

Privacy Policy

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1. Scope

This privacy policy ("**Privacy Policy**") describes how GoRecess, Inc. and its affiliates, FitReserve and FitReserve.com ("FitReserve") collect, uses, and discloses your Personal Information when you visit our website, use our services, or download our mobile application (collectively, the "**Service**"). This Privacy Policy applies wherever our Services link directly to the policy and is incorporated by reference into the FitReserve Terms of Use located at <https://www.fitreserve.com/terms>.

You should note that this Privacy Policy does not apply to, and FitReserve does not take any responsibility for, the privacy practices of our partner fitness and wellness providers, studios, and gyms ("**Fitness Partners**"). You should review our Fitness Partners' privacy disclosures prior to providing any Personal Information directly to them.

Personal Information Defined. FitReserve considers "Personal Information" to include information that alone, or when combined with other information may be used to identify, contact, or locate you. Personal Information does not include information that has been anonymized so that it does not allow anyone to identify a specific individual.

2. About FitReserve

FitReserve is an all-access fitness membership service for studio and online fitness classes. Through our platform, FitReserve allows consumers to easily discover, book, and attend a diverse range of in-person, live stream or on-demand fitness, wellness, and recreational classes and services offered by fitness studios, gyms, trainers, venues, and other third parties.

3. Acknowledgement and Updates

Use and Acceptance. By using our Service and accepting the Terms of Use, you also acknowledge this Privacy Policy. If you do not agree with our privacy practices as described in this Privacy Policy, you must not use the Service.

New Uses of Personal Information and Other Information. From time to time, FitReserve may use Personal Information for new, unanticipated uses not previously disclosed in our Privacy Policy. If our information

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practices change regarding information previously collected, FitReserve will take reasonable efforts to provide notice and obtain consent to any such uses as may be required by law.

Posting of Revised Privacy Policy. FitReserve will post any adjustments to the Privacy Policy on this web page. The revised version will be effective at the time it is posted. If you are concerned about how your information is used, bookmark this page and read the Privacy Policy periodically.

Other Websites and Pages. When you navigate away from the Service to websites or apps controlled by third parties, such as our Fitness Partners, this Privacy Policy no longer applies. You will not receive a notice warning when you leave the Service.

4. Personal Information We Collect

We collect and use certain types of Personal Information for various reasons depending on how you interact with our Services. The following describes the types of Personal Information we collect.

a. Personal Information We Collect Directly From You

We may collect Personal Information directly from you when register for, subscribe to, and use, our Services, including if you register for an account, reserve a class, fill out a survey, enter a contest or sweepstakes, or otherwise communicate with us. The Personal Information you provide directly to us may include:

- **Contact Information and Account Details.** To register for our Service, you must submit your first and last name, email address, password, billing address and credit card information. In addition, some Fitness Partners may require the submission of certain information such as your gender, date of birth, shoe size, emergency contact, company name, leaderboard name, or other information to register for their classes.
- **Class and Fitness Information.** The Services may also collect Personal Information from you in other ways. For example, you may be asked to provide your city, state, zip code, or neighborhood to find and connect with studios and classes near you.
- **Social Media Information.** You may also be able to register for our Services by using a social media login, such as your Facebook login credentials. When you login with your social media credentials, we collect the Personal Information you have made publicly available on the social media platform, such as your name and profile picture, and use that information to register you with the Services. We may also obtain other information from your social media account, with your permission, such as your gender, date of birth, and Facebook friends. The information the Service obtains may depend on your Facebook privacy settings.
- **Message Contents.** We may also collect Personal Information when you interact with our social media platforms such as sending a direct message to our customer support team or leaving a comment on our pages.
- **Payment Information.** The Service may collect credit card and billing information to process payments via our payment gateway provider. This information is secured according to PCI Data Security Standards. We do not store payment card information.
- **Audio, Visual, or Similar Information.** If you speak with our customer service team by phone, we may collect a recording for quality assurance and training purposes.
- **Preferences.** We may collect information about your use of our Services, your class/studio preferences, health and wellness preferences, your communications preferences, and other preferences you may select in your account or when using our Service.

