

MackFit Privacy Policy

Last Updated: January 28, 2019

MackFit, a California corporation (“MackFit,” “we”, “our” or “us”) has implemented this Privacy Policy (“Privacy Policy”) for its MackFit.com website (including all areas of the site) (the “Website”), applications and software provided online and made available offline through or in connection with the service, including through a mobile device (collectively, the “Service”) to provide our registered users (“Members”) and unregistered users and visitors (collectively “Users” or “you”) information regarding the collection and use of your information on the Service, so that you can make an informed decision about your use of the Service. Capitalized terms that are not defined in this Privacy Policy have the meaning ascribed to them in our [Terms of Use](#).

When using the Service, there are general elements of our Service that you should know. We will not use or share your Personally Identifiable Information with anyone except as described in this Privacy Policy. MackFit does not own your user generated content. For further details on using the Service please refer to our Terms of Use Agreement available [here](#).

This Privacy Policy applies to information collected by MackFit and does not apply to information collected by any third-party sites to which the Service may link or to information provided to, or collected by, third-parties through third-party cookies, web beacons, or other third-party technologies served during your visit to the Service.

Please see the [Do Not Track](#) section of this Privacy Policy for how the Service responds to “Do Not Track Mechanisms”.

Note that you can withdraw the consent you have given us to process your information at any time by going to the Settings in your account. Please see the [Your Choices](#) section of this Privacy Policy for additional detail.

If you have questions or concerns regarding this Privacy Policy, you should contact us via email to info@MackFit.com, or send mail to Privacy, MackFit, 11049 Magnolia Blvd. #308, North Hollywood, CA 91601.

As we update and expand our Service, this Privacy Policy may change, so please check this web page for updates to our Privacy Policy. In the event we make material changes to this Privacy Policy, we will provide notice through our Service, or by other means, to provide you with an opportunity to review the changes before they become effective. If you object to any changes, you may close your account.

By using the Service, you agree to the terms and conditions of this Privacy Policy.

You acknowledge that your continued use of our Service after we publish or send a notice about changes to our Privacy Policy means that the collection, use and sharing of your personal data is subject to this Privacy Policy.

The Information We Collect

When you visit our Service we may collect information regarding your visit from your computer. Such information helps us to determine information about how you found our Service, the date that you visited our Service and search engines that may have led you to our Service. We collect this information in order to continually improve and enhance the functionality of the Service.

Generally, you may provide us with two types of information, User Content, which may include Personally Identifiable Information, and Website Usage Information, both of which are discussed in greater detail below.

1. *Personal Information You Choose to Provide.*

- a. *Sign-Up Information and Profile.* We'll ask you to provide certain information if you choose to register with our Service, including your name, email address, your date of birth, address, telephone number, and other information which identifies you (collectively "Personally Identifiable Information"). Do not supply to us or disclose on the Service any Personally Identifiable Information of any person under 18 years of age, as we do not intend to collect information from anyone under 18 or invite to them to participate in the Service.
- b. *User Content.* Our Service may offer its users to the opportunity to post User Content, comments, reviews, and tag messages via bulletin boards, blogs, articles, and chat rooms. If you choose to use these features, you should be aware that any Personally Identifiable Information you submit through these public Service features can be read, collected, or used by other viewers and could be used to send you unsolicited messages. We are not responsible for the Personally Identifiable Information you choose to submit in these public forums of the Service.
- c. *Questionnaires and Surveys.* We may occasionally ask users of our Service to complete online surveys, questionnaires, and opinion polls about the Service and their activities, attitudes, and interests. These surveys help us to better serve you and improve the usefulness and features of the Service. In requesting your participation in these surveys we may ask you to provide your name and email address to us.
- d. *Contact Us.* If you email us through the contact us link on our Service, we may ask you for information such as your name and email address so we can respond to your questions and comments. If you choose to correspond with us via email, we may retain the content of your email messages, your email address and our response to you. In certain cases, and with your permission, we may post content from your emails to us on the Service.

