K.D.A. KineticData Apps Ltd

Privacy Policy

Last updated: 25 May, 2018

KineticData Privacy Covenant

At K.D.A. KineticData Apps Ltd (referred to as "KineticData", "KDA", or the "Company") we aim to design data analytics tools to help, empower and enable people in their everyday life. SensusFit, is a comprehensive fitness tracking and data analytics tool that enables Apple Watch users to visualize fitness and exercise data, keep track of progress over time and benchmark progress against peers. SensusFit aims to motivate people to exercise and live more active healthier lives.

The SensusFit App is designed to respect your privacy and keep your data safe. Furthermore, at all times, you decide how your information is used and shared. Our Privacy covenant is the following:

- We will always strive to keep your data safe and secure
- We will always communicate to you our data collection practices
- We will only collect data that is useful to improve our service, enhance your experience and improve the SensusFit App
- We will never share personally identifiable data, unless you direct us to
- We will never sell your data

Our Privacy Policy on Personal Data is built around the following principles, ensuring that all Personal Data must be:

- Processed lawfully, fairly and in a transparent manner in relation to the data subject;
- Collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- Accurate and, where necessary, kept up to date – every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; and,
- Processed in a way that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures.

When you use the SensusFit App, you trust us with your information. This Privacy Policy is meant to help you understand what data we collect, why we collect it, what we do with it as well as what choices you have.

SensusFit App Privacy Policy

1. This privacy policy (the "**Privacy Policy**" or "**Policy**") describes the personal data (the "**Personal Data**") (Personal Data is data that, either alone or in combination with other data and information collected, identifies an individual) and the activity data (the "**Activity Data**") collected or generated (processed) when you use the SensusFit App or our website: www.sensusfit.com (the "**Website**"), where:

    Personal Data: Username, email, password, country, age, height, weight, daily targets.

    Activity Data: All your activity data taken from Apple HealthKit.

The Policy describes the types of Personal Data and the Activity Data (collectively referred to as the "**Data**") collected when you use the App, how your Data is used, shared and protected, as well as the choices you have relating to your Data.

2. By using the App and the Website you are expressly and voluntarily accepting and agreeing to our collecting, processing, storing and using your Data in ways set out by this Privacy Policy.

3. By using the App and the Website you, the User, agree that with respect to the processing of personal data, the User is the "**Data Controller**" and the App, the Website and the Company is the "**Data Processor**".

4. As we try to improve and enhance the App, this Policy may change over time. If any modifications substantially change your rights under this policy, we will send you an email where possible, and always provide notice on the Website.

The Ways We Collect Data

5. Articles 6 to 14 below describe the ways that the App collects Data.

6. **User Account:** When you install and run the App for the first time you will be asked to sign up ("**Sign Up**") and create a SensusFit App user account ("**User Account**"). When you create a User Account, we ask for some Personal Data, including your name, email address, date of birth, location, gender, height and weight. You will also be asked to create a unique user name (the "**Username**") and a password (the "**Password**"). We suggest that you use a Username that does not identify you. We use this information to determine your personalized data stats and provide you with insights about your progress and activity. The Username is also used to identify you in the Ranking feature of the App if you choose to participate in the Ranking feature.

7. **Apple HealthKit Data:** To be able to use the SensusFit App we ask you to authorize the App to access your data in the Apple HealthKit and upload your activities (e.g. walks, runs, swims etc.) and activity data (e.g. steps, distance, activity time, calories burned, heart rate, sleep, etc.) from the Apple HealthKit to the SensusFit App (your "**Activity Data**").

8. **Other Data:** The SensusFit App allows you to add other types of information to your User Account, such as by participating in discussion groups, sending messages to your SensusFit App friends, or sending messages and/or feedback to us. Whenever you add this type of data, we collect it and store it with your other User Account information.