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b. Personal Information that is Passively or Automatically Collected

- **Device Identifiers.** When you visit our site or use our mobile application, we may automatically collect information such as IP address, unique device identifier, IMEI and TCP/IP address, operating system, mobile device carrier information, and other information about your computer or device. We may also collect information about your browser type and browser language.
- **Network and Network Activity Information.** We may collect information related to how you interact with the Services and advertisements, such as referring and exit web pages and URLs, browsing history, and other similar information. As described below, we may use analytics providers and technologies, including cookies and similar tools, to collect this information.
- **Geolocation Information.** The Service may collect and store your location information if you enable your computer or mobile device to send this to us. Changing the settings on your computer or mobile device may prevent this data collection.

c. Other Ways We Collect Personal Information

We may collect Personal Information about you through our affiliates and business partners (including our Fitness Partners) who provide services or sell products on our behalf. As mentioned above, these parties may have their own privacy policies for handling your information. You should review their terms and conditions and privacy policies for more information. We may also collect a limited set of Personal Information if a member refers you to our Services or when a member purchases a digital gift card on your behalf.

5. How We Use Personal Information

We may use the Personal Information we collect for the following purposes:

- to facilitate the operation of our Service, including to enable you to browse and register for fitness classes. Additionally, our Fitness Partners may be able to use the Services to view the information you post publicly to the Service;
- to facilitate ratings on our Service;
- to communicate with you about our Services, your account, technical support, and if you contact us with a question or concern. With your consent, we may also use Personal Information to send SMS messages regarding our Services;
- for product and Service improvement, quality assurance, training, and to measure, improve, and understand the effectiveness of Services and its features. We also use this information to develop new Service offerings;
- to create inferences about you, including your fitness preferences. We use these inferences to customize our Services and provide you with a better experience;
- to contact you with surveys and information regarding our Services and those of our business partners that we believe may be of interest to you. This may include commercial emails sent on behalf of ourselves, our affiliates, and our advertisers;
- to allow you to participate in email sweepstakes or contests, with your consent;
- to mitigate fraud and protect FitReserve and others;
- to comply with lawful court orders, law enforcement requests, or other legal requirements; and
- we may use Personal Information for purposes not provided for in this Privacy Policy, but if we do, we will notify you (and, if necessary, obtain your consent) before using your Personal Information in this way.

6. How We May Disclose Personal Information

To the extent permitted by applicable law, we may disclose Personal Information with the following categories of data recipients in connection with the performance of our services and for our business operations:

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- **Fitness Partners.** FitReserve may provide Personal Information, such as your name and email address, to our Fitness Partners and their third-party providers when you book a class with them, just as if you booked a class directly with the Fitness Partner.
- **Health and Fitness Tool Providers.** With your consent, we may share your Personal Information related to activities performed under the Service if you choose to integrate such activities with other health and fitness tools and applications.
- **Vendors and Suppliers.** We share Personal Information with service providers with whom we have a contractual relationship (e.g., IT and information security support, scheduling servicers, payment processors, marketing vendors) to carry out the purposes as described in this Policy.
- **Social Networking and Other Websites.** When you use the Service, you may share Personal Information with social networking websites, such as Facebook, Google+, Pinterest, Instagram, Twitter, and Foursquare. You may also share information with other web applications, such as Outlook, Google calendar, Apple calendar, and Yahoo! Calendar. We do not share information with these sites unless you request the Service to do so. These sites' use of the information will be governed by their privacy policies.
- **Sweepstakes Providers.** FitReserve may allow you to participate in email or social media sweepstakes, contests, or other promotions which may involve the sharing of your Personal Information with other brands, media outlets, or third-party affiliate marketers (subject to their own terms of service/use and privacy policy agreements).
- **Protection of FitReserve and Others.** We may disclose Personal Information if required to do so by law, or if we believe in good faith that such disclosure is reasonably necessary to comply with legal obligations. We may also disclose Personal Information to protect our rights and the rights of others. This may include exchanging information with other companies and organizations for fraud protection, spam/malware prevention, and similar purposes.
- **Corporate Transactions.** As we continue to develop our business, we may buy, merge, or partner with other companies. We may disclose Personal Information as part of those transactions (including in contemplation of such transactions, e.g., due diligence). Where possible we will do so under appropriate confidentiality agreements.
- **With Your Permission.** We may disclose Personal Information in ways not described above. If we do so, we will notify you and, if necessary, obtain your consent.

7. Cookie Policy

Our websites use cookies, tags, and similar tracking technologies ("**Cookies**") to provide, customize, evaluate, and improve our Services. A Cookie is a small piece of text that is placed on your website browser when you visit a website. These include our own first-party Cookies as well as third-party Cookies of our service providers and marketing partners. Some Cookies are only stored temporarily and are destroyed each time you close your web browser. Our websites also use persistent Cookies, which do not delete when you close your browser and may collect and store data for a set period of time after you've left our website.

a. How We Use Cookies

We use Cookies for the following purposes:

- **Website Operation.** Cookies help us run our websites securely and enable basic functions like page navigation.
- **Performance and Analytics.** Cookies help us analyze how you interact with our websites. These Cookies enable us to monitor and improve website performance, Services, and your experience.
- **Advertisements.** Cookies allow us to deliver advertisements that are meaningful to you. Our advertising partners may use Cookies to collect Personal Information about you over time and across different websites to deliver relevant advertising and measure the efficiency of the advertisements.

