

# Privacy Policy

Effective Date: July 27, 2018

PiVoT, LLC ( “Pivot” , “we” , or “us” ) knows that you care about how your personal information is used and shared, and we take your privacy seriously. Please read the following to learn more about our privacy policy.

By visiting or using the Pivot website or mobile application, Pivot’s services and applications (mobile or otherwise), and any linked pages, features, or content offered from time to time by Pivot in connection therewith (collectively, the “Service” ), you acknowledge that you accept the practices and policies outlined in this privacy policy.

We have prepared this privacy policy (“Privacy Policy”) to describe our information gathering and dissemination practices and our data protection practices for the Service. Please read this policy carefully so that you understand our privacy practices. If you do not agree to this Privacy Policy, do not use the Service or give us any of your information. The terms “you,” “your,” and “yours” refer to the user/customer utilizing the Service. This Privacy Policy is governed by our **Terms of Use**.

*Policy Scope.* This Privacy Policy covers how Pivot treats personal information ("Personal Information") and other information that Pivot collects through the Service.

*Personal Information Defined.* Pivot considers "Personal Information" to include information that alone or when in combination with other information may be used to readily identify, contact, or locate you, such as: name, address, email address, or phone number. Pivot does not consider Personal Information to include information that has been anonymized so that it does not allow a third party to easily identify a specific individual. Pivot does not allow the public to see your Personal Information.

*Personal Wellness Data Defined.* Pivot considers “Personal Wellness Data” to include data gathered from automated or manual wellness tracking during use of the Services that alone or when in combination with Personal Information may be utilized by Pivot, including but not limited to the right to aggregate and redistribute the data. By using the Services, you authorize Pivot and its sub-contractors to process your Personal Wellness Data. Pivot does not consider Personal Wellness Data to include information that has been anonymized so that it does not allow a third party to easily identify a specific individual. Pivot does not allow the public to see your Personal Wellness Data.

*Use and Acceptance.* By using the Service and accepting the **Terms of Use**, you also agree to this Privacy Policy. If you do not accept this Privacy Policy, you must not use the Service.

*Posting of Revised Privacy Policy.* Pivot 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, you leave Pivot, at which point this Privacy Policy no longer applies. You will not receive a notice warning when you leave the Service.

## COLLECTION OF INFORMATION

*Personal Information Collection.* You will need to provide Personal Information to register with and subscribe to the Service and to do certain things such as search and book classes, reserve Services or purchase merchandise. To register with the Service, you may need to submit your first and last name, email address, password, billing address and credit card information, among other information.

You may also be able to register by using another company's login credentials. For example, if you login with your Facebook credentials, we collect the Personal Information you have made publicly available in Facebook, such as your name and profile picture and use that information to register with the Service. We may also obtain other information 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.

The Service 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 studios and classes near you. The Service may also collect Personal Information through contacts with our customer-support team and if you include it when you submit reviews or comments while using the Service.

The Service may collect your Personal Information and Personal Wellness Data through activity tracking devices and mobile applications, or from your manual logging of activities with the Services.

The Service may collect credit card and billing information to process payments. This information is secured according to PCI Data Security Standards.

The Service may collect and store your location information if you enable your computer or mobile device to send it to us. Changing the settings on your computer or mobile device may prevent this data collection.

*Cookies, Automatic Data Collection, and Related Technologies.* In addition, the Service collects and stores information that is generated automatically as you use it. This information includes anonymous usage statistics. To collect this information, the Service may use log files, web beacons, cookies, and other similar technologies.

For example, the Service may use cookies for a number of purposes such as: remembering preferences, tracking conversions, conducting marketing and promotional efforts, analyzing site traffic and trends, and generally understanding the online behaviors and interests of people who interact with our Site. "Cookies" are bits of information that are stored by your browser or app on

your computer or mobile device. This technology allows for the storage of user preferences, user ID, and password. You can turn off the “cookie” function in most standard Internet browsers; however, the majority of the features of the Service may not function properly without them.

The Service automatically collects other system information, such as your web request, Internet Protocol ("IP") address, browser type, browser language, domain names, referring and exit pages and URLs, platform type, number of clicks, landing pages, pages viewed and the order of these page views, the amount of time spent on particular pages, the date and time of your request, and the unique identity of your browser. This information is used to analyze trends, administer the Service, improve the design of the Service, track user navigation and otherwise enhance the Service.

When you visit our Website, our servers automatically record information ("Log Data") created by your visit to and use of the Services. Log Data may include information such as your IP address, browser type, the referring domain, pages visited and order of visit, search terms used and other historical data.

