

HiTONE Fitness Privacy Policy

Effective Date: July 17, 2020

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Introduction

This Privacy Policy applies to all data collection by D&DWA Operations doing business as HiTONE Fitness (“HiTONE Fitness,” “we” or “us”) and shall apply to Users of the website, www.HiTONEfitness.com, HiTONE Fitness-branded apps, and other HiTONE Fitness-related sites, communications, capabilities and services accessible on or by any top-level HiTONE Fitness domain owned by us (each, a “Site” and collectively the “Sites”) and to visitors of HiTONE Fitness Clubs (collectively, the “Services”). This Privacy Policy governs the manner in which HiTONE Fitness collects information from you (“User” or “you”).

Our Privacy Policy explains: (1) what information we collect and why we collect it; (2) how we use and share that information; (3) the choices we offer, including how to access and update information.

Specifically, our Privacy Policy covers the following topics:

1. When This Privacy Policy Applies
2. Terms of Use
3. Information We Collect
4. How We Use Information We Collect
5. Information We Share
6. Your Failure to Provide Personal Information
7. Our Retention of Your Personal Information
8. Our Opt-in/Out-out Policy
9. Third Party Links
10. No International Data Transfer
11. How We Protect Personal Information
12. Children
13. Direct Marketing and “Do Not Track” Signals
14. Changes to this Privacy Policy
15. How to Contact Us

Please familiarize yourself with our privacy practices and let us know if you have any questions. By using the Sites, you signify your acceptance of this Privacy Policy. If you do not agree to this Privacy Policy, please do not use the Sites.

If you have any questions or comments about this Privacy Policy, please submit a request to privacy@hitonefitness.

When this Privacy Policy Applies

Our Privacy Policy applies to all of the services offered by HiTONE Fitness and its affiliates, and services offered on other sites, but excludes services that have separate privacy policies that do not incorporate this Privacy Policy.

Our Privacy Policy does not apply to services offered by other companies or individuals, including products or sites that may be displayed to you, or other sites linked from our services. Our Privacy Policy does not cover the information practices of other companies and organizations who advertise our services, and who may use cookies, pixel tags and other technologies to serve and offer relevant ads.

Terms of Use

By accessing or using the Sites in any manner, you also agree to be bound by HiTONE Fitness's Terms of Use (the "Agreement"). Please read the Agreement carefully. If you do not accept all of the terms and conditions contained in or incorporated by reference into the Agreement, please do not use the Sites.

Information We Collect

We collect information, including personal information, to provide better services to all our customers and Site visitors. The term "Personal Information" means any information that can be used to identify you.

1. Information You Give to Us

For example, we may collect Personal Information from you when you:

- Express Interest in a HiTONE Fitness Clubs. To sign up for news about one of our fitness clubs through our Site, you may provide us with your name, email address, and zip code in order to learn more about the fitness club you would like to frequent.
- Sign Up for a Trial Membership. To sign up for a trial membership at one of our fitness clubs through our Site, you must provide us with your name, email address, phone number, and the fitness club you would like to attend for your trial membership. We also will collect information about any health conditions that could affect your ability to participate in a workout.
- To Register for an Active Membership. If you become a HiTONE Fitness member, you must provide us your name, physical address, email address, date of birth, phone number, height and weight, marital status, emergency contact information, and payment and billing information. To activate your membership, we will need collect payment information which will either be credit card information or automated clearing house (ACH) payment information. We also will collect information about any health conditions that could affect your ability to participate in a workout. If you do not provide this information, we may not be able to offer our services to you. We will

collect information about the workout sessions you schedule, details about your exercise frequency and goals, and information about your in-club purchases. We will also collect information when you check in for a workout, such as your name, address, email address, member number, and location. When a member activates their member, HiTONE requests that the member fill out a Fitness Questionnaire. In the Questionnaire, we ask the member their fitness goals and any health concerns such as heart and kidney disease, high blood pressure, diabetes, current medical treatments, etc. We will also administer additional questionnaires as part of our “Reach Higher” program which asks members their fitness goals, amenities used at the fitness clubs. At certain locations, you have the option of voluntarily participating in a body-scanning program. This scan will measure your body’s muscle mass, fat percentage, and total body water, and will report your overall body composition and body mass index (based on your height, weight, gender, and age). These scans help you understand the effects of your workouts.

