

Introduction

Welcome to the Lift Brands' privacy policy (the "Policy").

Lift Brands respects your privacy and is committed to protecting your personal data. This Policy informs you as to how we look after your personal data when you visit our website (the "Site") (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

This Policy is provided in a layered format so you can click through to the specific areas set out below. Please also use the Glossary to understand the meaning of some of the terms used in this Policy.

1. [**IMPORTANT INFORMATION AND WHO WE ARE**](#)
2. [**THE DATA WE COLLECT ABOUT YOU**](#)
3. [**HOW WE USE YOUR PERSONAL DATA**](#)
4. [**PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA**](#)
5. [**DISCLOSURES OF YOUR PERSONAL DATA**](#)
6. [**INTERNATIONAL TRANSFERS**](#)
7. [**DATA SECURITY**](#)
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1. Important information and who we are

Purpose of this Policy

This Policy gives you information on how Lift Brands collects and processes your personal data through your use of this Site, including any data you may provide through the Site when you sign up to our newsletter, become a member, create an account, purchase a product or service or take part in a competition.

This Site is not intended for children under thirteen and we do not knowingly collect data relating to children under thirteen.

It is important that you read this Policy together with any other privacy policy or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are

using your data. This Policy supplements the other notices and is not intended to override them.

Controller

Lift Brands is made up of different legal entities, details of which can be found [here](#). This Policy is issued on behalf of the Lift Brands group, which includes the following wholly owned subsidiaries: Snap Fitness, Inc., YogaFit Franchising, LLC, GoFit, LLC, Lift Brands UK Limited, HealthFran, LLC, or Wholesale Fitness Supply, LLC. When we mention Lift Brands, "we", "us" or "our" in this Policy, we are referring to the relevant company in the Lift Brands group responsible for processing your data. Lift Brands, Inc. is the controller and responsible for this Site.

We have appointed a data privacy manager who is responsible for overseeing questions in relation to this Policy. If you have any questions about this Policy, including any requests to exercise your legal rights, please contact the data privacy manager using the details set out below.

Contact details

Our full details are: Lift Brands, Inc.

Name or title of data privacy manager: Corporate Counsel

Email address: privacy@liftbrands.com

Postal address: 2411 Galpin Court #110, Chanhassen, MN 55317

Telephone number: (952) 567-5805

You have the right to make a complaint at any time to the relevant data protection supervisory authority in the EU member state in which you reside. We would, however, appreciate the chance to deal with your concerns before you approach a supervisory authority so please contact us in the first instance.

Changes to the Policy and your duty to inform us of changes

This version was last updated on 24 May 2018.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Links to other sites

This Site may provide links to other websites operated by third parties, including in some cases our third-party vendors. Lift Brands does not control these websites and is not responsible for their data practices. Any information you provide to third parties on their websites is covered under their privacy and data collection policies and is not

covered by this Policy. We urge you to review the privacy policy posted on any site you visit before using the site or providing any personal data.

2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- a) **Information you manually provide:** Lift Brands collects the information you manually provide (using your keyboard, mouse, or touchpad) when you use this Site. For example, we collect the information you provide when you sign up for a trial membership, express interest in owning a franchise, register for an event, make a purchase, apply for a job, enter a competition, engage in an online chat, or otherwise interact with this Site. Some of the information you manually provide may be personal data such as your name, date of birth, contact information, bank details and other payment information, photograph, height and weight, or “sensitive personal data” (defined below) such as basic health information relating to your fitness to undertake physical activity.
- b) **Information from third-party social media platforms:** You may be able to register with, log on to, or enhance your profile on this Site by choosing to automatically populate the requested data fields with information you previously provided to a third-party social media platform (such as Facebook or Twitter). By doing this, you are asking the third-party platform to send us information, including personal data, from your profile on that platform. We treat that information as we do any other information you give to us when you register, log on, or enhance your profile.
- c) **Information from your browser or device:** Lift Brands collects information that is sent to us automatically by your web browser or mobile device. This information typically includes your IP address, the name of your operating system, the name and version of your browser, the date and time of your visit, and the pages you visit. The information we receive may depend on your browser or device settings.