9. **Data Synchronization:** Every time you run the App on your mobile device, the App will synchronize your Activity Data with the Apple HealthKit. Your Activity Data is not transferred to our servers. The only data transferred on our servers is your Personal Data (as defined above) as well as your daily SensusFit F-Score as this is calculated by the App. During synchronization some log data is also transmitted to our services such as time and date.

10. **Location Features**: If you activate the GPS feature on your smartwatch during an activity, then location data associated with your activity will be uploaded to your SensusFit App account when your Activity Data is synchronized with the Apple HealthKit, so that location will be displayed on your activity course and maps.

11. **Friends:** Keeping you motivated to live an active life is a primary aim of the SensusFit App. The Ranking feature of the App gives you the choice to add friends (your "**Friends**") who are already SensusFit App users. If you choose to use this function, the App will use the information only for this purpose and will not use your friends list or contacts for purposes of marketing to your friends. The App will not access nor store your phone's contact list. Once you add Friends to your User Account you will be able to see how your daily, monthly and yearly activity compares with your Friends, as measured by your SensusFit Score.

12. **Communication:** If and when you contact us (either by email, telephone or online), we may collect Personal Data, such as your name, phone number, email address and contact preferences. We may also create an event logs related to the issue you contact us for. Furthermore, we may access your User Account in order to assist us in providing you the necessary assistance. Subject to applicable laws, we may also record and review conversations and email or online messages, to help us improve our customer service. We may also analyze any feedback provided to us through customer surveys in which you voluntarily participate. Subject to applicable laws, we may, from time to time, use your Personal Data to communicate with you in order to provide you with information about our services, products and apps, as well as to inform you about material changes to this Privacy Policy. Additionally, subject to applicable laws, and the choices available to you, we may, from time to time, send you offers and promotions for our services, products and apps.

13. **Website:** When you visit our website we may collect some industry standard log data that help us to identify and fix problems, to provide you location relevant information and generally to assist us in improving your experience when using our Website. The information we may collect includes: IP address, the operating system and the browser you are using to access our Website, location of your device, date and time of your visit, track of the actions you perform on the Website.

14. **Cookies:** Our Website uses cookies. By using the Website and the App, you consent to the use of cookies. A cookie is a small text file that is stored in your web browser that allows us to recognize you. Cookies might be used for the following purposes: (1) to enable certain functions; (2) to provide analytics; (3) to store your preferences; and (4) to enable ad delivery and behavioral advertising. Use of cookies by the Website: When you use our Website we may place a number of cookies in your browser. Some of the cookies will only be used if you use certain features or select certain preferences, and some cookies will always be used. Cookie categories: Each cookie serves one of four different purposes:

- *Preferences*: We use these cookies to remember your settings and preferences. For example, we may use these cookies to remember your language preferences.
- *Security*: We use these cookies to help identify and prevent security risks. For example, we may use these cookies to store your web-session information to prevent others from changing your password without your username and password.
- *Performance*: We use these cookies to collect information about how you interact with our services and to help us improve them. For example, we may use these cookies to determine if you have interacted with a certain page.
- *Analytics*: We use these cookies to help us improve our services. For example, we can use these cookies to learn more about which features are the most popular with our users and which ones might need some tweaks.
- *Advertising*: We use these cookies to deliver advertisements, to make them more relevant and meaningful to users, and to track the efficiency of our advertising campaigns, both on our services and on other websites or mobile apps.

We may also use other similar technologies on our services, such as pixel tags and local storage. We use these technologies to do things like help us see what features are most popular, create a more personalized experience, and deliver relevant ads. Pixel tags (also called clear GIFs, web beacons, or pixels) are small blocks of code installed in or on a webpage, mobile app, or advertisement. These tags can retrieve certain information about your browser and device such as: operating system, browser type, device type and version, referring website, website visited, IP address, and other similar information. Local storage is an industry-standard technology that allows a website or mobile app to store and retrieve data on an individual's computer, mobile phone, or other device. You should be aware that any preferences will be lost if you delete cookies and many websites will not work properly or you will lose some functionality. We do not recommend turning cookies off when using our Website for these reasons. Most browsers accept cookies automatically, but you can alter the settings of your browser to erase cookies or prevent automatic acceptance if you prefer. Generally you have the option to see what cookies you've got and delete them individually, block third party cookies or cookies from

particular sites, accept all cookies, to be notified when a cookie is issued or reject all cookies. Visit the 'options' or 'preferences' menu on your browser to change settings, and check the following links for more browser-specific information. To learn more about how to do this, visit the help pages of your browser.

