



## PRIVACY POLICY

Effective from: 30<sup>th</sup> June 2022

### 1. WHAT IS THIS POLICY ABOUT?

1.1 Welcome to the privacy policy for Make Me Fit Club Ltd. Make Me Fit Club Ltd, a private limited company incorporated and registered in England and Wales with company number 12295947, our registered office is at 64 Castle Road West, Birmingham, England, B68 0EZ (“**us**”, “**we**” or “**our**”). We respect your privacy and are committed to protecting your Personal Data. This privacy policy will inform you how we will use and disclose your Personal Data when you use our Application (regardless of where you log in from). We will explain your privacy rights and how the law in our jurisdiction protects you.

### 2. DEFINITIONS

2.1 The definitions of the capitalised terms shall have the same meaning regardless of whether they appear in singular or in plural.

2.2 The following capitalised terms shall have the following meanings unless otherwise defined.

<b>“Account”</b>	a personalised account created by any User to allow him/her to provide or book 1:1 Services available on the Application;
<b>“Anonymous Data”</b>	means Personal Data that has been amended to the extent that it no longer contains any identifying information and thus, no longer constitutes Personal Data;
<b>“Application”</b>	the mobile phone software programme (available on iOS and Android) created by Make

	Me Fit Club Limited which can be downloaded by our Users;
<b>“Child”</b>	any person under the age of 16;
<b>“Class” and “Classes”</b>	health, wellbeing and/or fitness classes that are free with any Member, or Offer Provider Subscription; and up to ten free health, wellbeing and/or fitness classes per month with any expert subscription
<b>“Comply with a Legal Obligation”</b>	processing your Personal Data where it is necessary for compliance with a legal obligation to which we are subject;
<b>“Data Controller”</b>	means the natural or legal person who (either alone or jointly or in common with other persons) determines the purposes for which and the way any Personal Data are, or are to be, processed as outlined in the Data Protection Legislation;
<b>“Data Processor”</b>	means any natural or legal person who processes the data on behalf of the Data Controller;
<b>“Data Protection Legislation”</b>	all applicable data protection and privacy legislation in force from time to time in the UK including without limitation the General Data Protection Regulation ((EU) 2016/679); the Data Protection Act 2018; the Privacy and Electronic Communications Directive 2002/58/EC (as updated by Directive 2009/136/EC) and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426), in each case as amended, varied and replaced from time to time;

<b>“Device”</b>	any electronic device, such as a computer, a phone or digital tablet (including without limitation an iPad), that is used to register and access your Account;
<b>“DO NOT TRACK (DNT)”</b>	a concept which the internet industry has developed and implemented for allowing Users to control the tracking of their activities across our Application;
<b>“Expert”</b>	a qualified professional who provides health, wellbeing and/or fitness Classes and/or and 1:1 Services, including but not limited to beauticians, personal trainers, nutritionists and counsellor; Experts must provide two free health, wellbeing and/or fitness Classes per week;
<b>“Legitimate Interest”</b>	the interest of our business in conducting and managing our business to enable us to give you the best service 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 interest. 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 otherwise required or permitted by law). You can obtain further information about how we assess our legitimate interest against any potential impact on you in respect of specific activities by contacting us;
<b>“Member”</b>	a customer who has created an Account with the Application in order to use the 1:1 Services. A Member may include an Expert to the extent that the Expert is booking 1:1 Services from another

	Expert, however with respect to booking free Classes these are limited to 10 per month;
<b>“Offer Provider”</b>	any Member who has elected to publish one or more adverts on the Application each month to promote their business, club or activity;
<b>“Personal Data”</b>	has the meaning given to it in the Data Protection Legislation;
<b>“Performance of Contract”</b>	processing your Personal 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 such contract;
<b>“1:1 Services”</b>	the provision of one-to-one (1:1) sessions provided by an Expert and booked via the Application;
<b>“subsidiary” or a “holding company”</b>	a subsidiary or a holding company (as the case may be) as defined in section 1159 of the Companies Act 2006.
<b>“Third – party Social Media Service”</b>	any website or social network website through which a User can create or log in to their Account to use or provide (as applicable) 1:1 Services and/or use the Application;
<b>“Users”</b>	Members and Experts together;
<b>“User Terms”</b>	each of (i) the terms and conditions applicable to Members and (ii) the terms and conditions applicable to Experts, each of which can be viewed within the Application.

