

XBody Online Kft.

Privacy Policy

On data processing of XBody Online Kft.

26. 07. 2018.

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1. PREAMBLE

At XBody Online Kft. (address: HU-1072 Budapest, Rákóczi út 42., contact details: <https://xbodyworld.com/contact-us>, or +36 96 200 180) hereinafter referred to as “**XBody**”), we want to give you the best possible experience to ensure that you enjoy our service today and in the future. We appreciate that you are trusting us with information that is important for you, and we believe that transparency is the key to any healthy relationship. So, we want to transparently explain how and why we gather, store, share and use your personal data, outline the controls and choices you have around when and how you choose to share your personal data as well as the measure we take to keep your personal data safe.

The highest level of protection of personal data is a priority for XBody.

This Privacy Policy aims to

- give you information relating to your personal data relationship with XBody;
- ensure that you understand what personal data we collect about you and for how long, the reasons why we collect and use it, and who we share it with;
- explain your rights and choices in relation to the personal data we collect and process about you and how we protect your privacy.

We hope this helps you to understand our privacy commitments to you. For information on how to contact us if you ever have any questions or concerns, please see Section 14 below.

2. HOW DO WE COLLECT YOUR PERSONAL DATA?

We collect personal data in the following ways:

1. When your online account is created (hereinafter referred to as “**Online Account**”) for enjoying the XBody online services (hereinafter referred to as “**XBody Online Services**”) we collect certain personal data such as your name and email address so you can use the XBody Online Services. This is the only information you have to provide to create an account with us.
2. To help improve your experience or enable certain features of the XBody Online Service, you may choose to provide us with additional information, or give us your permission to collect additional data while using the XBody products (hereinafter referred to as “**XBody Product**”) for example to provide you with more features like your weight, height, body fat or muscle percentage.

3. WHAT PERSONAL DATA DO WE COLLECT FROM YOU?

The table below presents the categories of personal data we collect and use about you:

Categories of personal data	Description of category
Account registration data <ul style="list-style-type: none">• email address• name	This is the personal data you provide us to create an Online Account and use the XBody Online Services. This includes your email address and name. These are the only information you have to provide to create an account.
Contact details (optional) <ul style="list-style-type: none">• country	You may also choose to provide us with some additional personal data such as country, address and telephone number. Remember that you can delete these optional personal data at any time in your

<ul style="list-style-type: none"> • address • telephone number 	<p>account settings.</p>
<p>Size of training suit components</p> <ul style="list-style-type: none"> • Underwear size: • Suit size: • Trousers size: • Armband size: • Shoulder band size: • Thigh band size: 	<p>You may opt to provide this data in your Online Account to store the appropriate size for each of the training suit component.</p> <p>With regard to size, the following categories can be chosen:</p> <ul style="list-style-type: none"> • XXS • XS • S • M • L • XL • XXL
<p>Additional information, health and other special categories of data (optional)</p> <ul style="list-style-type: none"> • Age • Gender (male, female) • weight • height • body fat percentage • muscle percentage • date and place of measurements of the above (with regard to place, you can choose between “home” and “studio”) 	<p>Your age may be relevant information to assure proper and safe training regarding the fact that XBody Products are considered devices functioning on the basis of electronic stimulations applied to various muscle groups through the use of electrodes.</p> <p>In case the information we collect is health-related or another special category of personal data, we ask for your explicit consent to process the data. We obtain this consent separately when you provide this data, for example when you are to give information about your weight, height, body fat or muscle percentage.</p>
<p>XBody equipment usage data</p>	<p>This is the data that we collect about you when you are using the XBody Product – this may include:</p> <p>Information about the intensity of certain parts of your body in training, for example about your trapezoid, back, chest, shoulder, arm, waist, abdominal, gluteus, leg and calf muscles.</p> <p>The date of your trainings and bookings.</p> <p>Please note that You may choose to train in guest mode (hereinafter referred to as “Guest Mode”), in which case no personal data is required to use the XBody Product. In this case, the XBody Product does not record your training.</p>

4. WHAT DO WE USE YOUR PERSONAL DATA FOR?

We have set out in the table below the reasons why we process personal data, the legal basis we rely upon that legally permits us to process your personal data, and the categories of personal data used for the purposes:

