

Privacy Policy – Instytut Rozwoju Fitness

In order to implement the principle of compliance with the law, reliability and transparency of the processing of personal data belonging to persons that use the services offered by Instytut Rozwoju Fitness sp. z o.o. with its registered office in Warsaw, this Privacy Policy has been adopted.

The Privacy Policy defines the principles on which Instytut Rozwoju Fitness sp. z o.o. with its registered office in Warsaw collects and processes personal data of its customers and what rights these customers have in relation to the processing of their personal data.

Considering that since 25.05.2018 the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (general regulation on the protection of personal data – referred to as "GDPR") has been directly applicable, Instytut Rozwoju Fitness sp. z o.o. with its registered office in Warsaw encourages its customers to familiarize themselves with the following information concerning the processing of their personal data.

Terms written in capital letters in the further part of the Privacy Policy shall have the meanings given to them in the Regulations of the Be Active Program, unless the context of their use clearly indicates otherwise.

1. Information on the personal data Controller.

The Controller of your personal data is Instytut Rozwoju Fitness sp. z o.o. with its registered office in Warsaw, ul. Puławska 427, 02-801 Warsaw.

In matters concerning the processing of your personal data, you may contact the Controller directly by sending traditional correspondence to the postal address of Instytut Rozwoju Fitness sp. z o.o. with its registered office in Warsaw, ul. Puławska 427, 02-801 Warsaw.

2. Data Protection Supervisor

In matters relating to the protection of your personal data and the exercise of your rights, you may at any time contact the Data Protection Supervisor, designated by the group of companies to which the Controller belongs, at the e-mail address: - IOD@ebeactive.pl.

3. Purpose of personal data processing.

Your personal data is processed by the Controller for various purposes, to different degrees and on different legal bases provided by the GDPR.

The information concerning the processing of your personal data, grouped according to the purposes for which the data is processed by the Controller, is presented below.

1) Performance of the agreement.

Processing of your personal data by the Controller is necessary for the performance of the Be Active Agreement or the Active30 Agreement and the Account Agreement, including:

- i. provide you with access to the fitness services offered by the Controller,
- ii. enable you to create a User Account on the Platform Website and use the functionalities available there.

The legal basis legalising the processing of your personal data by the Controller for this purpose is Article 6(1)(b) of the GDPR.

2) Execution of legally justified interests of the Controller or a third party.

The Controller has the right to process your personal data to perform legally justified interests of the Controller or a third party.

The above means that the purpose for which the Controller will process your personal data on this basis is in accordance with the law.

The Controller has decided that the processing of your personal data is consistent with the fulfilment of the following legally justified interests of the Controller or a third party:

- 1) transferring your personal data within the group of companies to which the Controller belongs for internal administrative purposes,
- 2) when it is strictly necessary to prevent fraud and to ensure network and information security,
- 3) selecting services to meet the needs of the Controller's clients,
- 4) optimization of products or services based on your comments and opinions about them, your interest, application technical logs,
- 5) optimisation of sales service or after-sales processes,

- 6) handling complaints,
- 7) archival (evidentiary) information to secure information in case of legal need to prove certain facts (e.g. before a tax authority),
- 8) any determination, investigation or defence against the claims,
- 9) customer satisfaction survey and determining the quality of services and Controller's customer service,
- 10) offering you products or services by the Controller (direct marketing), including the selection of products or services according to your needs by means of profiling (as explained later in this Privacy Policy),
- 11) offering you directly (direct marketing) products or services of entities cooperating with the Controller (Controller's partners), e.g. in the form of discount coupons, including their selection according to your needs by means of profiling (as explained later in this Privacy Policy) to the extent specified in the analysis of legally justified interests conducted and documented by the Controller,
- 12) using the video monitoring in fitness clubs where fitness services offered by the Controller under a fitness services agreement are provided, excluding such places as cloakrooms, changing rooms, bathrooms and toilets, to prevent theft, acts of vandalism or other violations of order and provide security or observing generally accepted norms of behaviour in fitness clubs.