### **3. IMPORTANT INFORMATION AND WHO WE ARE?**

3.1 This privacy policy aims to give you information on how we will collect and process your Personal Data as you interact with the use of our Application, including any Personal Data you may provide when you sign up to our newsletter or make a booking for 1:1 Services with any Expert.

3.2 It is important that you read this privacy policy together with any other privacy policy or fair processing notice, which we may implement from time to time. This privacy policy supplements the other notices and is not intended to override them unless specifically stated.

3.3 The Application is not intended for use by Children and we do not knowingly collect any Personal Data relating to Children.

3.4 When you install our Application, we will automatically assume that we have your consent to process your Personal Data as described in this policy.

3.5 You may change your mind at any time and withdraw your consent by contacting us. Your withdrawal will not affect the lawfulness of any processing carried out before you withdraw your consent.

### **4. DATA CONTROLLER**

4.1 Make Me Fit Club Ltd is a Data Controller in respect of certain Personal Data provided by Users.

4.2 We have appointed a data privacy manager who is responsible for overseeing questions in relation to this privacy policy. Please use the details provided below to contact us with any queries you may have, including your request to exercise your legal rights.

4.3 You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

4.4 If you wish to contact us regarding your rights, we reserve the right to request copies of your identification or any other information that may be reasonably required to verify your identity.

### **5. CHANGES TO YOUR PERSONAL DATA**

5.1 It is important that the Personal Data we hold about you is accurate and current. Please keep us informed if any aspect of your Personal Data changes during your relationship with us. This can be done by updating your details on your Account or by contacting us on the details below. Any previous personal data held on you will be deleted to the fullest extent possible.

**6. INTERACTING WITH THIRD PARTY LINKS**

6.1 The Application may include links to third-party providers, plug-ins and applications. Clicking on any of these links or enabling those connections may allow third parties not associated with us to collect or share data about you. We do not control these third-party providers and are not responsible for their privacy statements.

6.2 We encourage you to read the privacy policy of every website and application you visit. We accept no liability for any data that has been unlawfully processed by third parties as a result of you accessing these links.

**7. PERSONAL DATA THAT WE COLLECT?**

7.1 Personal Data (also referred to as 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 anonymised.

7.2 We may collect, use, store and transfer different kinds of Personal Data about you, which include but are not limited to, the following categories:

<b>“Aggregated Data”</b>	means data which could be derived from your Personal Data but is not considered Personal Data under the Data Protection Legislation. This is because the data does not directly or indirectly reveal your identity.
<b>“Contact Data”</b>	means your email address, telephone number, billing address and address for service.
<b>“Financial Data”</b>	means your bank account information and payment card details.
<b>“Identity Data”</b>	means your first name, maiden name, last name, username or similar identifier, marital status, date of birth and gender.
<b>“Location Data”</b>	means any geolocation technology we may use to determine your current location. You can withdraw your consent at any time by disabling the geolocation settings.

<p><b>“Marketing and Communications Data”</b></p>	<p>means your preferences in receiving marketing communications from us and our third parties and what are your communication preferences.</p>
<p><b>“Profile Data”</b></p>	<p>means your username and password, purchases made by you, your interests, preferences, feedback, and survey responses.</p>
<p><b>“Special Categories of Personal Data”</b></p>	<p>means Personal Data which is sensitive in nature and requires a higher level of protection. This means personal data about an individual’s:</p> <ul style="list-style-type: none"> <li>• biometric data (where this is used for identification purposes);</li> <li>• criminal convictions and offences;</li> <li>• ethnic origin;</li> <li>• genetic data;</li> <li>• health data;</li> <li>• political opinions;</li> <li>• race;</li> <li>• religious or philosophical beliefs;</li> <li>• sex life;</li> <li>• sexual orientation; or</li> <li>• trade union membership.</li> </ul>
<p><b>“Transaction Data”</b></p>	<p>means data that includes details about any payments to and from you and the details of 1:1 Services you have provided to any Member or purchased from any Expert.</p>
<p><b>“Technical Data”</b></p>	<p>means internet protocol (IP) addresses, your log in data, browser type and version, time zone settings and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access the Application.</p>