The Ways We Use Data

15. Articles 16 to 23 below describe the ways that the App uses Data.

16. **Data Presentation:** The App uses your Personal Data and Activity Data to provide you with the best experience possible, to help you make the most of your fitness. The App uploads your Activity Data from the Apple HealthKit and presents it to you in a format that empowers you to visualize your fitness and exercise data and to track your progress across time.

17. **Ranking Feature:** The App is designed as a fitness data analytics tool that analyses your Data and allows you to track your exercise and activities data and your progress in comparison with your Friends and other App users, through the Ranking feature of the App. If you choose to participate in the Ranking feature you will be able to view data analytics that will help you visualize how you compare with your Friends and/or other App users in relation to your daily, monthly and yearly activity level, as this is measured by your SensusFit Score.

    The App gives you the option to join your Friends and/or other App users in Rank. The App will provide you with data analytics that will show your ranking in relation to your SensusFit F-Score, vis-à-vis your Friends (the "Friends Rank"), other App Users in your Country of residence (the "Local Rank"), as well as all the other App users globally (the "Global Rank"). The Ranking system is based on the SensusFit F-Score of the participating users as well as aggregated unidentifiable data from non-participating users.

    You will be identified in the Ranking feature of the App through your Username. For this reason we suggest that you use a Username that does not identify you.

    You can choose which rank list you join amongst the Friends Rank, the Local Rank and the Global Rank. The App gives you the option not to participate in the Ranking feature. If you choose not to participate you will not be able to use the Ranking feature nor view the Ranking tables. Nevertheless, your SensusFit Score data may still be used in a non-identifiable format for statistical purposes.

18. **Scoring:** The App analyses your Activity Data and each day it calculates your daily score (the "**SensusFit Score**" or "**Score**"), using a scoring system (the "**Scoring System**") integrated in the SensusFit App. The Scoring Systems is an algorithm integrated within the App that allocates points to the User according to the daily activity progress and the achievement of daily targets. At the end of each day the App calculates a Daily Score for the User. The algorithm tracks 12 daily activities: steps, stairs, distance, stand hours, active hours, exercise minutes, workouts, moderate minutes, vigorous minutes, resting energy, active energy, and total energy. The algorithm adjusts the allocated Points to take into account the intensity of the activities. The scale of SensusFit Score is built to reflect the World Health Organization (WHO) recommendations for daily physical activity for adults. The full points for achieving the default daily targets for each of the 12 activities is 100 points per day. You can earn more than 100 points if you exceed the default daily targets or less if you do not. The Scoring is used in the Ranking feature referred to above.

19. **Metrics:** We may use Data like your height, weight, gender and age when analyzing data and providing you with analytics regarding your activities. We may also use these data when providing you with Ranking analytics in comparison with your Friends and other App Users.

20. **R&D:** Your Data may be used for R&D purposes in our efforts to improve the App as well as our products and services.

21. **Logs:** We may use logs and other data are used to detect and protect the App against error, fraud or other criminal activity; and to allow us enforce the SensusFit App Terms of Use (see the Terms of Use document for further details on the App terms of use).

22. **Contact Information:** We may use your contact information to communicate with you, subject to applicable laws, in order to provide you with information about our services, products and apps, as well as to send you account notifications. We may also use your contact data in order to allow other Users of the App to add you as a Friend.

23. **De-Identified Data**: We may use your Data in a format that will not identify you ("**De-identified Data**" or "**DID**") for internal statistical, marketing or operational purposes, including generating sales reports and measuring and understanding demographics, user interests, purchasing and other trends among our customers; or share or sell to interested audiences (See Article 26 below for more information on DID).

