

## **Privacy Policy**

This Privacy Policy discloses the privacy policy of Empericus, LLC (“Empericus”, “our”, “we” and “us”), any website maintained or operated by Empericus (the “Website”), and our web or mobile applications (the “Apps” together with the Website, the “Services”) in connection with information collected, stored or maintained by Empericus from or for you. This Privacy Policy covers any information transmitted by you or on your behalf to Empericus in connection with the Services, whether such transmittal is made through the Website, the Apps, other electronic messaging or any other method.

As our business changes, this Privacy Policy will also change and Empericus reserves the right to change this Privacy Policy at any time and without notice. If you use any of the Services, you should check our Website periodically for changes. If you continue to use the Services, such continued use will show your acceptance of any changes.

This Privacy Policy does not cover any of your information when it is in your possession, nor does this Privacy Policy cover information that may be displayed or visible on any device that you use to access the Services.

### **What Information Does Empericus Collect and How are the Data Used?**

Empericus collects only the types of personal and non-Personal Information described below that are necessary for our legitimate business purposes, and we maintain appropriate safeguards to ensure the security, integrity and privacy of this information.

Empericus’s Apps may collect certain information automatically, including but not limited to: (i) the type of mobile device that you use, (ii) the unique device identification number of your mobile device, (iii) your mobile device’s IP address, (iv) the type of operating system running in your mobile device, (v) the type of internet browser that you utilize, and (vi) information about your usage of the Apps.

Empericus retains your information for as long as you use the Services and maintain an account with us. We will also retain and use your information as necessary to comply with legal obligations applicable to our operations, to resolve disputes, and to enforce our agreements.

### **Personal and Business Information**

When you use the Services, we may collect, receive or request what is generally called “personally identifiable information,” or “Personal Information,” which is information that specifically identifies an individual. Examples of Personal Information include name, email address, mailing address, phone number, date of birth, geographic area when any such information is linked to information that identifies a specific individual, gender, birthday, marital status, educational level, health history, and health records. Further, Empericus specifically collects and stores all health, fitness, dietary, wellness, performance, exercise, and related information required by your team, association, organization or other entity in accordance with any agreement, acknowledgement or arrangement between you and such entity, if applicable.

The Apps may utilize GPS technology, IP address, other sensors such as nearby devices, Wi-Fi access points or cell towers, or other similar geolocation technology in order to determine your current location, if enabled or necessary for use of the Services.

We may use this information (i) provide the Services to you, (ii) personalize your use of the Services, (iii) provide you with personalized analyses of your information, (iv) communicate with you and respond to your requests, and related activities, and (v) improve or enhance the Services. You have the ability to opt-out of receiving promotional communications by following the unsubscribe instructions contained in a promotional communication.

By submitting your information to us and by using the Services or the Website, you are consenting to our use of your data as described in this Privacy Policy. If you do not consent, you should not register with Empericus, not use the Services, and not use the Website. Ultimately, you own, control, and determine how to share your information.

### **Non-Personal Information**

Certain Non-Personal Information about site visits is recorded by the standard operation of the internet servers on which the Website is hosted, including but not limited to (i) IP address, (ii) domain server, (iii) type of device(s) used to access the Services, (iv) web browser(s) used to access the Services, (v) referring webpage or other source through which you accessed the Services, (vi) geolocation information, and (vii) other statistics and information associated with the interaction between your browser or device and the Services. Non-personally identifiable information ("Aggregate Data") may be used to improve the design and content of the Services or to personalize your experience.

The Non-Personal Information that we collect is as follows:

#### Cookies

Empericus uses cookies on its Website to make your experience easy and meaningful and to enable certain technical operations. Cookies are files that web browsers place in a device's memory and are used to tell us whether customers and visitors have previously visited our website. Usage of a cookie is not linked to any personally identifiable information while on the Website.

#### Social Media Cookies

These cookies are used when you share information using a social media sharing button or you link your account or engage with our content on or through a social networking site such as Facebook, Twitter or Google+. The social network will record that you have done this. This information may be linked to targeting and/or advertising activities.