2. *Website Usage Information.*

- a. *Cookies.* The Service may use cookies to collect information for record keeping purposes and make it easier to navigate the Service. Cookies are small text files that are stored on

users' hard drives, which often include an anonymous unique identifier. The Service uses both "session ID cookies" and "persistent cookies." Session ID cookies are used to store information while a user is logged into the site and expire when the user closes their browser. Persistent cookies are used to make tasks like logging into the site easier for returning users by remembering a user's login information, and may be used by your browser on subsequent visits to the Website. Persistent cookies stay on a user's hard drive from one session to the next. Persistent cookies can be removed by following your web browser's directions. A session cookie is temporary and disappears after you close your browser.

When you visit our Website, our computer may ask your computer for permission to employ the use of a session or persistent cookie. Our Website will then send a cookie to your browser if your browser's preferences allow it.

Most web browsers can be adjusted to inform you when a cookie has been sent to you and provide you with the opportunity to refuse that cookie. However, refusing a cookie may, in some cases, preclude you from using, or negatively impact the display or function of, our Website or certain areas or features of our Website. You may choose not to receive cookies from the Service by following instructions in your web browser's "help" file, but this may make certain features of the Services inaccessible to you.

- b. *Clear GIFs/Beacons.* When visiting our Website, we may also use "Clear GIFs" (aka "web beacons" or "pixel tags") or similar technologies in our Website and/or in our communications with you. A Clear GIF is typically a one-pixel, transparent image located on a web page or in an e-mail or other type of message, which helps us to verify an individual's viewing or receipt of a web page or message. Clear GIFs allow us to know whether you have viewed a web page prior to visiting our Website and may enable us to relate such information to other information, including your Personally Identifiable Information. We use information provided from Clear GIFs to enable more accurate reporting, improve the effectiveness of our marketing, and make our Service better for our users.
- c. *IP Address and Clickstream Data.* Our servers automatically collect data about your Internet Protocol address when you visit us. When you request pages from our Website, our servers may log your IP Address and sometimes your domain name. Our server may also record the referring page that linked you to us (e.g., another website or a search engine); the pages you visit on this Website; the website you visit after this Website; other information about the type of web browser, computer, platform, related software and settings you are using; any search terms you have entered on this Website or a referral website; and other web usage activity and data logged by our web servers. We use this information for internal system administration, to help diagnose problems with our servers, to analyze general usage patterns, and to administer our Website. Such information may also be used to gather broad demographic information, such as country of origin and Internet Service Provider. We may aggregate user information in a non-personally identifiable manner to share with advertisers, to enhance the Website with new features, and for our general business purposes.

Any or all of these activities with regard to the above-described Website Usage Information may be performed on our behalf by our third-party service providers.

How We Use Your Information

1. *Personal Information.* If you submit information to us through the Service, including registration and profile information, then we use this information to operate, maintain, and provide the features and functionality of the Service. We will use your email address to complete the signup process. By providing your email address to MackFit, you consent to our using the email address to send you Service-related notices, including among other things notices required by law, in lieu of postal mail. You may not opt out of Service-related e-mails. We may also use your email address to send you other messages, including changes to Service features and special offers.
2. *Usage Information.* We use non-Personally Identifiable Information, such as anonymous Website use data and IP addresses, to improve the quality and design of the Service and to create new features and services by storing, tracking, and analyzing your preferences and trends. We may use such information to: (a) remember information so that you will not have to re-enter it during your current or subsequent visits to the Service; (b) provide customized content and information; (c) monitor the effectiveness of our marketing campaigns and aggregate metrics such as total number of visitors and traffic; (d) diagnose or fix technology problems; (e) access your information after you sign in; (f) market our Service to advertisers and other third parties; (g) aggregate general User and Member statistics including demographic and geographic information; and (h) other purposes for which your personal identity is not revealed.
3. *Location-Based Services.* We collect location-based information in order to provide the specific location-based services which you request. You understand that certain location-based services require a location to function properly and your use of our Application on your mobile device with such features enabled signifies your agreement to use your location for the purposes of the Service.

When We Share Information

MackFit will not share your email address with advertisers or unaffiliated third parties without first obtaining your express permission.

