Policy or to lodge a complaint, contact us at:

Wodify Technologies, LLC

1100 Ludlow Street, Suite 502

Philadelphia, PA 19107

Email: [support@wodify.com](mailto:support@wodify.com).