#### Web Beacons

“Web Beacons” (a.k.a. clear GIFs or pixel tags) are tiny graphic image files imbedded in a web page or email that may be used to collect anonymous information about your use of our Services, the websites of selected advertisers and the emails, special promotions or newsletters that we send you. The information collected by Web Beacons allows us to analyze how many people are using the Services, using the selected advertisers’ websites or opening our emails, and for what purpose, and also allows us to enhance our interest-based advertising.

### Website Analytics

We may use third-party website analytics services in connection with the Services, including, for example, to register mouse clicks, mouse movements, scrolling activity and text that you type into the Site. These website analytics services generally do not collect Personal Information unless you voluntarily provide it and generally do not track your browsing habits across websites that do not use their services.

### Mobile Device Identifiers

Mobile device identifiers are data stored on your mobile device that may track mobile device and data and activities occurring on and through it, as well as the applications installed on it. Mobile device identifiers enable collection of Personal Information (such as media access control, address and location) and Aggregate Data. Mobile device identifiers help Empericus learn more about our users’ demographics and internet behaviors.

### Log Files

Like many standard website servers, our web servers use log files. Log files include internet protocol (IP) addresses, browser type, internet service provider (ISP), referring/exit pages, platform type, date/time stamp and number of clicks. Log files are used to analyze trends, administer the site, track aggregated users' movement and gather broad demographic information. IP addresses, etc. are not linked to personally identifiable information.

### Location

We may collect your real-time geographic location in order to present relevant information from third parties with whom you may have authorized a connection. If your location is collected and used to push content, the location information will not specifically identify you.

### **Is Information Shared With Third Parties?**

Empericus does not sell, share, or distribute your information to any third parties, except as consented to or directed by you, other than as provided in the Terms of Use. For clarity, the Terms of Use will, if applicable, require us to provide access to your Personal and Non-Personal Information to the team, association, organization or other entity in accordance with the terms of any agreement, acknowledgement or arrangement between you and such entity. If we use any subcontractors, each subcontractor that may access your information, and will be contractually obligated to maintain the confidentiality and privacy of all information accessed.

As we continue to develop our business, we might sell or buy assets. In such transactions, your information may be transferred to: (i) a parent or subsidiary; (ii) an acquirer of assets or equity; or (iii) a successor by merger.

We may also release information when we believe release is appropriate to comply with the law; enforce an agreement with Empericus; or to protect the rights, property, or safety of Empericus, our users, or others. Potential use may include exchanging information with other companies and organizations for fraud protection.

You may, or may authorize us to, share some or all of your Personal Information with a third party by connecting your account to such third party or transmitting information to a third party. You acknowledge that when you connect to or otherwise share your Personal Information with a third party, that such third party may integrate your Personal Information into such third party's data in accordance with any agreement between you and such third party and your Personal Information may be further shared by such third party. When you connect your account to a third party or authorize your Personal Information to be shared with a third party, you acknowledge that the privacy policies of such third party will govern how your Personal Information may be used or protected by that third party.

## **Security**

We have industry reasonable security measures in place to help protect against the loss, misuse, and alteration of the data under our control. The security measures include system and network components, and application components. When the website is accessed using a compatible internet browser, Secure Socket Layer (SSL) technology protects information using both server authentication and data encryption to help ensure that the data are safe, secure, and available only to you.

Although we make good faith efforts to store Personal Information in a secure operating environment that is not open to the public, we do not and cannot guarantee the security of your Personal Information. If we become aware that your Personal Information has been disclosed in a manner not in accordance with this Privacy Policy, we will use reasonable efforts to notify you of the nature and extent of the disclosure (to the extent we know that information) as soon as reasonably possible and as permitted or required by law.

## **Communications from Empericus**

Users who have provided contact information may occasionally receive email updates or information from Empericus. In order to respect our customers' privacy, we present the option to decline these types of communications.