Categories of personal data used by XBody for the processing purpose	Legal basis for the processing purpose	Description of why XBody processes your personal data
<p>Account registration data</p> <ul style="list-style-type: none"> • email address • name 	<ul style="list-style-type: none"> • Performance of a contract; Section 6 (1) b) of 2016/679 General Data Protection Regulation (hereinafter referred to as “GDPR”) 	<p>Using the information we collect, we are able to deliver the XBody Online Services and allow you to create (or delete) your Online Account.</p> <p>We also collect this data to identify and distinguish you from our other clients.</p> <p>We may also use this data on the basis of your request to ensure your rights as detailed in Section Hiba! A hivatkozási forrás nem található..</p> <p>Remember that you receive a feedback in email after each operation that affects the personal data of your Online Account.</p>
<p>Contact details (optional)</p> <ul style="list-style-type: none"> • country • telephone number 	<ul style="list-style-type: none"> • Consent of the data subject; Section 6 (1) a) of GDPR; • Performance of a contract; Section 6 (1) b) of GDPR 	<p>Please remember that XBody stores your contact details in order to facilitate for the Studio (in which you use the XBody Product) to contact you if necessary.</p> <p>We may also use this data on the basis of your request to ensure your rights as detailed in Section Hiba! A hivatkozási forrás nem található..</p>
<ul style="list-style-type: none"> • Size of training suit components • Additional information, health and other special categories of data • XBody equipment usage data 	<ul style="list-style-type: none"> • Consent of the data subject; Section 6 (1) a) of GDPR; • Performance of a contract; Section 6 (1) b) of GDPR <p>You may use your account settings to withdraw your consent at any time including by deleting your data or your account.</p>	<p>We store your personal data to show you more relevant content, for example information like your height, weight, gender and age allows us to improve the accuracy of your daily exercise and activity statistics, or to provide information on your improvements based on your historical data. You may register this data under ‘my measurements’, based on your own choice.</p>

Based on our legitimate interest [Section 6 (1) f) of GDPR], we use your personal data we collect to improve and personalise XBody Online Services and to develop for example new features and services.

We store your personal data to allow the Studio producing statistical statements for example about the number of training you completed or the number of passes you bought per month.

We also use your personal data in order to help the Studio preparing monthly training lists, monthly income from season tickets, tables on the utilization of the XBody Products, trainer statistics, pass statistics, studio agenda, appointment agenda and studio map.

If you require further information about the balancing test that XBody has undertaken to justify its reliance on the legitimate interest legal basis, please contact us at helpdesk@xbodyworld.com for further details.

5. HOW WE SHARE YOUR PERSONAL DATA?

Categories of recipients	Reason for sharing
<p>Customer Support - XBody Hungary Kft. and XBody International Kft.</p> <p>(address: HU-9028 Győr, Török Ignác utca 66., contact details: https://xbodyworld.com/contact-us/#contactus, or +36 96 200 180)</p>	<p>We transfer your personal data to our customer service provider, XBody Hungary Kft. and XBody International Kft., who may have access to your personal data stored in your Online Account during providing customer support services, based on our instruction and in compliance with this policy and appropriate confidentiality and security measures.</p>
<p>Studios using XBody equipment</p>	<p>The studio, in which you train (“Studio”) has access to your Online Account, and the Studio manages and maintains the database of the XBody Product. The Studio only processes the Online Accounts in the interest of the data subjects, based on the provisions of the GDPR, like ensuring your rights of access, right to rectification, etc.</p> <p>Remember that you receive a feedback in email from the Admin after each operation that affects the personal data of your Online Account.</p> <p>For more information, please write us: helpdesk@xbodyworld.com</p>
<p>Service Providers and partners</p> <p>XBody Hungary Kft.</p>	<p>We transfer your personal data to technical service providers and partners who process it for us, based on our instructions, and in compliance with this policy and appropriate confidentiality and security measures. These partners provide us with services globally, including for information technology service providers which host, store, manage and maintain the XBody Online Service.</p>

	<p>We inform you that all these service providers are located within the European Union.</p>
Registered Trainers	<p>When you sign for the training with an XBody Product its our registered trainer (hereinafter referred to as “Trainer”) who creates your client account (“Client Account”) upon your authorisation under his trainer account (hereinafter referred to as “Trainer Account”) on the XBody Product so you can use the XBody Product. Since XBody Products are considered as devices functioning on the basis of electronic stimulations applied to various muscle groups through the use of electrodes therefore its management requires the service of a professional.</p> <p>We provide access to your Online Account to our Trainer to improve our services and provide you with personalized services such as the opportunity to prepare a personalized program with the help of our Trainers. Remember that our Trainers do not and may not change any of your personal data in your Online Account without your explicit instruction and consent.</p>
Law enforcement and data protection authorities	<p>We should share your personal data when it is necessary to do so in order to comply with a legal obligation under applicable law, or respond to valid legal process, such as warrant, a court order, or a subpoena.</p> <p>We can also share your personal data where it is necessary for the purpose of our own, or a third party’s legitimate interest relating to national security, law enforcement, litigation, criminal investigation, protecting the safety of any person, or to prevent death or imminent bodily harm, provided that we deem that such interest is not overridden by your interests or fundamental rights and freedoms requiring the protection of your personal data.</p>

