

ActivForce Privacy Policy



Your information privacy is extremely important to Activbody, Inc. ("Activbody," "we," "our," "us").

We have prepared this Privacy Policy to explain how we collect, use, protect, and disclose the Personal Information that you share with us when you use www.activbody.com and/or www.activ5.com and other subdomains of the activbody.com or activ5.com (collectively, the "Web Sites"), and any of our personal fitness and electronic body monitoring products, the software embedded in our devices, our mobile applications such as Activforce and Activ5), memberships and other Activbody services (collectively, the "Products and Services").

The Privacy Policy contains information under Article 13 of the EU General Data Protection Regulation (GDPR).

We ask you to familiarize yourselves thoroughly with the content of this Privacy Policy.

If you have any questions, do not hesitate to address the relevant persons through the methods listed below.

1. Who is responsible for the processing of my personal data and who should I contact if I have any questions?

We are Activbody, Inc. and we will be responsible for handling your identifiable personal data ("Personal Information") in a secure and ethical way and in accordance with the applicable legislation. You can contact us at dpo@activbody.com.

We have designated a data protection officer, who you can contact in case of questions as to the processing of your personal data:

Mr. Ivan Yankov

Email: dpo@activbody.com

Tel.: +359877300228

Correspondence address: 4350 Eastgate Mall, Suite 200 San Diego, CA 92121

(please note that postal mail may take longer to process due to the pandemic - you are strongly advised to contact us via electronic means)

2. What types of personal data we process and are you obliged to provide to us?

Below is information on (i) the types of data we collect, (ii) whether you are obliged to provide us such data and (iii) how you can control your privacy:

Contact information and correspondence - we will process the electronic messages you have sent to us (either via email, chat, or through our online contact form), as well as the contact information related to such messages. We will keep it in order to be able to return your messages but also for legal compliance reasons. We may also use your email provided at sign-up or otherwise to send you newsletters, special offers, services and announcements from our Web Sites and/or third party advertisers, or other information if you have expressed consent for this. You will be able to withdraw your consent at any time.

Physical health status data - this includes exercise-related and fitness-related information from you based on your usage of our physical training Products. We use this information to help us tailor the application experience - mainly by making personally fitted training suggestions. Before you make a profile with our apps, we shall request your explicit consent to process this type of data once we start collecting it. We declare that we shall use it only to ensure your satisfying experience when using our Products. You can withdraw your consent by writing an email to dpo@activbody.com.

Web Sites usage data - on our Web Sites we collect information about your use of the Web Sites through cookies. You can choose to reject non-essential cookies we use for marketing and analytics purposes. You cannot, however, reject the essential cookies that are necessary for our Web Sites to be fully functional on your device (e.g. browser version, device model, IP address etc.). You can learn more about how we use cookies to collect usage data further down this document.

Application usage data - we collect information on how you use our applications (such as Activ5) through Google Analytics for Firebase. The information collected through Firebase is pseudonymized and does not allow for easy identification of the end-user. The type of data collected through Firebase includes number of active users per day, week, month; number of users adopted latest release; crash-free users, numbers of crashes, etc. - you can see in more detail on [Firebase's website](#). Such application usage data will be used to improve performance, fix crashes, provide feedback, and allow us to offer tailored products and services to you and other users of our applications.

If you wish to disable this data collection through our applications, you can do this via option Share Analytics data: "No" (Application menu: "Settings" or "Profile").

Profile information - for you to use our Products, you will have to make a profile and provide some basic profile-related information such as account ID, recovery email, and password. Providing other account data such as height, weight, gender, age, etc. but without this information you will not be able to enjoy the full functionalities of our Products.

Surveys and Sweepstakes or Contests - from time to time, we may collect your personal data to administer sweepstakes, contests or surveys. The data will be collected in accordance with the rules of these events and will be used to provide you with information and services for which you have expressed an interest or that you may find useful based on your answers in a survey, sweepstake or contest, announce special offers, services and announcements from our Web Sites and/or third party advertisers, to improve our Web Sites and the products and services we offer. Participation in these events is optional.