- Information We Collect from Social Networking Sites. We also collect information about you when you interact with us on social networking platforms. If you message us through a social media platform or tag us in a social media network post, we may collect information about your message or the post.

2. Information We Obtain from Your Use of Our Services

We collect certain information automatically, such as your operating system version, browser type, and internet service provider. When you use our Site, we automatically collect and store this information in service logs. This includes: details of how you used our Site; Internet protocol address; and cookies that uniquely identify your browser. We may also collect and process information about your actual location. The information we collect automatically is statistical data and may or may not include Personal Information, but we may maintain it or associate it with Personal Information we collect in other ways or receive from third parties.

3. Cookies and Similar Technologies

We and our partners use various technologies to collect and store information when you visit one of our services, and this may include using cookies or similar technologies to identify your browser or device. We also use these technologies to collect and store information when you interact with services from our partners, such as advertising services. Our third party advertising and analytics partners include Google, among others.

We use cookies and a cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you may be unable to access certain parts of our services. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our services.

How We Use Information We Collect

We use your Personal Information in ways that are compatible with the purposes for which it was collected or authorized by you, including for the following purposes:

1. To inform you about services available from HiTONE Fitness;
2. To authorize access to our Sites and Services;
3. To provide you with Services;
4. To administer content, promotion, survey or other Site features;
5. To communicate about, and administer your participation in, special programs, surveys, contests, and other offers or promotions, and to deliver pertinent emails;
6. To improve our customer service;
7. To respond to and support customers regarding their use of the Sites and Services;
8. To comply with all applicable legal requirements.
9. To investigate possible fraud or other violations of our Terms of Service or this Privacy Policy and/or attempts to harm our Users.

We use the information we collect from our Sites to provide, maintain, and improve them, to develop new services, and to protect our Company and our customers.

We use information collected from cookies and other technologies, to improve your user experience and the overall quality of our services. We may use your personal information to see which web pages you visit at our Site, which web site you visited before coming to our Site, and where you go after you leave our Site. We can then develop statistics that help us understand how our visitors use our Site and how to improve it. We may also use the information we obtain about you in other ways for which we provide specific notice at the time of collection.

We will ask for your consent before using information for a purpose other than those set out in this Privacy Policy.

Information We Share

HiTONE Fitness may disclose your Personal Information to commercial providers for a business purpose, which include verifying your identity when making a payment. When we disclose Personal Information for these reasons, we enter into a contract that describes the purpose and requires the recipient to both keep that Personal Information confidential and not use it for any purpose except for the purposes set forth in the contract.

We disclose your Personal Information for a business purpose to the following categories of third parties:

- Our affiliates;
- Strategic business partners who provide goods, services and offers that enhance your experience with our Site and our Services, or that we believe will be of interest to you;
- Service providers and other third parties we use to support our business, including without limitation those performing core services (such as billing, credit card processing, customer support services, customer relationship management, accounting, auditing, processing insurance claims, administering sweepstakes, surveys, advertising and marketing,

analytics, email and mailing services, data storage, and security) related to the operation of our business or the Site, the processing and fulfillment of your orders, and making certain functionalities available to our users;

- Commercial providers.

We may disclose your Personal Information for legal reasons. Specifically, we will share Personal Information with companies, organizations or individuals outside of HiTONE Fitness if we have a good-faith belief that access, use, preservation or disclosure of the information is reasonably necessary to:

- Fulfill any purpose for which you provide it;
- Meet any applicable law, regulation, legal process or enforceable governmental request;
- Enforce applicable Terms of Use, including investigation of potential violations;
- Detect, prevent, or otherwise address fraud, security or technical issues;
- Protect against harm to the rights, property, assets or safety of HiTONE Fitness, our customers or the public, content found on the Site, or to protect the Site from unauthorized use or misuse, as required or permitted by law;
- Facilitate a business transfer, such as to a buyer or other successor in the event of merger, acquisition, consolidation, divestiture, change in control, dissolution or other sale or transfer of some or all of HiTONE Fitness' assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which Personal Information held by HiTONE Fitness about its customers and users will be among the assets to be transferred, and any such successor may use your information for the same purposes set forth in the Privacy Policy;
- For any other purpose disclosed when you provide the information; and
- When we obtain your consent to do so.