The information we receive from your web browser and device does not, in and of itself, personally identify you. Generally, we use this information in the aggregate to help us improve this Site and make it more compatible with the technology used by our visitors. However, we may combine it with other information in an attempt to identify you or we may combine it with information that does identify you. We may also review our server logs for security purposes—for example, to detect intrusions into our network—and we might share our server logs, which contain visitors’ IP addresses, with the appropriate investigative authorities who could use that information to trace and identify you.

Aggregated Data

We also collect, use and share **aggregated data** such as statistical or demographic data for any purpose. Aggregated data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your usage data to calculate the percentage of users accessing a specific Site feature. However, if we combine or connect aggregated data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Policy.

Sensitive Personal Data

The term “**sensitive personal data**” refers to the various categories of personal information identified by European and other data privacy laws as requiring special treatment, including in some circumstances the need to obtain explicit consent. These categories include racial or ethnic origin, political opinions, religious, philosophical or other similar beliefs, membership of a trade union or profession or trade association, physical or mental health, biometric or genetic data, sexual life, or criminal record (including information about suspected criminal activities).

In the limited cases where we do seek to collect sensitive personal data, we will do so in accordance with local data privacy law requirements. If you choose to provide us with unsolicited sensitive personal data, you consent to our using such data, subject to applicable local law.

CCTV

We use CCTV in our gyms for health and safety and security reasons in accordance with local data privacy law requirements. If you have any questions regarding the use of CCTV operating in and around our gyms, including your rights to access the CCTV footage under local data privacy laws, please contact us.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you the benefits of membership at our clubs). In this case, we may have to cancel your membership but we will notify you if this is the case at the time.

Children under 13

This Site is not intended for children or minors under the age of thirteen years without the permission of a parent or guardian. If you believe that a child has submitted personal data on or through this Site without the consent and supervision of a parent or guardian, please contact us using the information provided in this Policy so that we can take appropriate action.

3. How is your personal data used?

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you (“Performance of a contract”).
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests (“Legitimate interests”).
- Where we need to comply with a legal or regulatory obligation (“Legal obligation”).

[Click here](#) to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally, we do not rely on consent as a legal basis for processing your personal data other than (a) in relation to sending third party direct marketing communications to you via email or text message (“Your consent”) and (b) in relation to health information relating to your fitness to undertake physical activity where you have explicitly consented (“Explicit consent”). You have the right to withdraw consent to marketing and to our processing of your health information at any time by contacting us.

4. Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please [contact](#) us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

| Purpose/Activity | Lawful Basis for Processing | Legitimate Interest |
|---|---|---|
| To register you as a new member (or trial member) | <ul style="list-style-type: none"> • Performance of a contract | <ul style="list-style-type: none"> • N/A |
| To process and deliver services, products and benefits connected to your membership including: <ul style="list-style-type: none"> • Managing payments, fees and charges. | <ul style="list-style-type: none"> • Performance of a contract • Legitimate interests | <ul style="list-style-type: none"> • Complying with regulations that apply to us. • Being efficient about how we fulfil |

| | | |
|---|---|--|
| <ul style="list-style-type: none"> • Collecting and recovering money owed to us. • Providing you with a MyZone belt. • Providing you with personal training services. | | <p>our legal and contractual duties.</p> <ul style="list-style-type: none"> • To recover debts due to us. |
| <p>To manage our relationship with you which will include:</p> <ul style="list-style-type: none"> • Contacting you as necessary to perform the membership contract with you and deliver the services, products and benefits connected to your membership. • Notifying you about changes to our terms or this Policy. • Responding to your inquiries, including responding to complaints and attempting to resolve them. • Inviting you to provide feedback. | <ul style="list-style-type: none"> • Performance of a contract • Legitimate interests • Legal obligation | <ul style="list-style-type: none"> • Complying with regulations that apply to us. • Being efficient about how we fulfil our legal and contractual duties. • Providing high quality customer service. |
| <p>To ascertain whether you consider yourself capable of undertaking physical activity and whether you have any health conditions which may be relevant to your use of the facilities at our Clubs.</p> | <ul style="list-style-type: none"> • Legitimate interests • Explicit consent | <ul style="list-style-type: none"> • Complying with regulations that apply to us. • Being efficient about how we fulfil our legal and contractual duties. • Safeguard the health and safety of our members. |
| <p>To provide you with marketing and promotional materials, newsletters, or other related communications (in accordance with any privacy preferences</p> | <ul style="list-style-type: none"> • Legitimate interests • Legal obligation • Your consent | <ul style="list-style-type: none"> • Developing products and services, and what we charge for them. |