24. **GDPR**: To the extent that information we collect is health data or another special category of personal data subject to the European Union's General Data Protection Regulation ("GDPR"), we ask for your explicit consent to process the data. We obtain this consent when you create your account before you start using the App. You can use your account settings and tools to withdraw your consent at any time, including by stopping use of a feature, or deleting your data or your account.

25. **Use of Information**: Using the information we collect, we are able to deliver the App services to you and honor our Terms of Service contract with you. For example, we need to use your information to provide you with your SensusFit dashboard tracking your exercise, activity, and other trends; to enable the Raking features of the Services; and to give you customer support. For the Ranking feature of the App, we may use your information to help you find and connect with other users and to allow other users to find and connect with you. For example, your account contact information allows other users to add you as a friend.

The Ways your Data May be Shared with Third Parties

26. Articles 26 to 30 below describe the ways that your Data may be shared with third parties.

27. **Data Access:** Your Data will be accessible within the Company only by those member of staff in charge of the processing of data who, by reason of their duties, may need to process such data to manage the requests of users. Data may be disclosed to other employees of the Company as well as to other companies affiliated to the Company for the same purposes as stated above and/or for administrative and maintenance purposes, pursuant to the Regulation. Data may also be disclosed to third parties to which the company outsources commercial, professional and technical services functional to the above purposes. Data may also be transferred outside the EU, and particularly to companies which provide "Cloud Computing" services. These companies guarantee that their transfer operations are carried out in conformity with relevant adequacy decisions of the EU Commission and/or in accordance with other instruments included in the Regulation 2016/679/EU. In any event, by submitting your personal Data, you also consent to the Data being transferred to countries whose laws may not afford the same data protection rights as EU Law.

28. **Personally Identifiable Data ("PID"):** PID is data that includes information that could identify you like your name, email address or other data that could provide information about your identity. Under no circumstances will we ever sell any PID that could identify you. We treat your PID with the utmost respect to your privacy and will share such data only under the following circumstances:

- When such disclosure is required by law or any court order, directive, or other rule of procedure.
- With third parties with whom we have a contractual arrangement to provide us with services like email management, provided that these companies are contractually obliged to safeguard any PID they receive from us.

- Subject to applicable laws, and provided it is necessary in connection with the sale, merger, bankruptcy, sale of assets or reorganization of our company your PID can be sold or transferred as part of a transaction. The promises in this Privacy Policy will apply to your data as transferred to the new entity.

29. **De-Identified Data ("DID"):** DID is data that does not identify you. We may share or sell aggregated DID with third parties or the public in different ways, such as for research purposes. In any case we take all necessary measures to ensure that the data does not identify you and cannot be associated back to you.

30. **Data You Direct Us to share:** You may direct us to share your Data with other individuals or entities. For example, you might authorize us to permit a third party, such as your wellness program provider, or to send progress updates your social media accounts. We will not do this without your consent. Once you direct us to share your data with a third party, that data is governed by the third-party's privacy policy. You can choose to stop sharing data with a third party at any time within your User Account.

31. **Surveys:** Subject to applicable laws, from time to time we may ask you to participate in surveys that help us understand your use of our products and services. Any PID provided in such surveys will be used only in relation to that survey and will be governed by the Privacy Policy.

Other Issues Related to Your Data

32. **Data Storage Location:** Your data is collected and stored on our servers or the servers of third-party service providers in Cyprus or any other European country and are subject to the European Economic Area ("**EEA**") laws. Your Data may also be collected and stored on servers in the country or region where you reside or use your smartwatch or data collection device or in any other places where contracted third-parties involved with the processing, storage, analysis of the Data are located. Transfer of data to countries outside the EEA may take place as part of the services described in this Privacy Policy. If you reside in a country outside the European Union, please note that the data protection and privacy laws of the EEA may not be as comprehensive as the laws in your country.