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b. How to Manage Cookies

If you wish to prevent cookies from tracking your activity on our Sites or visits across multiple websites, you can set your browser to block certain cookies or notify you when a cookie is set; you can also delete cookies. The “Help” portion of the toolbar on most browsers will tell you how to prevent your device from accepting new cookies, how to have the browser notify you when you receive a new cookie, or how to delete cookies. Visitors to our Sites who disable cookies will be able to browse the Sites, but some features may not function.

We are not responsible for the completeness, effectiveness, or accuracy of any third-party opt-out options or programs.

8. Do Not Track

Some web browsers and mobile operating systems offer a “Do Not Track” setting you can activate to signal your preference not to have data about your online browsing activities monitored and collected. At this time, our websites and Services do not recognize “Do Not Track” signals.

9. Security

FitReserve takes steps to ensure that Personal Information is treated securely and in accordance with this Privacy Policy. Unfortunately, FitReserve cannot ensure or warrant the security of any information you transmit through the Service, and you do so at your own risk. FitReserve does not accept liability for unintentional disclosure. You are solely responsible for maintaining the security of any login credentials you create to access and use our Services.

10. Your Privacy Choices

We make available various methods for you to manage your Personal Information and exercise privacy rights. Depending on the state, province, or country in which you reside, you may have additional rights (California residents – please see our California Privacy Policy and Notice at Collection for additional information). You may have the option to request the following:

- ***Request to Access.*** Generally, you can access all your Personal Information by logging into your user account. You may also ask us to provide you a copy of this information.
- ***Request to Correct.*** You can login to your user account and correct inaccurate information directly. For any Personal Information you are unable to correct, you can request that we take steps to correct or update this incorrect information.
- ***Request to Delete.*** You have the right to request that we delete personal information that we collected from you. Once we receive and confirm your verifiable request, we will delete or de-identify your personal information.
- ***Opt-Out.*** You can opt-out of email and other marketing communications from us by using the unsubscribe link provided in the email you receive. Note that opting out of these emails will not mean we never contact you again, as we may still need to send you transactional emails about your account and the Services you use.

Note that asking us to correct or delete your Personal Information may not correct or remove your Personal Information from our Fitness Partners’ systems where you have authorized us to disclose this information while using their services. Thus, you may need to reach out to the Fitness Partners with whom you interacted in order to correct or delete your Personal Information.

11. Information Regarding Children

FitReserve does not knowingly collect, maintain, or use any Personal Information from children under 13 years of age. No part of the Service is directed to persons under the age of 13. In fact, you must be at least

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13 years of age to set up an account with the Service. IF YOU ARE UNDER 13 YEARS OF AGE, PLEASE DO NOT USE OR ACCESS THE SERVICE AT ANY TIME OR IN ANY MANNER.

If FitReserve becomes aware that it has collected any Personal Information from children under 13, we will promptly delete such information from our databases. If you are a parent or guardian and discover that your child under the age of 13 has provided us with their Personal Information, then you may alert FitReserve at info@fitreserve.com and request that FitReserve delete that child's Personal Information from our systems.

In the event FitReserve enables and allows for any persons to register with the FitReserve Service in a jurisdiction under the European Union (EU), FitReserve shall not knowingly collect, maintain, or use any Personal Information from children under 16 years of age. FitReserve shall ensure that the necessary protocols and procedures are in place to secure a parent's consent and any other information to confirm that the registered user is at least 16 years of age under the European Union General Data Protection.

12. International Users

If you are accessing the Service from any physical location with regulations or laws governing personal data collection, use, or disclosure that differ from United States regulations or laws, please note that through your continued use of the Service, you are transferring Personal Information to the United States of America or other jurisdiction where such information may be processed and stored. By using our Service you consent to that transfer. The laws in the United States regarding the protection of Personal Information may not be as protective regarding Personal Information as those in your country.

You also consent to the adjudication of any disputes arising in connection with FitReserve or the FitReserve Service in accordance with the Terms of Use located at <https://www.fitreserve.com/terms>.