We may keep track of how you interact with links across the Services. We do this to help improve our Services, including the advertising on and through our Services.

We may share the Log Data in the form of aggregate click statistics, such as how many times a particular link was clicked on, without any personally identifiable information, with third parties.

In addition to Log Data, we may also collect information about the device you are using when accessing the Services, including what type of device it is, what operating system you are using, device settings, unique device identifiers, and crash data.

Whether we collect some or all of this information often depends on what type of device you are using and its settings. To learn more about what information your device makes available to us, please also check the policies of your device manufacturer or software provider.

We may use third-party advertising companies to serve advertisements on our behalf or to provide advertising-related services. These companies may use a cookie or an action tag: to tailor the advertisements you see on this Website and other sites; to track your response to their advertisement; to determine whether advertising has been served; to measure the effectiveness of their advertising; and/or to award incentives or points to their members who respond to their advertisements. The cookies, action tags or similar files do not contain any Personal Information.

We may also use third parties to provide measurement and analytic services.

By using the Service, you are authorizing Pivot to gather, parse, and retain data related to the provision of the Service.

We use third party vendors and hosting partners to provide the necessary hardware, software, networking, storage, and related technology required to run our services.

We do not transfer ownership of any code, databases, Website rights or data to any third party vendors or hosting partners.

We may use a variety of services offered by third parties to help maintain and improve our Services, to help us understand the use of our Services, or simply to provide the Services.

These services may store both personally identifiable information about you which we collect and the information sent by your browser as part of a web page request, such as cookies or your IP address.

If any third parties are given access to your personally identifiable information, we will limit the use of such personally identifiable information only to provide the services to us which we have requested.

### THIRD PARTY SITES

The Service may contain links to other sites. Pivot is not responsible for the privacy practices of such other sites. We encourage our users to be aware when leaving the Site to read the privacy statements of each site that collects Personal Information.

### INFORMATION USE

*Internal and Service-related Usage.* Pivot uses Personal Information for internal and service-related purposes only and may provide it to third parties to allow Pivot to offer the Service.

*Publish Ratings and Reviews.* Your first name, first initial of your last name, other optional information you post to your profile, ratings, reviews, and other comments you post using the Service may be viewable by other users. Studios may be able to use the Service to view the information you post to the Service just like any other user. They may be able to see your first name, first initial of your last name, other optional profile information, and ratings and reviews you post.

*Advertising.* Pivot may allow access to data collected by the Service to enable the delivery of advertising and offers that will be of greatest utility, relevance, value, and interest to you.

*Improve Service.* Pivot may retain any data you provide to provide customer support, track the types of questions we receive, analyze trends, track user movement, personalize your experience, and otherwise enhance the Service.

*Communications.* We may send you a welcome email to verify your account and other emails for operational purposes, such as billing, account management, class confirmations and cancellations or system maintenance, as well as for marketing purposes such as promotional offers from Pivot or our partners, as well as class, studio, event and fitness and nutrition related content.

### DISCLOSURE OF INFORMATION

*Studios.* Pivot may provide some Personal Information, such as your name and phone number, to a studio when you book a class there, just as if you booked a class directly with the studio. Studios are a separate businesses from Pivot, and Pivot is not responsible for the privacy practices of those businesses.

*Vendors and Suppliers.* Pivot may share any information it receives with vendors and suppliers retained in connection with the provision of the Service. For example, we may share your credit card and billing information to third-party service providers that perform credit card transactions.

*Corporate Partners.* Corporate partners are a separate business from Pivot, and Pivot is not responsible for the privacy practices of its corporate partners.

*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, and Yahoo! Calendar. We do not share information with them unless you direct the Service to share it. Their use of the information will be governed by their privacy policies and you may be able to modify your privacy settings on their websites.

*As Required By Law and Similar Disclosures.* Pivot may access, preserve, and disclose your Personal Information, other account information, and content if it believes doing so is required by law or if those actions are reasonably necessary to:

1. comply with legal processes, such as a court order or subpoena;
2. enforce this Privacy Policy or Pivot's **Terms of Use**;
3. respond to claims that any content violates the rights of third parties;
4. respond to your requests for customer service;
5. respond to law enforcement;
6. investigate and prevent unauthorized transactions or other illegal activities; or
7. protect the rights, property, or personal safety of Pivot, our users, or the public.

*Pivot System and Related Security.* Pivot may disclose information about you, including information regarding your use of the Service, to third parties if, in our sole discretion, disclosure is necessary to protect our systems, website, business, users, or others.