The Controller processes your personal data only for specific, explicit and legally justified purposes, and your personal data is not further processed in a manner incompatible with those purposes.

The possibility of processing your personal data for the purpose of pursuing the legitimate interests of the Controller or a third party is provided for in Article 6(1)(f) of the GDPR.

3) Protection of the vested interests of the data subject or of another natural person.

The Controller has the right to process your personal data to protect your vested interests or the vested interests of another natural person, i.e. those that are essential to your or another natural person's life.

The above catalogue includes in particular humanitarian emergencies, natural and man-made disasters, as well as objectives related to the need to save lives, health or protect property (e.g. the Controller may contact you to return to you your lost wallet found in a fitness club or in connection with an event that took place in a fitness club to your detriment or to the detriment of another natural person, if you were its participant or witness).

The legal basis for the processing of personal data to protect your vested interests or those of another natural person is Article 6(1)(d) of the GDPR.

However, the Controller will not process on this basis your personal data in specific categories (including health data) unless you have given your express consent to the processing of your data for this purpose or unless you are physically or legally incapable of giving your consent and the processing of your personal data is absolutely necessary to protect your vested interests or the vested interests of another natural person (Article 9(2)(a) or (c) of the GDPR).

4) Processing of personal data for one or more purposes for which the consent of the data subject is required.

If the processing of your personal data does not have its legal basis in one of the purposes referred to in points 1-3 above, the Controller will be able to process your personal data for one or more other purposes explicitly specified by the Controller, only if you have given your prior consent and the processing of your personal data for this purpose will not be prohibited by mandatory provisions of generally applicable law.

A separate consent is required in particular for processing your personal data by the Controller for the purpose of direct marketing of products or services of the Controller or entities cooperating with the Controller (Controller's partners), performed through:

- 1) sending you commercial information by means of electronic communication (e.g. by sending you a commercial offer to the e-mail address provided by you in the registration form) - the requirement to obtain your consent is provided for in Article 10 of the Act of 18 July 2002 on the provision of services by electronic means (Journal of Laws of 2002 No. 144, item 1204, as amended),
- 2) contacting you using telecommunications terminal equipment and automatic calling systems (e.g. by presenting you with a commercial offer during a telephone call) - the requirement to obtain your consent is provided for in Article 172 of the Act of 16 July 2004, Telecommunications Law (Journal of Laws 2004, No. 171, item 1800, as amended),

The Controller will also be able to process your personal data for one or more purposes specified by the Controller, which are not listed in this point only in a situation when you are informed about it beforehand and you agreed to process your personal data for another (new) purpose.

4. Information on recipients of personal data.

The recipients or categories of recipients of your personal data include you and:

a. processing entities:

- i. entities from the group of enterprises, to which the Controller belongs, operating fitness clubs, in which services are provided in the framework of the agreement concluded by you,
- ii. entities cooperating with the Controller, operating fitness clubs where services are provided under the agreement concluded by you, which do not belong to the Controller's group of enterprises,
- iii. information technology (IT) service providers,
- iv. entities providing accounting and HR services,
- v. entities providing marketing services to the Controller (including marketing agencies),
- vi. entities involved in the recovery of claims,
- vii. providers of legal services,
- viii. claims adjusters of insurance companies,
- ix. clearing agents dealing with the handling of non-cash payments on the Internet,
- x. courier and postal services,
- xi. other suppliers of services providing the Controller with technical and organizational solutions for the provision of services offered under the agreement concluded by you.

b. independent recipients:

- i. entities from the capital group of the Controller, whose offer complements the Controller's offer,
- ii. business partners whose offer complements the Controller's offer,
- iii. business partners who are members of the loyalty program operated by the Controller,

c. other recipients expressly authorised by you in advance.

5. Transfer of personal data to third countries or international organisations.

The Controller does not transfer your personal data outside the territory of Poland, the European Union and the European Economic Area.

