



Privacy Policy

1. Introduction

I want to make sure that you know where your information is being used. This privacy policy provides you with details of how I collect and process your personal data.

By providing me with your data, you warrant to me that you are over 13 years of age.

Niki Garcia is the data controller, and I am responsible for your personal data (referred to as “I”, “me” or “my” in this privacy policy). References to “this website” relate to my website www.liftedwithniki.com.

Contact Details

My details are:

Name: Niki Garcia
Email address: niki@liftedwithniki.com
Telephone number: 0750 778 3086

If you are not happy with any aspect of how I collect and use your data, you have the right to complain to the Information Commissioner’s Office (“ICO”), the UK supervisory authority for data protection issues (www.ico.org.uk).

The ICO’s address: Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

However, I should be grateful if you would contact me first if you do have a complaint so that I can try to resolve it for you.

It is very important that the information I hold about you is accurate and up to date. Please let me know if at any time your personal information changes by emailing me at niki@liftedwithniki.com.

I am committed to ensuring that your privacy is protected. Should I ask you to provide certain information, then you can be assured that it will only be used in accordance with this privacy policy. Please note that I may change/update this policy, therefore I advise you check this page from time to time to ensure that you are happy with any changes.

This policy is effective from 23rd July 2023.

2. What data do I collect about you?

Personal data means any information capable of identifying an individual. It does not include anonymised data.

I may process certain types of personal data about you as follows:



- **Identity Data** may include your first name, last name, username, title, date of birth and gender.
- **Contact Data** may include your billing address, postal address, email address and telephone numbers.
- **Financial Data** may include your bank account and payment card details.
- **Transaction Data** may include details about payments between us and other details of purchases of services made by you.
- **Service Data** may include your exercise history, details of your training programmes and workouts, details of your nutritional intake (contained in food diaries or otherwise) and any nutritional guidance offered by me, details of your habits, lifestyle, sleep patterns, alcohol consumption, motivation levels, behavioural stage of change, goals and any other information provided by you upon completion of any questionnaires, check-ins and feedback requests, any data tracked through any wearable devices that you link to the Lifted with Niki app (e.g., your daily step count), details of your cardiovascular fitness, flexibility, muscular strength, power and endurance and data arising from any other assessments or movement screenings, details of your progress and any photographs and videos of you taken in connection with the services.
- **Technical Data** may include your login data, internet protocol addresses, browser type and version, browser plug-in types and versions, time zone setting and location, operating system and platform and other technology on the devices you use to access this website.
- **Profile Data** may include your username and password, purchases, your interests, preferences, feedback and survey responses.
- **Usage Data** may include information about how you use my website and services.
- **Marketing and Communications Data** may include your preferences in receiving marketing communications from me and third parties and your communication preferences.
- **Special Category Data** may include information about your health including but not limited to details of your past and current medical conditions and any medications, your height, your weight, your BMI, your resting heart rate, your blood pressure, details of any cholesterol readings, your body composition, your bodily circumference measurements (e.g., your waist circumference), your risk factors for coronary heart disease, your stress levels, your posture and flexibility and any other health information provided by you as part of the pre-consultation and consultation process and/or arising from any movement screenings and health and fitness assessments conducted in connection with my provision (or anticipated provision) of personal training and nutritional guidance services to you and any health data tracked through any wearable devices that you link to the Lifted with Niki app.

I do not collect any information about criminal convictions and offences.

I may also process Aggregated Data from your personal data, but this data does not reveal your identity and as such in itself is not personal data. An example of this is where I review your Usage Data to work out the percentage of website users using a specific feature of my website. If I link the Aggregated Data with your personal data so that you can be identified from it, then it is treated as personal data.

3. How I collect your personal data

I collect data about you through a variety of different methods including:

- **Direct interactions:** You may provide data by filling in forms on my website (or otherwise), engaging in website messaging or by communicating with me by post, phone, email or otherwise and through interviews and other meetings, including when you:
 - a) book a consultation, health and fitness assessment, gym induction or taster session;
 - b) request details of my services;
 - c) complete any questionnaires or forms as part of the pre-consultation and consultation process;
 - d) attend your consultation, health and fitness assessment, gym induction or taster session;
 - e) purchase and use my services (including attending your training sessions);
 - f) access and use the Lifted with Niki app to record details of your workouts etc;
 - g) create an account on my website;