13. California Privacy Policy and Notice at Collection

This section provides additional information for California residents pursuant to the California Consumer Privacy Act of 2018, as amended by the California Privacy Rights Act of 2020 ("CCPA") and applies to "Personal Information" as defined in the CCPA. If you are a California resident, you may have additional rights under the CCPA, as explained in this section. This section does not address or apply to our handling of personal information that is exempt under the CCPA.

a. End Users

This subsection provides additional information for California residents who are users of our Services. To the extent FitReserve collects your Personal Information while you are acting in your capacity as B2B Contact (defined below), such as an employee of our Fitness Partners or vendors, please see our B2B Contacts Notice below.

i. Categories of Personal Information Collected and Disclosed (End Users)

We collect (and have collected in the prior 12 months) the following categories of Personal Information:

- **Identifiers**, such as name, username, email address, phone number, device ID, and other similar identifiers.
- **Account Details**, such as username, email address and password collected when you register for an account to use the Services.
- **Geolocation**, such as a mobile device's precise location information.
- **Internet and Network Activity Information**, such as device IDs, ad IDs, IP addresses, and cookie data.
- **Sensitive Personal Information**, such as your precise geolocation when you use our mobile app and allow the mobile app to use your mobile device's geolocation.
- **Inferences and Preferences**, such as inferences drawn from any of the information described in this table.

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ii. Purposes of Collection

We use the above categories of Personal Information, including sensitive personal information, for the business and commercial purposes described under *How We Use Personal Information*.

iii. Categories of Sources

We collect the above categories of Personal Information from the following categories of sources:

- From you directly when you enter in the information.
- From you automatically as you browse our website or use our Services.
- From our Fitness Partners and API Partners.
- From our ad networks.
- From data analytics providers.
- From operating systems and platforms.
- From social networks.
- From sweepstakes and other promotions

iv. Disclosure of Personal Information

We may disclose (and have disclosed in the prior 12 months) the above categories of Personal Information to the following categories of recipients and third parties:

- Service providers, including our hosting and analytics providers and e-commerce providers.
- Our affiliates and business partners, including our Fitness Partners.
- Public entities or law enforcement as necessary to prevent fraud or criminal activity or protect our rights and the rights of others.
- Advisors and agents.

b. B2B Contacts

This subsection applies specifically to individuals who work for, or represent, prospective, current, or former Fitness Partners, suppliers, distributors, vendors, service providers, or other business partners of FitReserve ("**B2B Contacts**"). In addition to the below, we may process Personal Information about our B2B Contacts as described elsewhere in this California Privacy Policy and Notice section, or in the main section of our Policy.

i. Categories of Personal Information Collected and Disclosed (B2B Contacts)

We collect (and have collected in the prior 12 months) the following categories of Personal Information:

- **Identifiers**, such as name, username, email address, phone number, device ID, and other similar identifiers.
- **Account Details**, such as username, email address and password collected when you register for an account to use the Services.
- **Professional or employment-related information**, such as job title, role, company name, occupation.
- **Sensitive personal information**, such government or taxpayer Identification Number. For natural persons acting as customer, suppliers, vendors, distributors, agents or service providers: financial information

ii. Purposes of Collection

In addition to the business and commercial purposes described under *How We Use Personal Information*, we may use the above categories of Personal Information, including sensitive

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personal information, collected from our B2B Contacts for the following business or commercial purposes (and any directly related purposes):

- to be able to do business with you, including to perform our contractual obligations to your employer or principal and to manage our contracts with your employer or principal;
- to provide you with marketing materials about products, services, news, offers, promotions and events which we think may be of interest to you;
- for security and safety;
- to manage our technology resources (e.g., cyber-risk management, infrastructure management and business continuity);
- to detect and prevent fraud;
- to contact you, including to answer questions, provide customer support, and about business opportunities; and
- to perform corporate governance, training, and other internal functions.

iii. **Categories of Sources**

We collect the above categories of Personal Information from the following categories of sources:

- From you directly when you enter in the information.
- From you automatically as you browse our website or use our Services.
- From our ad networks.
- From data analytics providers.

iv. **Disclosure of Personal Information**

We may disclose (and have disclosed in the prior 12 months) the above categories of Personal Information to the following categories of recipients and third parties:

- Service providers, including our hosting and analytics providers and e-commerce providers.
- Our end-users.
- Public entities or law enforcement as necessary to prevent fraud or criminal activity or protect our rights and the rights of others.
- Advisors and agents.

c. **Sale and Sharing of Personal Information**

We do not sell your personal information to third parties, and we do not allow third parties to use the personal information we provide to them to offer you their products or services.