6. Period of storing personal data.

Your personal data is stored by the Controller for no longer than it is necessary for the purposes for which the data will be processed in accordance with the following point 3 of the Privacy Policy, including the following:

- 1) Your personal data obtained to conclude and perform the agreement and to perform legally justified interests of the Controller will be stored for the duration of the agreement, and after its expiry for a period necessary to:
 - a) after-sales customer service (e.g. complaint handling) - until your contractual claims are limited,
 - b) secure or assert the claims to which the Controller is entitled - until the statute of limitations for the Controller's claims expires,
 - c) fulfil a legal obligation by the Controller, while the data processed for accounting purposes and for tax reasons will be processed by the Controller for a period of 5 years, counted from the end of the calendar year in which the tax obligation arose.
- 2) Your personal data collected by the Controller for the purpose of direct marketing of the Controller's products or services will be stored until you object to the processing of your personal data for this purpose, or withdraw your consent if the Controller has processed this data based on the so-called marketing consent, or the Controller itself determines that the personal data provided by you for this purpose has become outdated.

7. Rights of the data subject.

In connection with the processing of your personal data, you are entitled to the following rights, the implementation of which is ensured by the Controller:

- 1) The right to access your personal data, i.e. to obtain from the data Controller confirmation whether it is processing your data and information concerning such processing, as well as to receive a copy of such data,
- 2) The right to rectify (correct) your personal data if the data processed by the Controller is incorrect or incomplete,

- 3) The right to request the erasure of your personal data (including the 'right to be forgotten'),
- 4) The right to demand that the Controller limit the processing of your personal data,
- 5) The right to object to the processing of your personal data,

- 6) The right to transfer your personal data - you have the right to receive from the Controller in a structured, commonly used machine-readable format personal data concerning you, which you provided to the Controller based on an agreement or your consent; you may also instruct the Controller to transfer such personal data directly to another entity indicated by you,
- 7) The right to lodge a complaint with the supervisory authority,
- 8) The right to withdraw consent to the processing of your personal data - at any time you have the right to withdraw your consent to the processing of your personal data by the Controller, which the Controller processes based on your consent; withdrawal of consent does not affect the legality of the existing processing of your personal data by the Controller for the purpose covered by the granted consent.

The Controller reminds that before exercising your rights, the Controller has the right to identify you to make sure that you are who you claim to be - to prevent the situation of transferring information about the Controller's customers to unauthorized persons.

If you make a request related to the execution of the abovementioned rights, the Controller will fulfill this request without undue delay, but not later than within one month from the date of receipt of your request, subject to the following reservation.

If the case is complicated (e.g. due to the nature of your request or a large number of requests), the monthly deadline for fulfilling your request referred to above may be extended by two more months, of which the Controller will inform you in the original monthly deadline referred to above.

The Controller also informs you that it has the right to refuse to meet your request or to charge an additional fee of PLN 50, if:

- 1) it will not be able to clearly identify you,
- 2) your request will be unreasonable or excessive.

The Controller's refusal to comply with your request should be justified by one of the above reasons.

8. Information on the requirement for submission/voluntary submission of personal data.

Providing personal data by you for the purpose of:

- a. **performance of the agreement** - is a condition of concluding and performing this agreement by the Controller; if you do not provide your personal data to the Controller for this purpose, the Controller may refuse to conclude the agreement with you,
- b. **direct marketing performed by sending you commercial information by means of electronic communication, contacting you by means of telecommunication terminal equipment and automatic calling systems** - it is voluntary and requires your consent; your refusal to process your personal data by the Controller for this purpose will not affect the possibility of concluding an agreement, however, the Controller will not be able to provide you with marketing information through the aforementioned channels of communication, in particular about offers of new products and services, promotions or loyalty programs.

9. Information on automated decision making, including profiling

The Controller informs that one of the ways in which it can process your personal data is so-called profiling. This means that the Controller may create profiles of your preferences based on information concerning you (e.g. determine which services you use most frequently, what events organized by the Controller you are interested in) and based on these profiles adapt services and content you will receive from the Controller in the future.