## **Choice/Opt-Out**

Users who no longer wish to receive e-mail communications or other information from Empericus may opt-out of receiving these communications by emailing us at

cancelcommunicationfeed@empericus.com using "unsubscribe" in the subject line or following the "unsubscribe" link in an email.

### **Removal or Modification**

If you would like us to remove and/or modify your Personal Information and/or Non-Personal Information from our system, you may make such request by sending an e-mail to infochangerequest@empericus.com. If you request deletion of your account, we may retain some information in our records after deletion of your account, including but not limited to any information or records that we are legally obligated to retain. If you request modification of your information, we will review such request and determine if modification is required. Additionally, you may modify your own information by logging into your account. We will process your request within a reasonable time.

### **HIPAA Compliance**

To the extent Empericus and any of the Services are subject to any requirements of the Health Insurance Portability and Accountability Act and its implementing regulations, as all may be amended from time to time ("HIPAA"), we comply with those HIPAA requirements. We comply with HIPAA to the extent required, which is not every circumstance or use relating to the Services or our operations. We regularly review the scope of our compliance, including annual compliance audits.

### **PIPEDA Compliance**

To the extent Empericus and any of the Services are subject to any requirements of Canada's Personal Information Protection and Electronic Documents Act ("PIPEDA"), we comply with those PIPEDA requirements. We comply with PIPEDA to the extent required, which is not every circumstance or use relating to the Services or our operations. We regularly review the scope of our compliance, including annual compliance audits.

### **Children's Privacy**

Please do not use or access any part of the Service if you are under 18 years of age. If you are a parent or guardian and discover that your child under 18 years of age has obtained an account on the Service, then you may alert us at [minoralert@empericus.com](mailto:minoralert@empericus.com), and we can take action to prevent access. If you are a parent or guardian of a child under 18 years of age and approve that child's use of the Services, then you must execute a consent to affirm such approval and must be actively engaged in such child's use of the Services.

### **Non-U.S. and Canadian Visitors**

The Service is hosted in the United States and intended for use solely by individuals in the United States or Canada. If you choose to use the Service from the European Union or other regions of the world with laws governing data collection and use that may differ from U.S. or

Canadian law, then please note that you are transferring your Personal Information outside of those regions to the United States for storage and processing.

### **Links to Third Party Websites**

The Website contains links to other sites. Please be aware that Empericus is not responsible for the privacy practices of any other website or the policies, content, and practices of other websites. To the extent you visit a third-party site accessible through this Website, we encourage you to read the privacy policies of each and every website as those third-party privacy policies govern the collection and use of information provided when visiting those sites. This Privacy Policy applies solely to information collected by the Services.

### **Changes to this Privacy Statement**

From time to time, we may change the terms of this Privacy Policy. At a minimum, we will review this Privacy Policy annually to determine whether updates are needed. If we do perform an update, we will do so by posting updated text on the Website, and your continued use constitutes acceptance of those changes. To ensure that you are aware of current privacy practices, we recommend that you check this site periodically.

### **Use by Physicians and Non-Physician Healthcare Providers**

Unless otherwise set forth in a separate agreement, any physician or non-physician healthcare provider that submits data about another individual to Empericus for purposes of receiving the Services or accessing any third party's product or services through Empericus represents and warrants that such physician or non-physician healthcare provider has all necessary and applicable authorizations or permissions to submit such individual's data. In receiving such data, Empericus does not and will not become a business associate of such physician or non-physician healthcare provider under any statute or regulation governing such physician or non-physician healthcare provider's activities or operations. Any such data submitted will be held and used in accordance with this Privacy Policy and any other applicable Empericus policy.

### **Contact Information**

Any questions, comments or concerns regarding our Privacy Policy should be directed to the Privacy Officer by e-mailing such questions to [privacy@empericus.com](mailto:privacy@empericus.com) or by regular mail addressed to:

[fill in address]

Adopted: \_\_\_\_\_, 2019