Community posts data - to post to an Activbody community message boards, you will be asked to create a community username that is separate from your Activbody account name. This community username will be posted next to any comments you publish on any community message boards, which can be seen by all other Activbody users. Other information, like a profile photo that you have added to your Activbody account may also be visible on message boards, depending on your account settings. You may be able to delete your account or your posts as per community rules.

Third-party personal data - we may also receive Personal Information, including your username, social network ID, and posts that you have shared, from social media websites and services (e.g. Facebook, Twitter, Instagram, Pinterest, LinkedIn) if you choose to enable those features. We use this information to help us understand how people use the Web Sites and our Products and Services, and to enhance the products and services we offer.

3. Basis for data collection

We only process Personal Information when we have a legal basis for the processing, as follows:

To fulfill a contract with you such as providing you the services found on our mobile apps and for closely-related purposes such as payment processing and financial account management and contract management,

With your consent (or provided you have not objected, or opted-out, as may be appropriate under applicable law), to provide you with marketing communications, to transfer personal data to the USA, or to process physical health data necessary for the functioning of our training apps and devices, or To comply with the laws that are applicable to us around the world - for example, to meet tax reporting and accounting requirements we may keep your purchasing data, as well as an archival copy of your profile after it is deleted or deactivated.

We may also process your Personal Information for the purposes of our own legitimate interests or for the legitimate interests of others, provided that processing does not and shall not outweigh your rights and freedoms. In particular, we may process your Personal Information if needed to:

Enable or administer our business, such as for quality control, consolidated reporting, and customer service,

Disaster recovery and data protection - for example in cases where make a back-up of our servers in order to protect you and ourselves from unexpected destruction in situations such as floods, fires, malicious attacks, etc.,

Manage corporate transactions and investor relations, such as mergers or acquisitions,

Anonymize your personal data.

4. How long do we keep your personal data?

We will retain your Personal Information for as long as the information is needed for the purposes set forth above and for any additional period that may be required or permitted by law. The length of time your Personal Information is retained depends on the purpose(s) for which it was collected, how it's used, and the requirements to comply with applicable laws.

You can delete your account at any time with the account deletion flow on <https://account.activbody.com/account/>.

As a general rule, we retain your personal data for as long as you maintain a profile with us and We and You have a contractual relationship.

After you delete your account or terminate the contract under which we provide our services, we may archive your Personal Data and keep it for up to 15 years for archival, tax, and legal compliance purposes.

Cookie information is kept for up to 2 (two) years.

5. How we Disclose and Share Information

We will not disclose Personal Information to third parties, including for their direct marketing purposes, without your consent, except as explained in this Privacy Policy.

Generally, we share your personal data to the following categories of recipients:

Service Providers - such as hosting and maintenance, data storage and management, payment processing, and marketing and promotions.

Clients - we may establish relations with third parties to whom Activbody provides services ("Clients"), such as medical professionals, employers, fitness trainers, etc. In these cases, Activbody acts as a data processor, using Personal Information on behalf and as per the instructions of the Clients. We recommend you familiarize yourself with the Clients' privacy protection policies.

Persons related to Activbody and merger-related transfers of data - we may share Personal Information and Usage Data with businesses controlling, controlled by, or under common control with Activbody. If Activbody is merged, acquired, or sold, or in the event of a transfer of some or all of our assets, we may disclose or transfer Personal Information in connection with such transactions.

Compliance with Laws and Law Enforcement - we cooperate with government, law enforcement officials and private parties to enforce and comply with the law. We may disclose Personal Information, Usage Data and any other information about you to government, law enforcement officials or private parties if, in our sole discretion, we believe it is necessary or appropriate in order to respond to legal requests (including court orders and subpoenas), to protect the safety, property, or rights of Activbody or of any third party, to prevent or stop any illegal, unethical, or legally actionable activity, or to comply with the law.

6. Information you share

By using the Web Sites or our Products and Services you may make certain of your Personal Information available to others. For example, when you post a comment on the Web Sites, or want to connect with another user through the Web Sites or our Products and Services, other users may see your username, certain Personal Information, and other information that you choose to make available to others.

7. Transfers outside the European Economic Area (relevant for EU residents)

Please note that we intend to transfer your personal data to the United States of America - a country outside the EEA, which lacks an adequacy decision by the European Commission as required by the GDPR. We provide all reasonably available technical and organizational means for protecting your data.