In the course of profiling, the Controller does not, as a rule, process your data in a fully automated manner, i.e. without human intervention. The exception is a situation in which decisions taken in an automated way will serve the purpose of fulfilling the agreement- in this case you have the right to not submit to this decision and demand human intervention in your case, which is guaranteed by the Controller. In order to exercise this right, you may contact the Controller in one of the ways referred to in Title 1 or 2 of this Privacy Policy.

Decisions made in this way may affect offering you a particular service, product, offer, discount or loyalty program.

10. Information on the processing of personal data by Joint Controllers.

The Controller hereby informs that it is a Joint Controller of your personal data, according to the rules described below.

a. The Joint Controllers of your personal data are:

- i. Instytut Rozwoju Fitness sp. z o.o. with its registered office in Warsaw, ul. Puławska 427, 02- 801 Warsaw, e-mail: info@ebeactive.pl (hereafter also referred to as "Joint Controller 1") and
- ii. Powszechny Zakład Ubezpieczeń S.A. with its registered office in Warsaw, al. Jana Pawła II 24, 00- 133 Warsaw, pzu.pl, helpline: 801 102 102 102 ("Joint Controller 2").

The Joint Controller 1 and Joint Controller 2 will also be collectively referred to as

"Joint Controllers" and each one individually as "the Joint Controller".

b. Important terms and conditions of arrangements made between Joint Controllers.

Under a joint data controller agreement concluded between the Joint Controllers, the responsibilities for fulfilling the duties under the GDPR have been agreed upon in accordance with the following principles:

- 1) Each Joint Controller is responsible for fulfilling the obligations of the GDPR to the extent that it processes your personal data itself, i.e.:
 - a) Joint Controller 1 - with regard to the performance of the agreement for the provision of fitness services and the agreement for the maintenance of the User Account on the Platform's Website, as well as for other purposes referred to in Title 3 of this Privacy Policy,
 - b) Joint Controller 2 - for the performance of the personal accident insurance contract (NWW), subject to point (2) below,

- 2) The determination referred to in sub-paragraph 1 above does not limit your right to exercise any of your rights, which means that a request for information, a request for access to or a copy of data shall be effective and binding on all Joint Controllers, in which case the Joint Controller shall consider your request, if it falls within the scope of the processing of your personal data as the Controller, or if it fails to do so, it will forward your request/claim/petition to the other Joint Controller for the purpose of processing the request/claim/petition.

11. Security of personal data.

The Controller informs that the technical and organizational measures implemented by the Controller and the entities processing technical and organizational measures provide sufficient guarantees for the processing of your personal data, in accordance with the requirements specified in the GDPR, and duly protects your rights in this respect.

12. The use of cookies.

The Controller informs that on its website it uses the mechanism of "cookies", which when you use the website are stored by the Controller's server on the hard drive of your terminal device (e.g. computer, smartphone, tablet).

The use of cookies is intended to improve the operation of the Controller's website on the terminal devices of its customers. This mechanism does not damage your terminal device and does not change the configuration of this device or its software. Cookies are not intended to identify you by the Controller.

The Controller uses "cookies" for the following purposes:

- a. storing information about your terminal equipment,
- b. verification and development of its offer,
- c. statistical purposes.

You can disable cookies at any time in the browser of your terminal device. The Controller informs, however, that disabling "cookies" files may cause difficulties or prevent the use of the Controller's website.

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13. Final provisions

This Privacy Policy shall enter into force on 25 May 2018.

The Controller may change and supplement the provisions of the Privacy Policy in accordance with the needs resulting from the change of the conditions of processing your personal data (e.g. resulting from the change of the applicable law). You will be informed of any changes or additions to the Privacy Policy by posting appropriate information on the Controller's home pages, and in the event of significant changes, you may also be informed of this fact separately by sending an appropriate notification to the e-mail address indicated by you, by text message or any other direct communication channel available to you.

This Privacy Policy shall not limit or exclude your rights under the agreement as well as terms and conditions for providing services offered by the Controller.