<p><b>“Usage Data”</b></p>	<p>means information about how you use the Application, and provide or book 1:1 Services.</p>
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7.3 We may also collect, use, and share Aggregated Data such as statistical or demographic data for any purpose. For example, we may aggregate your Usage Data to calculate the percentage of Users accessing a specific Application features. This will help us to ensure that we are responding to the preferences of our Users and deliver the best possible User experience. However, if we combine or connect Aggregated Data with your Personal Data in any way so that it can directly or indirectly identify you, the combined data will be considered Personal Data which will only be used in accordance with this privacy policy.

7.4 Other than background check data and Location Data, we may collect Special Categories of Personal Data about you including without limitation Personal Data relating to your health. We will ask for your consent before processing Special Category Data about you. You may withdraw your consent at any time at which point we will promptly stop processing Special Category Data and will delete it from our systems as soon as reasonably practicable.

**8. WHAT IF YOU DO NOT PROVIDE PERSONAL DATA?**

8.1 In some circumstances, we need to collect Personal Data by law, or under the terms of a contract we have with you. If you fail to provide that data when requested, we may not be able to perform any contract which we have or are trying to enter into with you. In this case, we may have to terminate your Account with us and terminate the User Terms we have in place with you.

8.2 For the avoidance of doubt, we accept no liability for any losses arising from any inability to fulfil any contractual requirement as a result of your failure to provide the any Personal Data or payments required.

**9. HOW DO WE COLLECT YOUR PERSONAL DATA?**

9.1 We use different methods to collect data from and about you including through:

(a) **Direct interactions.** You may give us your Identity, Contact, Account, Financial and Marketing and Communications Data by creating an Account and/or agreeing to provide or making a booking for 1:1 Services or by corresponding with us by post, phone, email, via the Application or otherwise. This includes Personal Data you provide when you:

- (i) create an Account with the Application;
- (ii) input and/or change information associated with your profile recorded with the Application;



- (iii) make or accept a booking for 1:1 Services; or
  - (iv) sign up to our newsletter;
  - (v) browse or otherwise use the Application; or
  - (vi) give us some feedback.
- (b) **Automated technologies or interactions.** As you interact with us via the Application, we may automatically collect Technical Data about your equipment, browsing actions and pattern through mediums such as recording systems, server logs and other similar technologies. We collect this Personal Data by using server logs and other similar technologies.
- (c) **Third parties or publicly available sources.** We may receive Personal Data about you from various third parties and public sources as set out below:
- (i) Technical Data from the following parties:
    - a. analytics providers (such as Google Analytics and Firebase);
    - b. advertising networks (such as Google and Facebook);
    - c. search information providers (such as Google); and
    - d. providers of technical, payment and delivery services.
  - (ii) Identity and Contact Data from publicly available sources such as Companies House.

## 10. HOW DO WE USE YOUR PERSONAL DATA?

- 10.1 We will only use your Personal Data to the extent permitted by the Data Protection Legislation. We will commonly use your Personal Data in the following circumstances:
- (a) Where we have or are about to enter into a contract and to ensure the Performance of the Contract;
  - (b) 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; and
  - (c) Where we need to comply with a legal or regulatory obligation.
- 10.2 We will help to clarify the specific legal basis that applies to the processing, and in particular whether the provision of Personal Data is a statutory or contractual requirement necessary to enter into a contract.

10.3 Generally, we do not rely on consent as a legal basis for processing your Personal Data other than in relation to sending third party direct marketing communications to you via email. You have the right to withdraw consent to marketing at any time by contacting us.