When Activbody acts as a Data Controller, we will explicitly ask for your informed consent at sign-up before transferring your personal data to the USA.

However, you should consider the following information regarding the data transfers to the USA:

Reasons for transferring your data to the USA

The transfer of personal data outside the EEA to the USA is necessary, so that we are able to provide our services to you. In addition, your data may be required by Activbody in order to provide continuous technical and customer support to you.

As a US-based company, our servers and main operational staff are located in California, USA. Therefore, providing you with our services means that some of your personal data will be processed in the USA.

Risks related to the data transfer to the USA

Regardless of the efforts by Activbody, the transfer of your data to the United States involves certain risks. United States security agencies may be granted access to digital information travelling across the Atlantic Ocean, under certain US government programs such as UPSTREAM and PRISM. While Activbody employs all reasonably available technical and organizational measures to protect the personal data of our customers, we may be unable to prevent such officially authorized access by government bodies.

The USA may not be able to provide the same level of protection to your personal data compared to the EU standards laid down in the GDPR.

Persons who will receive your data in the USA

The following entities will have access to your personal data in the USA:

Activbody Inc.

Service providers similar to Google LLC, Cloudflare, Inc., etc.

MongoDB Atlas

Hubspot

Please note that in some cases we may not be able to control the data access and surveillance measures taken by the US government and intelligence agencies. Thus, we cannot guarantee that such agencies will not have access to your personal data through the government programs described above.

Categories of personal data to be transferred to the USA

We will transfer to the USA the following categories of personal data if you have provided us with such data:

Your contact information and correspondence data

Your profile information – username, height, weight, age, sex, etc.

Your app usage data collected through Firebase or other similar means

Website usage data

Physical health data

Community posts data

Data related to surveys and sweepstakes or contests

Where Activbody processes personal data as a Data Processor on behalf of another Controller, we conclude an explicit Data Processing Agreement (DPA) with the Controller, which incorporates the Standard Contractual Clauses (SCCs), adopted by the European Commission pursuant to Article 45 of the GDPR.

Withdrawal of consent

You have the right to withdraw your consent at any time. Please note, that should you decide to exercise this right and withdraw your consent to the transfer, we would no longer be able to effectively provide our services to you. You can exercise your right to withdraw your consent by sending an email stating your decision to dpo@activbody.com. We will respect your decision, no questions asked.

8. Your rights as a data subject

The applicable legislation grants the data subjects a number of individual rights that can be exercised. Please note that these rights apply fully to EU data subjects. For your rights outside of the European Union, you should consult your local legislation.

If you cannot exercise any of these rights through the application settings, you can simply contact us with a request at dpo@activbody.com.

Here is a list of the rights you have:

Right of confirmation - you have the right to obtain from us confirmation as to whether or not Personal data concerning you is being processed.

Access to your own personal data – you can ask and receive your personal data, that is being processed, on a convenient medium and in an easily understandable form;

Adjustment – in case your data are inaccurate, you can ask for them to be edited;

Erasure of personal data (the right "to be forgotten") – you have the right to request the erasure of your personal data; this right could be limited in view of your contractual relations with Activbody or in the purpose of the execution of your contractual/legal obligations by the company. Please note that some information cannot be erased upon your request as there may still be legal basis for its processing by Activbody. We are required to keep certain purchasing information by law, in performance of our general, accounting and tax obligations. Additionally, some information like your correspondence with us, along with your contact data may be kept for as long as Activbody has a legitimate interest for processing it such as the exercise and defense of legal claims.

Portability of personal data between companies – when processing is based on a contractual obligation or consent and when it is done automatically, you have the right to receive your personal data from Activbody in a structured, widely used and machine-readable format, as well as the right your personal data to be given to another company at your request when it is technically feasible; You have the right to prevent Activbody from making a decision for you on the basis of automatized processing or profiling – you can object to the processing of your personal data on the basis of the automatized processing;

Right to defense through judicial or administrative proceedings – in case you consider your rights related to personal data and privacy violated, you have the right to a petition to your local data protection government body (if such has been established in your jurisdiction. Here is a list of data protection bodies in the European Economic Area: https://edpb.europa.eu/about-edpb/board/members_en

For rights that cannot be exercised through the application settings, you can just contact us with a request at dpo@activbody.com.