- h) subscribe to my publications;
 - i) request resources or marketing be sent to you;
 - j) enter a competition, prize draw, promotion or survey; or
 - k) give me feedback.
- **Automated technologies or interactions:** As you use my website, I may automatically collect Technical Data about your equipment, browsing actions and usage patterns. I collect this data by using cookies, server logs and similar technologies. I may also receive Technical Data about you if you visit other websites that use my cookies. Please see my cookies policy accessible via this website for further details.
 - **Third parties or publicly available sources:** I may receive personal data about you from various third parties and public sources as set out below:
 - a) Analytics providers such as Google based outside the EU;
 - b) Advertising networks Facebook based inside OR outside the EU;
 - c) Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as Paypal or Stripe based inside OR outside the EU;
 - d) Identity and Contact Data from data brokers or aggregators Mailchimp Customer Management Systems based inside OR outside the EU;
 - e) Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU;
 - f) Service Data from MyFitnessPal, Inc. based outside the EU;
 - g) Special Category Data from your medical professionals (your own GP or other healthcare provider) should any health screening (including the Physical Activity Readiness Questionnaire) highlight any medical condition based inside OR outside the EU; and
 - h) Service Data and Special Category Data from any wearable devices that you link to the Lifted with Niki app based inside OR outside the EU.

4. How I use your personal data

I collect data in order to fulfil a variety of obligations, and I ensure that those sharing data with me are aware of what information is mandatory and what is optional in order for me to fulfil those different obligations.

Under the terms of the General Data Protection Regulation 2016 (“**GDPR**”), I collect and process this data on one or more of the following lawful bases:

- **your consent;**
- **I have a contractual obligation;**
- **I have a legal obligation;** and
- **I have a legitimate interest.**

Please note that I do not rely on consent as a legal ground for processing your personal data, other than in relation to sending marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by emailing me at niki@liftedwithniki.com.

Where I collect data because I have a legitimate interest in processing this data, I have considered whether or not those interests are overridden by your rights and freedoms, and I have concluded that they are not.



Purposes for processing your personal data

Set out below is a description of the ways I intend to use your personal data and the legal grounds on which I will process such data.

I may process your personal data for more than one lawful ground, depending on the specific purpose for which I am using your data. Please email me at niki@liftedwithniki.com if you need details about the specific legal ground I am relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing
To register you as a new client.	(a) Identity (b) Contact	Performance of a contract with you.
To deliver a service to you (including any gym induction or taster session).	(a) Identity (b) Contact (c) Service (d) Special Category	(a) Performance of a contract with you. (b) Necessary to comply with a legal obligation.
To process and deliver the purchase of a service including: (a) Manage payments, fees and charges. (b) Collect and recover money owed to me.	(a) Identity (b) Contact (c) Financial (d) Transaction	(a) Performance of a contract with you. (b) Necessary for my legitimate interests to recover debts owed to me.
To manage my relationship with you which will include notifying you about changes to my terms and conditions or privacy policy.	(a) Identity (b) Contact	(a) Performance of a contract with you. (b) Necessary to comply with a legal obligation.
To enable you to partake in a prize draw, competition or complete a survey.	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you. (b) Necessary for my legitimate interests to study how clients use my services, to develop them and grow my business.
To administer and protect my business and my website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data).	(a) Identity (b) Contact (c) Technical	(a) Necessary for my legitimate interests for running my business, provision of administration and IT services, network security, to prevent fraud. (b) Necessary to comply with a legal obligation.



To deliver relevant content and advertisements to you and measure and understand the effectiveness of my advertising.	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for my legitimate interests to study how clients use my services, to develop them, to grow my business and to inform my marketing strategy. Explicit consent is used for direct email, text and WhatsApp marketing.
To use data analytics to improve my website, services, marketing, client relationships and experiences.	(a) Technical (b) Usage	Necessary for my legitimate interests to define types of clients for my services, to keep my website updated and relevant, to develop my business and to inform my marketing strategy.
To make suggestions and recommendations to you about goods or services that may be of interest to you.	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for my legitimate interests to develop my services and grow my business.
To establish and exercise legal claims and to respond to and defend against legal claims.	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Service (f) Special Category	Necessary for my legitimate interests to establish and exercise legal claims and to respond to and defend against legal claims.

Marketing communications

You will receive marketing communications from me if you have opted-in to receiving that marketing. I will get your express consent before I share your personal data with any third party for marketing purposes.

You can ask me or third parties to stop sending you marketing messages at any time by following the “unsubscribe” links on any marketing message sent to you OR by emailing me at niki@liftedwithniki.com at any time.

Where you opt out of receiving my marketing communications, this will not apply to personal data provided to me as a result of a service purchase, service experience or other transactions.

Change of purpose

I will only use your personal data for the purposes for which I collected it, unless I reasonably consider that I need to use it for another reason and that reason is compatible with the original purpose. If you wish to find out more about how the processing for the new purpose is compatible with the original purpose, please email me at niki@liftedwithniki.com.



If I need to use your personal data for a purpose unrelated to the purpose for which I collected the data, I will notify you and I will explain the legal ground of processing.

I may process your personal data without your knowledge or consent where this is required or permitted by law.