**11. WHY WE WILL USE YOUR PERSONAL DATA**

11.1 In the table below, we have set out, all the ways we plan to use your Personal Data, and the legal basis which we will be relying on to do so and our legitimate interests have been identified where appropriate. 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.

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Lawful Basis for Processing Including Basis of Legitimate Interest</b>
To create an Account for you with the Application and register you as a new Member	(a) Identity  (b) Contact	Performance of a contract with you  Your consent.
To process in-Application purchases and allow any Member to book 1:1 Services or any Expert to accept a booking for 1:1 Services including managing payments and collecting money owed.	(a) Identity  (b) Contact  (c) Financial  (d) Transaction  (e) Marketing and Communications	Performance of a contract with you  Your consent  Necessary for our legitimate interests (for example, recover debts owed to us)
To manage our relationship and notify you of changes to the Application, or any of the 1:1 Services provided by any Expert.	(a) Identity  (b) Contact  (c) Account  (d) Marketing and Communications	Performance of a contract with you  Necessary for our legitimate interests (to keep our records updated and to study how Users use our Application and/or the 1:1 Services provided by any Expert, so that we can develop the Application

		<p>to suit the demands and preferences of our Users)</p> <p>Necessary to comply with legal obligations (to inform you of any changes to our User Terms)</p>
<p>To enable you to partake in a prize draw, competition or complete a survey.</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Account</p> <p>(d) Marketing and Communications</p> <p>(e) Device</p>	<p>Performance of a contract with you</p> <p>(Necessary for our legitimate interests (to provide the Application to Users)</p>
<p>To administer and protect our business and the Application (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Technical</p>	<p>Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</p>
<p>To deliver relevant content and advertisements to you</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Account</p> <p>(d) Usage</p> <p>(e) Marketing and Communications</p> <p>(f) Technical</p>	<p>Your consent</p> <p>Necessary for our legitimate interests (to develop the Application and grow our business)</p>

<p>To use data analytics to improve our Application, marketing, User relationships and experiences</p>	<p>(a) Technical (b) Usage</p>	<p>Necessary for our legitimate interests (to define types of Users, to keep the Application up to date, to develop our business and to inform Users of our marketing strategy)</p>
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11.2 We will only use your Personal Data for the purposes for which we collected it. There may be times where we consider it necessary to use your Personal Data for another reason which is compatible with the original purpose. We may process your Personal Data without your knowledge or consent, but only where it is compliance with the rules set out above. For further information on how your Personal Data may be used for another reason, please contact us.

11.3 We may process your Personal Data without your knowledge or consent, in compliance with the above rules and where this is required by law. If we use your Personal Data for any unrelated purpose, we will contact you as soon as reasonably practicable.

**12. DATA SECURITY**

12.1 We 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, 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.

12.2 We have put in place procedures to deal with any suspected breach of any Personal Data and we will notify you and any applicable regulator when we are legally required to do so.

**13. DATA RETENTION**

13.1 By law we have to keep basic information about our Members for six (6) years after you cease being a Member for tax purposes. We will retain different Personal Data for different periods up to 6 years as required for us to provide the Platform to our Members and Experts. You can ask us to delete your data in some circumstances.

13.2 We will anonymise your Personal Data for research or statistical purpose, in which case we may use this information indefinitely without further notice to you.

13.3 In the event that you do not use the Application for a period of 6 calendar months we may terminate your Account and delete any Personal Data associated with it.

**14. HOW LONG WILL WE USE YOUR PERSONAL DATA FOR?**

- 14.1 In accordance with the General Data Protection Regulation (EU) 2016/67, we will only retain your Personal Data for as long as necessary to fulfil the purposes for which we collect it, including for the purposes of satisfying any legal, accounting, or reporting requirements. Once these have been satisfied, the Personal Data will either be deleted or amended to the extent that it would be considered Anonymous Data.
- 14.2 We will consider the nature and sensitivity of the Personal Data and any potential risk of harm from unauthorised use or disclosure of your Personal Data when determining the appropriate retention period. We will consider other means and applicable legal requirements for when we process your Personal Data.
- 14.3 You can ask us to delete your Personal Data. In some circumstances we may anonymise 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.