We may provide information, including personal information, to our subsidiaries, affiliated companies, or subcontractors, so such parties can, among other things (a) perform services and/or process such information on our behalf, (b) use the information to offer greater functionality and enhanced services through the Service and provide you with additional product and service opportunities, and (c) communicate these opportunities to you. When we do this, the recipients of your information are bound by the terms of this Privacy Policy.

We may share non-Personally Identifiable Information (such as anonymous Website and/or Application use data) with third-parties to assist them in understanding our Service, including

Users' use of our Service and the services we provide and the success of advertisements and promotions.

We may share non-personally identifiable aggregated user data, such as aggregated gender, age, geographic, and usage data (without the inclusion of a user's name or other identifying information) to advertisers and other third parties for their marketing and promotional purposes.

We may use analytics services provided by third parties that use cookies and other similar technologies to collect information about the Service without identifying individual visitors. The third parties that provide us with these services may also collect information about your use of third-party websites and applications.

We may share location-based information with third parties for their marketing and promotional purposes if you have allowed location-based services.

We may release your information if required to do so by law, or in the good-faith belief that such action is necessary to comply with state or federal laws or respond to a court order, subpoena, law enforcement or regulatory request, or search warrant. We reserve the right to collect and share any information: (i) in order to investigate, prevent, or take action regarding suspected or actual illegal activities; (ii) as appropriate or necessary to enforce our Terms of Use or investigate potential or actual violations of the Terms of Use or Privacy Policy; (iii) take precautions against liability; (iv) to protect the security or integrity of our Service; (v) to exercise or protect our rights and property, the Service, or the rights and personal safety of MackFit affiliates, Users or others; or (vi) for other legitimate purposes.

We may assign or transfer the information we collect to a third party in the event that MackFit is acquired by or merged with a third party entity, or due to our bankruptcy, insolvency, reorganization, receivership, or similar situation. We reserve the right to transfer any information we have about you in the event we sell or transfer all or a portion of our business or assets. Should such a sale or transfer occur, we will use reasonable efforts to direct the transferee to use personal information you have provided through our Service in a manner that is consistent with this Privacy Policy.

Rights to Opt-In / Opt-out

You have the right to "opt in" and/or "opt out" of certain of our uses of your Personally Identifiable Information. For example, you may have the opportunity to elect whether you would like to receive correspondence from us and/or third party service providers. Your personal information will not be shared with third party service providers unless consent is given by you. You will have the opportunity to opt out of our promotional e-mails by clicking the "opt out" or "unsubscribe" link in the e-mail you receive. You can also request this by sending an e-mail to info@MackFit.com specifying whether: (i) you would like to opt out of receiving promotional correspondence from MackFit in general, or just via e-mail, postal mail and/or by phone, and/or whether (ii) you would only like to opt out of certain of our e-newsletters or correspondence. Please understand that if you opt out of receiving promotional correspondence from us, we may still contact you in connection with your relationship, activities, transactions and communications with us.

Our Commitment to Children’s Privacy

Protecting the privacy of young children is especially important and is mandated by U.S. law. For these reasons, MackFit does not knowingly collect Personally Identifiable Information on the Service from persons under 18 years of age, and no part of our Service is directed to persons under 18. If you are under 18 years of age, then you must not use or access the Service at any time or in any manner or provide any information to the Service. If we become aware that we have inadvertently received personal information from a visitor under the age of 18 on our Service, we will delete the information from our records.

Rights to Access and Control Your Data

You can access or delete your personal data. You have many choices about how your data is collected, used and shared. We offer you settings within your Account to control and manage the personal data we have about you.

For personal data that we have about you, you can:

- Delete Data: You can ask us to erase or delete all or some of your personal data (e.g., if it is no longer necessary to provide services to you).

- Change or Correct Data: You can edit some or your personal data through your account. You can also ask us to change, update or fix your data in certain cases, particularly if it’s inaccurate.

- Object to, or Limit or Restrict, Use of Data: you can ask us to stop using all or some of your personal data (e.g., if MackFit has no legal right to keep using it) or to limit our use of it (e.g., if your data is inaccurate or unlawfully held).

- Right to Access and/or Take Your Data: You can ask us for a copy of your personal data and can ask for a copy of the personal data you provided in machine readable form.

