

GDPR Privacy Notice Effective

May 27, 2020

Welcome to AccuRun's GDPR Privacy Notice.

AccuRun, LLC ("AccuRun", "we", "us" or "our") respects your privacy and is committed to protecting your personal data. This GDPR Privacy Notice will inform you as to how we look after your personal data when we are the controller of that information. In this GDPR Privacy Notice, we use the term "GDPR" to mean the EU General Data Protection Regulation 2016/679 and the laws implementing or supplementing the same.

- This GDPR Privacy Notice aims to give you information on how AccuRun collects and processes personal data when it acts as a controller through your use of our website and mobile application, including any data you may provide when you sign up for, purchase, or use our products or services ("Services").
- For personal data we collect that is not subject to the GDPR, our online [Privacy Policy](#) available here explains our data practices.

The Services are not intended for children and we do not knowingly collect data relating to children.

It is important that you read this GDPR Privacy Notice together with any other privacy policy or fair processing policy 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 GDPR Privacy Notice supplements other notices and privacy policies and is not intended to override them.

1. CONTROLLER

The GDPR distinguishes between "controllers" and "processors." This GDPR Privacy Notice describes AccuRun's practices in cases where it acts as a controller and is responsible for your personal data. **If we have entered into an agreement with your employer or other person or organization ("Administrator") (in each case a "Subscription Agreement") and you have been invited to use the Services from or through an Administrator, then AccuRun acts as a processor with respect to personal data provided by your Administrator or by you through your use of the Services. In such a case, we process the data in accordance with the written instructions we receive from your Administrator. Your Administrator is responsible for determining what personal data will be provided to the Services and the lawful basis for processing such data. If you have questions about your Administrator's privacy practices, we recommend you discuss with your Administrator.**

2. CONTACT DETAILS

If you have any questions about this GDPR Privacy Notice or our privacy practices, please contact our data privacy manager as follows:

Full name of legal entity: AccuRun LLC

Email address: jkennedy@accurun.com

Postal address: 317 S. 6th St., Las Vegas, Nevada 89101

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

3. THE DATA WE COLLECT ABOUT YOU

Personal data 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 the following categories of personal data:

- **Identity Data:** includes name, username or similar identifier, title, organization, job, phone number, email address, postal address, date of birth and gender.
- **Contact Data:** includes address, email address and telephone numbers.
- **Technical Data:** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access the Services.
- **Profile Data:** includes your username, password, and account settings.
- **Usage Data:** includes information about how you use our Services.
- **Marketing and Communications Data:** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific Service 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 GDPR Privacy Notice.

As a controller, we do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

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 with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

4. HOW IS YOUR PERSONAL DATA COLLECTED

Direct interactions. We may collect your personal data, such as your Identity Data, directly from you when you provide it to us, for example an account on our Services or asking us to contact you, or when you choose to share Activity Data. We may also collect Technical Data automatically as you navigate through the Software by using cookies and other similar technologies. Please see our Cookie Policy for further details.

Automated technologies or interactions. As you interact with our Services, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. Please see our [Cookie Policy](#) for further details.

Third parties. We may receive personal data about you from various third parties as set out below:

- Technical Data from the following parties:
 - (a) analytics providers such as Google based outside the EU; and (b) advertising networks such as Facebook based outside the EU.
- Contact and Transaction Data from providers of technical services such as Fitbit based outside the EU.
- Identity and Contact Data from providers of technical services such as Facebook based outside the EU.

5. HOW WE USE YOUR PERSONAL DATA

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.
- 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.
- Where we need to comply with a legal obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data although we will get your consent before sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

We also use and share aggregated data for any purpose.

We do not use your data in connection with automated decision-making, including profiling.

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 if we are the data controller. 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 including basis of legitimate interest
To set up the Administrator’s account	Performance of a contract with you
To provide our Services and its contents to you	(a) Performance of a contract with you (b) Consent

To manage our relationship with you which will include: (a) Notifying you about changes to our Terms of Use or Privacy Policy (b) Asking you to leave a review or take a survey (c) Notifying you about changes to our Services or any products or services we offer or provide through it (d) Notifying you about your account, including expiration and renewal notices	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
Purpose/Activity	Lawful basis for processing including basis of legitimate interest
(e) Responding to your communications, requests, and inquiries	
To administer and protect our business and the Services (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) 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) (b) Necessary to comply with a legal obligation
To deliver relevant Services content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our Services, marketing, customer relationships and experiences	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our Services updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about products or services that may be of interest to you	Necessary for our legitimate interests (to develop our products/services and grow our business)

MARKETING

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. You can view and make certain decisions about your personal data use in your account profile.

PROMOTIONAL OFFERS FROM US

We may use your Identity, Contact, Technical, Usage and Profile Data 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 or purchased products or services from us and you have not opted out of receiving that marketing.

THIRD-PARTY MARKETING

We will get your express opt-in consent before we share your personal data with any third party 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 Services and checking or unchecking relevant boxes to adjust your marketing preferences or by sending us an email 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 a product/service purchase, warranty registration, product/service experience or other transactions.

COOKIES

You can set your browser to refuse all or some browser cookies, or to alert you when the Services set or access cookies. If you disable or refuse cookies, please note that some parts of the Services may become inaccessible or not function properly. For more information about the cookies we use, please refer to 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.

6. DISCLOSURES OF YOUR PERSONAL DATA

We may share your personal data with the parties set out below for the purposes set out in the table above.

- To our present or future subsidiaries and affiliates.
- To contractors, service providers, business partners, and other third parties we use to support our business.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of AccuRun LLC's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by AccuRun, LLC

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.

7. INTERNATIONAL TRANSFERS

We may process, store and transfer the personal data we collect, in and to a country outside the European Economic Area (“EEA”) and if the UK ceases to be part of the EEA, the UK. If you are in the EEA, we will protect your personal information when it is transferred outside of the EEA by implementing one of the following safeguards:

- Where your personal data is transferred to our servers in the United States, we will transfer such data pursuant to explicit consent.
- We will 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 Europe or Switzerland 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.

8. DATA RETENTION

HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you, or if required by laws.

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, regulatory, tax, accounting or other requirements.

In some circumstances you can ask us to delete your data: see Your Legal Rights below for further information.

In some circumstances we will 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.

9. YOUR LEGAL RIGHTS

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

- If you want us to establish the data's accuracy.
- Where our use of the data is unlawful but you do not want us to erase it.
- 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.
- 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.

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 could 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 could 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. Updates to GDPR Privacy Notice

This GDPR Privacy Notice may be updated from time to time. This GDPR Privacy Notice was last updated on July 30, 2019.