9. Additional rights

Aside from the rights you have listed above, you also have the following rights related to your personal data:

Right of restriction of processing

You can request that we limit our processing of your Personal data where one of the following applies:

you think your personal data is inaccurate, for a period enabling us to verify the accuracy of your Personal data;

processing is unlawful and you do not wish for us to erase your Personal data but restrict its use instead;

Activbody no longer needs the Personal data for the purposes of the processing, but they are required by the Data subject for the establishment, exercise or defense of legal claims;

you have objected to processing based on legitimate interest pending the verification whether your legitimate interests override those of Activbody.

If one of the aforementioned conditions is met, and you wish to request the restriction of our processing, you may contact us at dpo@activbody.com.

Activbody, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to communicate any rectification or erasure of Personal data or restriction of processing to each recipient to whom the Personal data have been disclosed, unless this proves impossible or involves disproportionate effort. We will inform you about those recipients if you request it. We will arrange all the necessary measures in any individual cases.

Right to object

You have the right to object, at any time, on grounds relating to your particular situation, to processing of personal data concerning you, which is based on Activbody's legitimate interest.

After an objection from you, Activbody will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or for the establishment, exercise or defense of legal claims.

10. Security

We maintain physical, electronic, and procedural safeguards to protect the confidentiality and security of information transmitted to us, including Personal Information and Usage Data. However, no data transmission over the Internet or other network can be guaranteed to be 100% secure. As a result, while we strive to protect information transmitted on or through the Web Sites or our Products and Services, we cannot and do not guarantee the security of any information you transmit on or through the Web Sites or our Products and Services, and you do so at your own risk.

11. Minors

PLEASE NOTE THAT: Our Web Sites and our Products and Services are not suitable for children under the age of 6 and children under the age of 16 need adult supervision.

We do not knowingly collect Personal Information from children under the age of 13. If we become aware that we have inadvertently received Personal Information from a child under the age of 13, we will delete such information from our records. California users under the age of 18 may request the removal of their content or information publicly posted on the Web Sites or our Products and Services by e-mailing us at service@activbody.com.

Please note that most of the user content that appears on our Web Sites or our Products and Services is stored and controlled by third party providers; thus, complete and comprehensive removal of the content may not be possible.

12. Privacy Policy Changes

We may update this Privacy Policy from time to time. If we make significant changes, we will let you know but you may also regularly check this Policy to ensure you are aware of the most updated version. Any changes made will go into effect on the "Revised Date" shown in the revised Privacy Policy.

PLEASE READ THIS PRIVACY POLICY CAREFULLY AND PLEASE CHECK THE SITE FREQUENTLY FOR ANY CHANGES.

13. How we use cookies?

We allow carefully-selected third parties to set cookies during your visit to our website: These third parties are some of our Service Providers that may use their own cookies, anonymous identifiers, or other tracking technology in connection with the services they perform on our behalf.

What are 'Cookies'? Why do we use cookies?

For almost any modern website to work properly, it needs to collect certain basic information on its users. To do this, a site will create files known as cookies – which are small text files – on its users' computers. These cookies are designed to allow the website to recognize its users on subsequent visits, or to authorize other designated websites to recognize these users for a particular purpose. That improves the browsing experience for you and enables us to tailor better products and services to you and other website visitors. Cookies are stored locally on your computer or mobile device.

Here are some more examples of how and why we use cookies:

remembering client's information necessary to log in;

analyzing how you use our site which helps us to troubleshoot any problems and to monitor our own performance;

for the purposes of security and complying to the settings of your software (e.g. so our website can load on your device);

gathering data about visits to the website, including numbers of visitors and visits, length of time spent on the site, pages clicked on or where visitors have come from.

What cookies do we use?

There are two types of cookies:

Persistent cookies remain on a user's device for a set period of time specified in the cookie. They are activated each time that the user visits the website that created that particular cookie.

Session cookies are temporary. They allow website operators to link the actions of a user during a browser session. A browser session starts when a user opens the browser window and finishes when they close the browser window. Once you close the browser, all session cookies are deleted.