You may contact us at info@MackFit.com, and we will consider your requests in accordance with applicable laws.

Residents in Designated Countries may have additional rights under the laws of those countries.

Retention Period

MackFit has a variety of obligations to retain the data that you provide to us, both to ensure that transactions can be appropriately processed, and also to comply with laws applicable to us and to our banking providers and credit card processors. Accordingly, even if you close your account

we will retain certain information as necessary to meet our legal obligations and fulfill the purposes outlined in this Privacy Policy.

We retain your Personally Identifiable Information even after you have closed your account if reasonably necessary to comply with our legal obligations (including law enforcement requests), meet regulatory requirements, resolve disputes, maintain security, prevent fraud and abuse, enforce our Terms of Use, or fulfill your request to “unsubscribe” from us. We will retain de-personalized information after your account has been closed.

Information you have shared with others (e.g. comments, posted reviews, group posts) will remain visible after you closed your account or deleted the information from your own profile, and we do not control the data that other Account holders copied out of our Service. User Content associated with closed accounts will show an unknown user as the source.

International Users

The Service is hosted in the United States and are intended for and directed to Users in the United States. The Service is void where prohibited. If you are accessing the Service from outside the United States, your use of the Service is governed by U.S. law, you are transferring your Personally Identifiable Information to the United States, and you consent to that transfer.

By providing Personally Identifiable Information to us through this Service, you agree that it may be used by us and our Affiliated Parties for the purposes described herein and you further understand and consent to the collection, maintenance, processing and transfer of such information in and to the United States and other countries and territories, which may have different privacy laws from your country of residence and which may afford varying levels of protection for your Personally Identifiable Information. Regardless of the laws in place in these countries, we will treat the privacy of your information in accordance with this Privacy Policy. By providing your Personally Identifiable Information to this Service, you consent to our transmission to, and processing of your information in, any jurisdiction, in accordance with this Privacy Policy.

[EU CONSIDERATIONS]

Users from the EU, EEA and Switzerland

This section of the Privacy Policy applies only if you use our Service from a country that is a Member State of the European Union (“EU”), European Economic Area (“EEA”) or Switzerland (the EU, EEA and Switzerland collectively, “Designated Countries”), and supplements the information in this Privacy Policy.

To the extent that MackFit is subject to the laws of the Designated Countries when processing personal data, it shall be the “data controller” under such laws. We have lawful bases to collect your data, as detailed in this Privacy Policy. The nature of our business means the Personally Identifiable Information and Usage Information will be transferred to the United States. We take appropriate steps to ensure that recipients of your personal data are bound to duties of

confidentiality and we implement measures such as standard data protection contractual clauses to ensure that any transferred personal data remains protected and secure. You may request copies of these clauses by contacting info@MackFit.com. You may lodge a complaint with the applicable supervisory authority if you consider that our processing of your information violates applicable law.

Your Choices

We have lawful bases to collect, use and share data about you. You have choices about the use of your data. We will only collect and process Personally Identifiable Information about you where we have lawful bases. Lawful bases include consent (where you have given consent), contract (where processing is necessary for the performance of a contract with you (e.g. to deliver the MackFit services you have requested)) and our legitimate interests, provided that such processing shall not outweigh your rights and freedoms. MackFit will seek to obtain your additional consent where required by applicable law. At any time, you can withdraw the consent you have provided by going to settings.

You may, of course, decline to submit Personally Identifiable Information to the Service, in which case you may not be able to register or MackFit may not be able to provide certain services to you.

You may access, update or correct your Personally Identifiable Information by using your account settings to edit, delete, update, or change the Personally Identifiable Information you have provided to this App. You may also request that we correct, update, or remove your information from the current App by contacting us at info@MackFit.com. We will respond to your request within 30 days. However, before we are able to provide you with any information or correct any inaccuracies, we may ask you to verify your identity and provide other details to help us to respond to your request.

To protect your privacy and security, we take reasonable steps (such as requesting a password) to verify your identity before granting you profile access or making corrections. You are responsible for maintaining the secrecy of your password and account information at all times.