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| <p>you have expressed to us), including:</p> <ul style="list-style-type: none"> • Enabling you to participate in a prize draw, competition, and complete a survey. • Contacting you with any special offers and other information we believe may be of interest to you. <p>To use data analytics to improve our Site, products, services, marketing and promotions, customer relationships and experiences.</p> <p>To make suggestions and recommendations to you about goods or services that may be of interest to you.</p> | | <ul style="list-style-type: none"> • Defining types of customers for new products or services. • Seeking your consent when we need it to contact you. • To keep our Site updated and relevant and to inform our marketing strategy. • To grow our business. |
| <p>To deliver relevant Site content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you.</p> | <ul style="list-style-type: none"> • Legitimate interests | <ul style="list-style-type: none"> • Studying how customers use our products, services, and this Site to develop them and to grow our business and to inform our marketing strategy. |
| <p>To administer and protect our business and this Site (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data).</p> | <ul style="list-style-type: none"> • Legitimate interests • Legal obligation | <ul style="list-style-type: none"> • Developing and improving the network security, efficiency and technical specification of our IT systems and infrastructure. |
| <p>To comply with our legal and regulatory obligations (including verifying your identity and conduct identity and background checks for</p> | <ul style="list-style-type: none"> • Performance of a contract • Legitimate interests • Legal obligation | <ul style="list-style-type: none"> • Complying with regulations that apply to us. • Being efficient about how we fulfil |

| | | |
|---|---|--|
| <p>anti-money laundering, fraud, credit and security purposes) and to exercise our legal rights including ensuring that only registered members obtain access to our Clubs.</p> | | <p>our legal and contractual duties.</p> |
| <p>To run our business in an efficient and proper way, including in respect of our financial position, business capability, corporate governance, audit, strategic planning and communications.</p> | <ul style="list-style-type: none"> • Legitimate interests • Legal obligation | <ul style="list-style-type: none"> • Complying with regulations that apply to us. • Being efficient about how we fulfil our legal and contractual duties. • To grow our business. |
| <p>For any other purpose identified in an applicable privacy notice, country-specific notice, click-through agreement or other agreement between you and us.</p> | <ul style="list-style-type: none"> • Performance of a contract • Legitimate interests • Legal obligation | <ul style="list-style-type: none"> • Complying with regulations that apply to us. • Being efficient about how we fulfil our legal and contractual duties. |

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

Promotional offers from us

We may use your information to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us, are a member (including a trial member), or have purchased goods or services from us, or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

You may change previously expressed preferences regarding how we use information you provide on or through this Site. For example, if you have provided your contact information and receive periodic emails from us, you may decide to stop receiving those emails by clicking the “unsubscribe” link in an email’s footer. You may be able to

change other preferences through an account you create on this Site. Otherwise, please contact us using the information provided below.

Third-party marketing

We will get your express opt-in consent before we share your personal data with any company outside the Lift Brands group of companies for marketing purposes.

Opting out

You can ask us or third parties to stop sending you marketing messages at any time by logging into the Site and checking or unchecking relevant boxes to adjust your marketing preferences or by following the opt-out links on any marketing message sent to you or by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of your registration as a member, any product purchase, product/service experience or other transactions.

Do Not Track Mechanisms

Your browser may deliver a “Do-Not-Track (‘DNT’) signal” to this Site. Because of the changing state of technology and indecision within the technology and marketing industries regarding the meaning of DNT signals, we currently do not make any guarantee that we will honor DNT signals.

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this Site may become inaccessible or not function properly. For more information about the cookies we use, please see our [Cookie Policy](#).

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the

processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. Disclosures of your personal data

We 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.

- Lift Brands Corporate Family as set out in the [Glossary](#).
- Third Party Vendors as set out in the [Glossary](#).
- Franchisee Third Parties as set out in the [Glossary](#).
- Other Third Parties as set out in the [Glossary](#).
- Legal and Law Enforcement Authorities as set out in the [Glossary](#).
- Specific third parties such as Constellation Payment Processing USA, Inc., LT Network, AUS, Gym Sales, AUS, SendGrid USA, and MyZone UK LTD.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this Policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

6. International transfers

We share your personal data within the Lift Brands Corporate Family. This will involve transferring your data outside the European Economic Area (**EEA**).