Cookies also have, broadly speaking, four different functions and can be categorized as follows: 'strictly necessary' cookies, 'performance' cookies, 'functionality' cookies and 'targeting' or 'advertising' cookies.

Strictly necessary cookies are essential to navigate around a website and use its features. Without them, you wouldn't be able to use basic services like registration or shopping baskets. These cookies do not gather information about you that could be used for marketing or remembering where you've been on the internet.

Examples of how we use 'strictly necessary' cookies include:

Setting unique identifiers for each unique visitor, so site numbers can be analyzed.

Allowing you to sign in to Activbody' websites, apps or digital platforms as a registered user.

Performance cookies collect data for statistical purposes on how visitors use a website; they don't contain personal information such as names and email addresses, and are used to improve your user experience of a website.

Here are some examples of how we use performance cookies:

Gathering data about visits to the website, including numbers of visitors and visits, length of time spent on the site, pages clicked on or where visitors have come from.

For comparison with other websites using data collected by industry-accepted measurement and research companies.

Information supplied by performance cookies helps us understand how you use the website; for example, whether or not you have visited before, what you looked at or clicked on and how you found us. We can then use this data to help improve our services. We generally use independent analytics companies to perform these services for us and when this is the case, these cookies may be set by a third-party company (third-party cookies).

If you have registered with the website we can combine the data from the web analytics services and their cookies with the information you have supplied to us, so that we can make your experience more personal by recommending certain products or services to you based on your reading behavior or tailoring your emails with content you might find more interesting. We would only do this if you have given us permission to communicate with you. Sometimes the data used from the web analytics companies has been collected before you registered or signed in. In these cases, if we use this data to identify you, we use it only in accordance with our Privacy Policy.

Functional cookies allow users to customize how a website looks for them: they can remember usernames, language preferences and regions, and can be used to provide more personal services like local weather reports and traffic news.

Here are some examples of how we use functionality cookies:

Storing your user preferences on Your Account page

Remembering if you've been to the site before so that messages intended for first-time users are not displayed to you.

Advertising and targeting cookies are used to deliver advertisements more relevant to you but can also limit the number of times you see an advertisement and be used to chart the effectiveness of an ad campaign by tracking users' clicks. They can also provide security in transactions. They are usually placed by third-party advertising networks with a website operator's permission, but can be placed by the operator themselves. They can remember that you have visited a website, and this information can be shared with other organizations, including other advertisers. They cannot determine who you are though, as the data collected is never linked to your profile.

The two main ways we use advertising and targeting cookies are set out below:

Interest-based advertising (or online behavioral advertising) is where cookies are placed on your device by our third party service providers which remember your web browsing activity and group together your interests in order to provide you with targeted advertisements which are more relevant to you when you visit Activbody websites. Your previous web browsing activity can also be used to infer things about you, such as your demographics (age, gender etc.). This information may also be used to make the advertising on our websites more relevant to you.

'Retargeting' is a form of interest-based advertising that enables our advertising partners to show you advertisements selected based on your online browsing activity away from the website. This allows companies to advertise to people who previously visited their website. These cookies will usually be placed on your device by third-party advertising networks.

Without these cookies, online advertisements you encounter will be less relevant to you and your interests.

Who will have access to the cookies?

The cookies can be accessed by Activbody IT department and, exceptionally, by other Activbody employees where access is strictly necessary for the performance of their professional duties.

How can I exercise control over the cookies? What happens if I disable cookies? Except for the cookies which are strictly necessary for the normal functioning of the website, you can disable all other types of cookies.

However, if you do that some features of this site may not work as intended.

You can alter the settings of your browser to erase one, more or all cookies or prevent automatic acceptance of cookies for the future.

Visit the 'options' or 'preferences' menu on your browser to change settings and check the following links for more browser-specific information:

[Cookie settings in Internet Explorer](#)

[Cookie settings in Mozilla Firefox](#)

[Cookie settings in Google Chrome](#)

[Cookie settings Safari Desktop](#)

[Cookie settings on Safari Mobile](#)

[Cookie settings on Android Browser](#)

Cookie settings on OperaCookie settings on Opera mobile

Please keep in mind that any preferences will be lost if you delete or block cookies and many websites, including Activbody websites and apps, might not work properly. Therefore, we do not recommend turning cookies off when using our websites and apps.