We attempt to notify you about legal demands for your Personal Information when appropriate in our judgment, unless prohibited by law or court order or when the request is an emergency. We may dispute such demands when we believe, in our discretion, that the requests are overbroad, vague or lack proper authority, but we do not promise to challenge every demand.

We may share aggregate and anonymized/pseudonymized Personal Information to advertisers and other third parties in order to promote or describe use of the Sites and Services.

Our Opt-in/Opt-out Policy

By providing an email address on the HiTONE Fitness Sites, you agree that we may contact you in the event of a change in this Privacy Policy, to provide you with any service related notices, or to provide you with information about our events, invitations, or related educational information.

For purposes of this Privacy Policy, "opt-in" is generally defined as any affirmative action by a user to submit or receive information, as the case may be.

We currently provide the following opt-out opportunities:

1. At any time, you can follow a link provided in offers, newsletters or other email

messages (except for e-commerce confirmation or service notice emails) received from us to unsubscribe from the service.

2. At any time, you can contact us through privacy@hitonefitness.com or the address or telephone number provided below to unsubscribe from the service and opt-out of our right per your consent under the terms of this Privacy Policy to share your Personal Information.

Notwithstanding anything else in this Privacy Policy, please note that we always reserve the right to contact you in the event of a change in this Privacy Policy, or to provide you with any service related notices.

Third Party Links

The Sites may contain links to webpages operated by parties other than HiTONE Fitness. We do not control such websites and are not responsible for their contents or the privacy policies or other practices of such websites. Our inclusion of links to such websites does not imply any endorsement of the material on such websites or any association with their operators. Further, it is up to the User to take precautions to ensure that whatever links the User selects or software the User downloads (whether from this Site or other websites) is free of such items as viruses, worms, trojan horses, defects and other items of a destructive nature. These websites and services may have their own privacy policies, which the User will be subject to upon linking to the third party's website. HiTONE Fitness strongly recommends that each User review the third party's terms and policies.

No International Data Transfer

HiTONE Fitness only operates in the United States and we do not transfer Personal Information outside of the United States.

How We Protect Personal Information

HiTONE Fitness maintains administrative, technical and physical safeguards designed to protect the User's Personal Information and information against accidental, unlawful or unauthorized destruction, loss, alteration, access, disclosure or use. All payment information is collected directly by our payment provider and Personal Information is collected and stored by our payment provider and our CRM provider.

If HiTONE Fitness collects account information for payment or credit, HiTONE Fitness will use the information only to complete the task for which the account information was offered.

Children

The Site is not intended for use by children. We do not intentionally gather Personal Information about visitors who are under the age of 13. If a child has provided us with Personal Information, a parent or guardian of that child may contact us to have the information deleted from our records. If you believe that we might have any information from a child under age 13, please contact us at privacy@hitonefitness.com. If we learn that we have inadvertently collected the personal

information of a child under 13, or equivalent minimum age depending on jurisdiction, we will take steps to delete the information as soon as possible.

Direct Marketing and “Do Not Track” Signals

HiTONE Fitness does not track its customers over time and across third party websites to provide targeted advertising and therefore does not respond to Do Not Track (DNT) signals. However, some third party sites do keep track of your browsing activities when they serve you content, which enables them to tailor what they present to you. If you are visiting such sites, your browser may include controls to block and delete cookies, web beacons and similar technologies, to allow you to opt out of data collection through those technologies.

Changes to this Privacy Policy

Our Privacy Policy may change from time to time. We will not reduce your rights under this Privacy Policy without your explicit consent. We will post any privacy policy changes on this page and, if the changes are significant, we will provide a more prominent notice (including, for certain services or products, email notification or privacy policy changes). We will also keep prior versions of this Privacy Policy in an archive for your review.

How to Contact Us

If you have any specific questions about this Privacy Policy, you can contact us via email or writing to us at the address below:

D&DWA Operations LLC d/b/a HiTONE Fitness
Attn: Privacy Policy Inquiry
3735 Beam Road, Suite B
Charlotte, NC 28217
privacy@hitonefitness.com