33. **Hosting and Backend as a Service:** These services have the purpose of hosting data and files that enable the App to run and be distributed as well as to provide a ready-made infrastructure to run specific features or parts of the App. Some of these services work through geographically distributed servers, making it difficult to determine the actual location where the Data are stored.

34. **Data Security:** We take reasonable security measures to help protect against loss, misuse, unauthorized access and unauthorized disclosure or alteration of your Data.

35. **Data Saving Period:** Your PID data is stored for as long as your User Account remain activated. When you choose to delete your User Account, your PID will be erased in due time, unless a longer retention period is required by law. Backup copies of this data will be removed from our server based upon an automated schedule, which means it may persist in our archive for a short period. We may continue to use your de-identified data.

36. **Policy With Respect to Children:** The App is not directed to individuals under the age of 13, and we request that individuals under 13 not provide Personal Data to us. If we learn that we have collected the Personal Data from a child under 13, we will take steps to delete the information as soon as possible. If you are aware of a user under the age of 13 using the App, please contact us at: info@SensusFit.com.

37. **Editing Your Data:** You can edit or modify your Personal Data associated with your User Account through the App at any time.

38. **Emails:** You can choose to receive periodical emails such as daily or weekly summaries, goal achievement notifications as well as promotional emails. You can opt-out receiving such emails through the App. However, you will continue receiving important emails that are necessary for the maintenance of your User Account.

39. **"Do Not Track":** The App does not support "Do Not Track" requests. To determine whether any of the third party services the App uses honor the "Do Not Track" requests, please read their privacy policies.

40. **Changes to the Privacy Policy:** We reserve the right to make changes to this Privacy Policy at any time by giving notice to you through the App, the Website or by email. It is strongly recommended to check our Privacy Policy often, referring to the date of the last modification listed at the bottom. If you object to any of the changes to the Policy, we suggest that you stop using the App and the Website and you may request that we remove your Data. Unless stated otherwise, the then-current Privacy Policy applies to all Data.

41. **Legal Information:** This Privacy Policy has been prepared in fulfilment of the obligations under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (the "**Regulation**") and Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 (the "**Directive**") on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation or "**GDPR**"), and repealing Directive 95/46/EC.

    This Policy is designed to provide compliance with all relevant applicable laws in the EEA and in particular those transposing the Regulation and the Directive. We recognize that certain laws might be modified to require stricter standards than those described in this Policy, in which case the stricter standards shall apply. We will handle Data in accordance with local law at the place where the Data is processed. If applicable law provides for a lower level of protection of Data than that established by this Policy, then this Policy shall prevail.

    For personal data subject to the GDPR, we rely on several legal bases to process the data. These include when you have given your consent, which you may withdraw at any time using your account settings and other tools; when the processing is necessary to perform a contract with you, like the Terms of Service; and our legitimate business interests, such as in improving, personalizing, and developing the Services, marketing new features or products that may be of interest, and promoting safety and security as described above.

42. **Notification of Breach:** In compliance with the Regulation we will notify any breach of your Personal Data to the competent Data Protection Supervisory Authority within 72 hours from the moment we become aware of their existence and to you, without undue delay, should such breaches potentially affect your rights or freedoms.

43. **User's Rights**: Users may at any time exercise the rights established by the Regulation, including: the right to receive confirmation of the existence of their personal data within the App, the Website and KineticData Apps Ltd, the right to check the Data's content and obtain a copy, the right to be informed of the source and accuracy of their Data, the right to request that their Data are updated, erased and/or de-identified if unlawfully processed, the right to stop the processing of such Data for any legitimate reason, as well as the right to lodge a complaint with the competent authorities.

44. **Right to Complain:** The User has the right to lodge a complaint, related to the Privacy Policy, to the Data Protection Supervisory Authority by contacting them on the following email address: commissioner@dataprotection.gov.cy.

For any requests related to this Privacy Policy please contact us at:

Email: info@SensusFit.com