d. ***Retention, Deidentification, and Rights***

i. **Retention of Personal Information**

We retain the Personal Information we collect only for as long as is reasonably necessary for the purposes described in this Privacy Policy or otherwise disclosed to you at the time of collection. For example, we will retain certain identifiers for as long as it is necessary to continue maintaining your account and providing you Services, to comply with our tax, accounting, and recordkeeping obligations, to administer certain warranties, and for research, development, and safety purposes, as well as an additional period as necessary to protect, defend, or establish our rights, defend against potential claims, and to comply with our legal obligations.

ii. **Deidentification of Personal Information**

Occasionally, we may deidentify Personal Information and use the deidentified information for our internal purposes. We commit to maintaining and using this information in deidentified form and will not attempt to reidentify the information except to determine whether our deidentification process is effective.

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e. *Rights Regarding Your Personal Information*

The CCPA provides California residents with specific rights regarding Personal Information. This section describes your rights under the CCPA and explains how to exercise those rights. Subject to certain conditions and exceptions, California residents have the right to make the following requests:

- i. ***Request to Know.*** With respect to the Personal Information we have collected about you in the prior (twelve) 12 months, you have the right to request from us (up to twice per year):
 - The categories of Personal Information we collected about you;
 - The categories of sources from which we collected that information;
 - Our business or commercial purpose for collecting or selling that information;
 - The categories of third parties with whom we shared that information; and
 - The specific pieces of Personal Information we collected about you.
- ii. ***Request to Correct.*** You have the right to request that we correct incorrect Personal Information.
- iii. ***Request to Delete.*** You have the right to request deletion of your Personal Information that we have collected about you.
- iv. ***Right to Opt-Out.*** You have the right to opt-out of “sales” and “sharing” of your Personal Information, as those terms are defined under the CCPA, including using an opt-out preference signal. We do not sell your personal information to third parties, and we do not allow third parties to use the personal information we provide to them to offer you their products or services, so there is no need to exercise these rights.
- v. ***Right to Limit Use and Disclosure of Sensitive Personal Information.*** We do not engage in uses or disclosures of Personal Information that would trigger the right to limit use of sensitive personal information under the CCPA.
- vi. ***Right to Non-Discrimination.*** We will not discriminate against you in terms of price or service level for exercising any of the rights described in this section.

f. *Exercising Your Rights*

To submit a request to exercise these rights you may use one of the following methods:

- Email: info@fitreserve.com
- Phone: 866-816-1727

For all requests, please clearly state that the request is related to “Your California Privacy Rights,” indicate which type of request you are making, and provide your name and email address or phone number where you may be contacted. We may not be able to respond to requests that are not properly communicated, or that do not include complete information.

i. *Verification*

Before responding to your request, we must first verify your identity using the Personal Information we have about you on record. You must provide us with your full name, address, and the email you used to register your account with us. In some cases, we may request additional information to verify your identity, or where necessary to process your request. If we are unable to verify your identity after a good faith attempt, we may deny the request and, if so, will explain the basis for the denial.

ii. *Designating an Authorized Agent*

You may designate someone as an authorized agent to submit requests and act on your behalf. Authorized agents will be required to provide proof of their authorization in their first communication with us, and we may also require that you directly verify your identity and the authority of your authorized agent.

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Businesses operating as an authorized agent on behalf of a California resident must provide both of the following:

- Certificate of good standing with its state of organization; and
- A written authorization document, signed by the California resident, containing the California resident's name, address, telephone number, and valid email address, and expressly authorizing the business to act on behalf of the California resident.

Individuals operating as an authorized agent on behalf of a California resident must provide either of the following:

- A notarized power of attorney signed and dated by the California resident naming the authorized agent as the California resident's representative; or
- A written authorization document, signed by the California resident, containing the California resident's name, address, telephone number, and valid email address, and expressly authorizing the individual to act on behalf of the California resident.

We reserve the right to reject (1) authorized agents who have not fulfilled the above requirements, or (2) automated CCPA requests where we have reason to believe the security of the requestor's personal information may be at risk.

g. Your Privacy Rights Under the California Shine the Light

California residents who provide us certain Personal Information are entitled to request and obtain from us, free of charge, information about the Personal Information (if any) we have shared with third parties for their own direct marketing use. Such requests may be made once per calendar year for information about any relevant third-party sharing in the prior calendar year. You can submit a "Shine the Light" request by using the contact information below under *Contact Us*. Please include in your request a current California address and your attestation that you are a California resident.

14. Contact Us

If you have any questions about our Privacy Policy, you can contact us by emailing us at info@fitreserve.com. You can also write to us at:

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