*Merger, Sale, or Other Asset Transfers.* Information about you in Pivot's possession may be disclosed as part of a merger, acquisition, sale of company assets, financing due diligence, or transition of service to another provider, as well as in the unlikely event of insolvency, bankruptcy, or receivership in which your Personal Information would be transferred as one of the business assets of the company. Pivot does not guarantee that any entity receiving such information in connection with one of these transactions will comply with all terms of this Privacy Policy.

Notwithstanding anything to the contrary in this Privacy Policy:

(a) upon a sale of Pivot or all or substantially all of its assets, we reserve the right to transfer to the purchaser of Pivot all data it has, including without limitation all Log Data and all personally identifiable data concerning you and any user of the Pivot Services and

(b) we will share your personal information if we have a good faith belief that:

(i) access, use, preservation or disclosure of such information is reasonably necessary to satisfy any applicable law, regulation, legal process, such as a court order or subpoena, or a request by law enforcement or governmental authorities,

(ii) such action is appropriate (A) to enforce the Terms of Service, including any investigation of potential violations thereof, or (B) to detect, prevent, or otherwise address fraud, security or technical issues associated with the Pivot Services, or

(iii) such action is appropriate to protect the rights, property or safety of Pivot, its employees, users of the Pivot Services.

## SECURITY OF YOUR INFORMATION

When Pivot handles information that you disclose through the Service, regardless of where this occurs, Pivot takes steps to ensure that your information is treated securely and in accordance with this Privacy Policy. Unfortunately, Pivot cannot ensure or warrant the security of any information you transmit through the Service, and you do so at your own risk. Pivot does not accept liability for unintentional disclosure.

You may request to cancel your account at any time. Keep in mind, however, that even if you request to cancel your account, we may retain your personal information to prevent fraud, resolve disputes, troubleshoot problems, assist with any investigations, enforce our Terms of Use, perform research, and take other actions otherwise permitted by law.

There may be residual personal information that remains within our databases, access logs, and other records. In addition, we are not responsible for updating or removing your personal information already disclosed to third parties who have been provided information as permitted by this Privacy Policy.

## CHILDREN'S PRIVACY

Pivot 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 15 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 Pivot becomes aware that it has collected any Personal Information from children under 13, it 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 obtained a Service

account, then you may alert Pivot at [fitness@Pivotpassport.com](mailto:fitness@Pivotpassport.com) and request that Pivot delete that child's Personal Information from our systems.

## INTERNATIONAL USERS

By choosing to visit the Service or otherwise provide information to Pivot, you agree that any dispute over privacy or the terms contained in this Privacy Policy will be governed by the law of the Commonwealth of Virginia.

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 you consent to that transfer.

You also consent to the adjudication of any disputes arising in connection with Pivot or the Service in accordance with the Terms of Use.

## UPDATE YOUR INFORMATION OR POSE A QUESTION OR SUGGESTION

If you would like to update or correct any information that you have provided to Pivot through your use of the Service please send an email to [fitness@Pivotpassport.com](mailto:fitness@Pivotpassport.com).

Pivot reserves the right to send you certain communications relating to Pivot, such as service announcements and administrative messages that are considered part of your Pivot account.

## PUBLIC POSTS

The Site may allow you to post or share content to a public area of the Site such as a public profile, group, community or other public area. You should be aware that any content or information you choose to disclose in these areas can be read, collected and used by other users, the general public and other sites (including search engines). We are not responsible for, and this Privacy Policy does not apply to, information you may choose to post in these areas.

## GENERAL TERMS

We reserve the right to change this Privacy Policy from time to time at our sole discretion. Any such change, update or modification will be effective immediately upon posting the revised Privacy Policy on the Services.

We will provide no other notice to you. It is your responsibility to review this page from time to time to ensure that you continue to agree with all of its terms. If you no longer agree to this Privacy Policy after a change, you must cease using the Services.

This Privacy Policy shall be governed by the laws of the Commonwealth of Virginia, USA without respect to its conflict of laws principles.

Our failure to exercise or enforce any right or provision of this Privacy Policy shall not constitute a waiver of such right or provision. This Privacy Policy is hereby incorporated into the Terms of Use.

You may not assign this Privacy Policy to any party. If any provision of this Privacy Policy is deemed invalid, then that provision will be limited or eliminated to the minimum extent necessary, and the remaining provisions of this Privacy Policy will remain in full force and effect.

#### CONTACTING PIVOT

If you have any questions, comments, or concerns about this Privacy Policy, please contact us at:  
Pivot LLC  
c/o Woods Rogers PLC  
123 E. Main Street  
Charlottesville, VA 22902  
Email: [wellness@pivotpass.com](mailto:wellness@pivotpass.com)