Many of our external third parties 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 we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We 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. For further details, see *European Commission: Adequacy of the protection of personal data in non-EU countries*.

- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see *European Commission: Model contracts for the transfer of personal data to third countries*.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see *European Commission: EU-US Privacy Shield*.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

Privacy Shield Certification

Lift Brands, Inc. and several of its wholly owned subsidiaries, including Snap Fitness, Inc., HealthFran, LLC, GoFit, LLC, and Wholesale Fitness Supply, LLC, (the “**Certified Entities**”) comply with the EU-US Privacy Shield Framework as set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries. To learn more about the Privacy Shield program, and to view our certification page, please visit <https://www.privacyshield.gov/>.

Please note, however, that the Certified Entities’ Privacy Shield certification applies only to personal data that is transferred by third parties in the European Union to the Certified Entities in the United States. The Privacy Shield Principles do not apply to personal information you submit directly to Lift Brands through this Site. Such information is governed exclusively by this Policy.

7. Data security

We have put in place appropriate security measures (administrative, physical and technical) to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. For example, when collecting credit card information for online purchases, we offer secured-service transactions that encrypt your information in transit to thwart others from intercepting or misusing it. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We 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 we are legally required to do so.

Unfortunately, no website, server or database is completely secure or “hacker proof.” We therefore cannot guarantee that your personal data will not be disclosed, misused

or lost by accident or by the unauthorized acts of others. Further, we cannot control dissemination of personal data you post on or through this Site using our social networking tools and you should have no expectation of privacy in such information.

8. Data retention

How long will you use my personal data?

We will only retain your personal data for as long as necessary to fulfil the purposes for which we collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we 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 we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law we have to keep basic information about our customers (including contact, identity, financial and transaction information) for a number of years after they cease being customers. The specific retention period differs depending on the type of information and the applicable legal requirement.

In some circumstances you can ask us to delete your data: see [Request erasure](#) below for further information.

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

9. Your legal rights

If you have created a profile on this Site, you may be able to access, update or correct your information through your account settings. Otherwise, you may need our help. Please contact us at our corporate address listed in the “Contact Us” section below. We will respond to you within a reasonable time. We may ask you for additional information to verify your identity. In most cases, we will provide access and correct or delete any inaccurate information you discover. In some cases, however, we may limit or deny your request if the law permits or requires us to do so or if we are unable to verify your identity.

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to find out more about these rights:

- [Request access to your personal data.](#)
- [Request correction of your personal data.](#)
- [Request erasure of your personal data.](#)

- [Object to processing of your personal data.](#)
- [Request restriction of processing your personal data.](#)
- [Request transfer of your personal data.](#)
- [Right to withdraw consent.](#)

If you wish to exercise any of the rights set out above, please contact us.

No fee usually required

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

What we may need from you

We may need to request specific information from you to help us 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. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

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

10. Glossary

LAWFUL BASIS

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests

are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

THIRD PARTIES

Lift Brands Corporate Family

- Other companies in the Lift Brands Group including, but not limited to, Snap Fitness, Inc., YogaFit Franchising, LLC, GoFit, LLC, Lift Brands UK Limited, HealthFran, LLC and Wholesale Fitness Supply, LLC.

Third Party Vendors

- Service providers acting as processors based in the United States, United Kingdom, and Australia who provide IT and system administration services, door access services, payment processing and website design services.

Franchisee Third Parties

- Lift Brands Franchisees who are based in the European Union for purposes of responding to your enquiries, entering into a contract with you, or performance of a contract.

Other Third Parties

- Professional advisers including lawyers, bankers, auditors and insurers based in the United States who provide consultancy, banking, legal, insurance and accounting services.
- Governmental tax authorities, regulators and other authorities based in the countries in which we operate who require reporting of processing activities in certain circumstances.
- Third parties with whom we partner for marketing purposes, for example, to sponsor contests or other promotions.

Legal and Law Enforcement Authorities

- Public, legal and law enforcement authorities who require disclosure of personal data pursuant to applicable law, court order, subpoena, lawful request, including to meet national security, law enforcement and investigatory requirements.

YOUR LEGAL RIGHTS

You have the right to:

Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able

to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.