**15. WHEN WILL WE DISCLOSE YOUR PERSONAL DATA?**

- 15.1 We may have to share your Personal Data, including but not limited to the following and for the purposes set out in the table in Paragraph 11 above:
  - a) External Third Parties;
  - b) Internal Third Parties;
  - c) Specific third parties listed in the table above; and
  - d) Third parties to whom We may choose to sell, transfer, or merge parts of our business or our assets or where We seek to acquire other businesses or merge with them. If a change takes place, the new owners may use your Personal Data under the same terms as set out in this privacy policy.
- 15.2 We may sell data derived from usage of our Application including viewings and downloads of pages, profiles and adverts on the Application which will always be aggregated and anonymised.
- 15.3 All third parties are required to respect the security of your Personal Data and to treat it in accordance with the law. We will not allow our third-party Offer providers to use your Personal Data for their own purposes and without our instructions.

**16. YOUR LEGAL RIGHTS**

- 16.1 You have rights under the Data Protection Legislation in relation to your Personal Data.

16.2 You have the right to:

<p><b>Request access</b></p>	<p>to your Personal Data. This enables you to receive a copy of the Personal Data we hold about you.</p>
<p><b>Request correction</b></p>	<p>of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate data corrected, we may need to verify the accuracy of the new data you provide to us.</p>
<p><b>Request erasure</b></p>	<p>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. Where we may have processed your information unlawfully or where we are required to erase your Personal Data to comply with the Data Protection Legislation. 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.</p>
<p><b>Object to processing</b></p>	<p>only in circumstances 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.</p>

<p><b>Request restriction of processing</b></p>	<p>This enables you to ask us to suspend the processing of your Personal Data in the following scenarios:</p> <p>(a) if you want us to establish the data's accuracy;</p> <p>(b) where our use of the data is unlawful but you do not want us to erase it;</p> <p>(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</p> <p>(d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.</p>
<p><b>Request the transfer</b></p>	<p>We will provide to you, or a third party you have chosen, your Personal Data in a structured, commonly used, machine-readable format. 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. In addition, this does not provide you with routine access to our systems and processes and only the extraction of your Personal Data.</p>
<p><b>Withdraw consent at any time</b></p>	<p>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 functionality to you. We will advise you if this is the case at the time you withdraw your consent.</p>

16.3 If you wish to exercise any of the rights set out above, please contact us using the contact details at the end of this Privacy Policy.

- 16.4 You will not usually 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.
- 16.5 We may implement our security measures, such as requesting specific information about you to ensure that your Personal Data is not disclosed to any unauthorised person. We may also contact you to ask you for further information in relation to your request to speed up our response.
- 16.6 We will use all reasonable endeavours to respond to all legitimate requests within one month of the time we receive all of the information required to complete your request. 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.

## **17. MARKETING AND PROMOTIONAL OFFERS FROM US**

- 17.1 By accessing our Application, and not opting out of our marketing and promotional offers, you are consenting us to use your Identity Data, Contact Data, Account Data, Technical Data, Usage Data and Marketing and Communications Data and form a view of 1:1 Services that we think may interest you.
- 17.2 You may withdraw your consent for us to contact you, at any time by selecting the opt out link on any of our marketing emails or contacting us.
- 17.3 It is possible that you may receive marketing communications from us if you have requested information on any of the 1:1 Services provided by our Experts, if you have used the Application previously, or if you have provided your details to us when you have entered into any competition or registering for a promotion.

## **18. THIRD-PARTY MARKETING**

- 18.1 We will get your express opt-in consent before we share your Personal Data with any other company which is not directly linked to us for marketing purposes.
- 18.2 When you opt out of receiving any marketing communications, this will not apply to Personal Data provided to us.

## **19. CONTACT US**

If you would like to contact us or exercise your legal rights please contact us on the following details:



Full name of legal entity: Make Me Fit Club LTD (company number: 12295947).

Postal address: 64 Castle Road West, Birmingham, England, B68 0EZ.

Email: [\[contact@makemefitclub.com\]](mailto:contact@makemefitclub.com)