5. Disclosures of your personal data

I may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above:

- Service providers who provide software, IT and system administration services including, for example, Fiti Ltd (My PT Hub) as the developer and provider of the software platform for the Lifted with Niki app and GoDaddy who provide the website hosting services for this website.
- Professional advisers including lawyers, bankers, auditors, and insurers (and their underwriters) who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities based in the United Kingdom and other relevant jurisdictions who require reporting of processing activities in certain circumstances.
- Client Management Systems and email providers such as Mailchimp and GoDaddy.
- Third parties to whom I sell, transfer, or merge parts of my business or my assets.
- Medical professionals (your own GP) should any health screening (including the Physical Activity Readiness Questionnaire) highlight any medical condition.
- Medical professionals attending to you in a medical emergency where you are unable to provide your medical history.
- To any other third party (for example, your physiotherapist or other clients of Lifted with Niki in a client community, support or chat group) with your express consent.

I require all third parties to whom I transfer your data to respect the security of your personal data and to treat it in accordance with the law. I only allow such third parties to process your personal data for specified purposes and in accordance with my instructions.

6. International transfers

Sometimes I may use international software companies such as GoDaddy, Mailchimp, Stripe, or Quickbooks.

Countries outside of the European Economic Area (**EEA**) do not always offer the same levels of protection to your personal data, so European law has prohibited transfers of personal data outside of the EEA unless the transfer meets certain criteria.

Some of my third parties service providers are based outside the European Economic Area (**EEA**) so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever I transfer your personal data out of the EEA, I do my best to ensure a similar degree of security of data by ensuring at least one of the following safeguards is implemented:

- I will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission; or
- Where I use certain service providers, ensure they use specific contracts or codes of conduct or certification mechanisms approved by the European Commission which give personal data the same protection it has in Europe.



If neither of the above safeguards is available, I may request your explicit consent to the specific transfer. You will have the right to withdraw this consent at any time.

I draw your attention to the privacy policy of GoDaddy, the host of this website, which was last revised on 29th June 2023. Their privacy policy can be found at <https://www.godaddy.com/en-uk/legal/agreements/privacy-policy>. Please note the section headed "International Transfers". Your continued use of this website and in particular, your completion of any contact form on the website through which you provide any personal data to me, will constitute your acceptance of GoDaddy's privacy policy. You may contact GoDaddy directly at privacy@godaddy.com should you have any questions. Alternatively, you may opt to contact me directly by the other means listed on this website.

Please see <https://www.mypthub.net/legal/> for details about how personal data is collected and processed by Fiti Ltd (My PT Hub) as the developer and provider of the software platform for the Lifted with Niki app.

Please email me at niki@liftedwithniki.com if you want further information on the specific mechanism used by me when transferring your personal data out of the EEA.

7. Data security

I have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, I limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know such data. They will only process your personal data on my instructions, and they are subject to a duty of confidentiality.

I have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where I am legally required to do so.

8. Data retention

I will only retain your personal data for as long as necessary to fulfil the purposes I collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements and typically no longer than 10 years after (i) you cease to be a client or (ii) you attended your health and fitness assessment, gym induction or taster session, in each case as is required by my insurers.

If you do not attend a consultation, health and fitness assessment, gym induction or taster session or only attend your consultation and do not attend your health and fitness assessment, I will only retain your data for a period of 2 months from the last date such data was obtained. This data is retained for this period for your convenience so as to allow you time to consider purchasing any services without having to resubmit the personal data.

To determine the appropriate retention period for personal data, I consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which I process your personal data and whether I can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances you can ask me to delete your data: see below for further information.

After the period of retention is over, your personal data will be removed from my electronic systems and devices (including any back-ups) and any hard copies securely destroyed.



In some circumstances, I may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case I may use this information indefinitely without further notice to you.

9. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

These include the right to:

- request access to your personal data;
- request correction of your personal data;
- request erasure of your personal data;
- request restriction of processing your personal data;
- request transfer of your personal data;
- withdraw consent;

and

- object to processing of your personal data.

You can see more about these rights at:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

Please note that not all of these rights may be exercisable by you in all circumstances and may be dependent on my lawful basis for collecting and processing your personal data.

If you wish to exercise any of the rights set out above, please email me at niki@liftedwithniki.com.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, I may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, I may refuse to comply with your request in these circumstances.

I may need to request specific information from you to help me confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. I may also contact you to ask you for further information in relation to your request to speed up my response.

I try to respond to all legitimate requests within one month. Occasionally it may take me longer than a month if your request is particularly complex or you have made a number of requests. In this case, I will notify you of this and keep you updated.

10. Third-party links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. I do not control these third-party websites and am not responsible for their privacy policies. When you leave my website, I encourage you to read the privacy policy or notice of every website you visit.



11. Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. For more information how I use cookies on this website, please see my cookies policy which is also available on this website.