You may decline to utilize location-based services on your mobile device. If you do not want us to use location-based information, please refrain from using a location-based service or click “Don’t Allow” when your mobile device requests your location-based information.

Online Tracking Disclosures -- “Do Not Track” Settings

You may be accessing the Service via a browser that has a “Do Not Track” setting. Under AB 370 of CalOPPA, we are required to disclose our response to a browser’s “do not track” signal. If you have turned this setting in your browser on, or if you are using a browser with the default setting of “Do Not Track”, please be advised that all features of the Service may not function in such setting. As detailed above, we collect a variety of functional and analytic cookies in order for you to completely engage with our services.

If you wish to opt-out of the collection of tracking information you may do so according to your browser settings; however, please be advised that such an election may limit the functionality of the Website available to you.

Our Commitment To Data Security

We have implemented commercially reasonable technical and organizational measures designed to secure your Personally Identifiable Information from accidental loss and from unauthorized access, use, alteration or disclosure. Such measures include, but are not limited to, the utilization of Secure Sockets Layer (SSL) encryption to transmit sensitive information through the Service. However, we cannot guarantee that unauthorized third parties will never be able to defeat those measures or use your personal information for improper purposes. You acknowledge that you provide your Personally Identifiable Information at your own risk.

While MackFit strives to protect the security and integrity of Personally Identifiable Information on its Service, due to the inherent nature of the Internet as an open global communications vehicle, we cannot guarantee that your information, during transmission through the Internet or while otherwise in our care, will be safe from intrusion of others. You should also be aware that if you contact us by email or a “contact us” or similar feature on the Service, your transmission might not be secure. An unaffiliated third party could view information you send by these methods in transit. You should also be aware that if you are accessing the Service via a mobile device, your transmissions may not be secure due to the inherent nature of mobile data carrier networks. We will have no liability for disclosure of your information due to errors or unauthorized acts of third parties during or after transmission.

If you have reason to believe that your interaction with us is no longer secure (for example, if you feel that the security of any account with us has been compromised), please immediately notify us of the problem by contacting us in accordance with the information provided in the Introduction to this Privacy Policy.

Compromise of Personal Information

In the event that personal information is compromised as a result of a breach of security, MackFit will promptly notify those persons whose personal information has been compromised, in accordance with the notification procedures set forth in this Privacy Policy, or as otherwise required by applicable law.

In the event the breach involves your online account credentials, we will provide notification in electronic form and direct you to promptly change your password and security question, as applicable, or to take other appropriate steps to protect the online account as well as any other online accounts for which you use the same credentials or security question and answer. **You consent to our use of e-mail as a means of such notification. If you would prefer us to use another method to notify you in this situation, please e-mail us at info@MackFit.com with the alternative and/or additional contact information you would like us to use.**

Notification Procedures

It is our policy to provide notifications, whether such notifications are required by law or are for marketing or other business related purposes, to Users via email notice, written or hard copy notice, or through conspicuous posting of such notice on our App, as determined by MackFit in its sole discretion. MackFit reserves the right to determine the form and means of providing notifications to our Users, provided that you may opt out of certain means of notification as described in this Privacy Policy.

California Privacy Rights

Under California's "Shine the Light" law (California Civil Code §1798.83), California residents who provide personal information in obtaining products or services for personal, family or household use are entitled once per calendar year to request and obtain from us information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (e.g. requests made in 2019 will receive details concerning 2018 sharing activities).

To obtain this information, please send an email message to info@MackFit.com with "Request for California Privacy Information – Shine the Light" on the subject line and in the body of your message. We will in turn provide the requested information on covered sharing to you at your e-mail address.

Changes to This Privacy Policy

This Privacy Policy may be revised periodically and without prior notice to you to reflect changes in our online information practices. We will post a prominent notice on this App to notify you of any significant changes to our Privacy Policy and indicate at the top of the statement when it was most recently updated. Your use of the App indicates your acceptance of this Privacy Policy and any then-current revisions.

Contact Information

Please contact us with any questions or comments about this Privacy Policy or the Service, or if you would like to review, delete or update information we have about you or your preferences, at the following address:

Attn: Privacy
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