6. DATA RETENTION AND DELETION

Categories of personal data	Description of category
Your personal data collected	We keep your Client Account active for 1 year from the expiration date of the pass you bought, or training after which XBody deletes your Online Account, unless you ask for deletion at an earlier time as prescribed in point 12.4. Before deleting your Online Account,

	<p>we send you a warning e-mail in order to inform you thereof.</p> <p>When you give us additional personal data like your country, telephone number, we keep the data until you delete these data from your profile, delete your account as prescribed in point 12.4. or its automatically deleted as prescribed above.</p>
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7. SECURITY OF PERSONAL DATA

We are committed to protect your personal data so are our processors by taking into account the state of the technology, the costs of the execution, the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons, implement appropriate technical and organisational measures to ensure the appropriate level of data protection. However, please note that no system is ever completely secure.

We choose and operate IT tools for processing so that the processed personal data is:

- accessible to the authorised person (availability);
- authenticity and authentication (credibility of processing);
- it can be verified there is no change in the data (data integrity);
- protection against unauthorised or unlawful access (confidentiality of data).

We protect your data with appropriate measures against unlawful access, alteration, transfer, disclosure, erasure or destruction, as well as accidental loss, damage, and the accidental unavailability due to the change of the used technic.

In order to protect the electronic processed personal data that are stored in our various registries, we provide appropriate technical measures to ensure that the stored personal data - unless it is permitted by law - cannot be directly linked and assigned to the data subjects.

The provided technical and organisational measures are in accordance with the current state of technology and they are compatible with the level of risks associated to ensure the security of processing.

During processing we respect and maintain

- **confidentiality**: protecting the information so that it can only be accessed by those who are entitled to it;
- **integrity**: protecting the accuracy and completeness of information and processing methods;
- **Availability**: ensuring that when the data subject needs it, he/she can actually access the information and she/he has procedures for it.

Our and our partners' IT systems are protected against computer-aided fraud, espionage, sabotage, vandalism, fire and flood, as well as computer viruses, computer intrusion and denial-of-service attacks. The operator provides security through server-level and application-level security procedures. We inform you that electronic mails apart from the protocols (email, web, ftp etc.) that are transferred through the Internet are vulnerable to network threats that may lead to fraudulent activity, challenge of the contract and disclosure or modification of information. We shall take all the precautionary measures to protect you from such threats. Systems are monitored so the we can record all security dangers and provide evidence of any security incident. System monitoring also allows the controlling of the efficiency of the precautionary measures.

We, as data controller record potential personal data breaches, including facts and effects of the personal data breach and measures taken or proposed to be taken by us to address the personal data

breach. We shall notify the Hungarian National Data Protection and Freedom of Information Authority on any potential personal data breach without undue delay and, where feasible, not later than 72 hours after having become aware of it, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons.

Your password protects your account, so we encourage you to use a unique and strong password, limit access to your computer and browser, and log out after you have the XBody service.

8. OUR POLICY FOR CHILDREN

Persons under the age of 16, or any other minimum age in the jurisdiction where that person resides, are not permitted to create accounts unless their parents has consented in accordance with applicable law. In case we learn that we have collected the personal information of a child under the relevant minimum age without parental consent, we will take steps to delete the information as soon as possible.

Parents who believe that their child has submitted personal data to us and would like to have it deleted may contact us at:

- e-mail address: helpdesk@hq.xbodyworld.com
- phone number: +36 96 200 180

9. OUR INTERNATIONAL OPERATIONS AND DATA TRANSFERS

XBody only uses and share your personal data with technical service providers and partners within the European Union.

10. PROCESSING OF [HTTPS://LOGIN.XBODYONLINE.COM/](https://login.xbodyonline.com/) WEBSITE

10.1.1. Logging on the login.xbodyonline.com server

When visiting login.xbodyonline.com, the webserver does not record any personal data.

10.1.2. Cookies at login.xbodyonline.com

11. OTHER PROCESSING

We provide information about processing that is not listed in this Privacy Policy at the time when personal data are obtained. We inform our partners and clients that courts, prosecution, investigating authorities, the authority dealing with administrative offences, administrative authorities, the National Data Protection and Freedom of Information Authority and other organs under the provisions of the applicable law may contact XBody in order to receive notification or that XBody discloses, transfers personal data or provides documents to them.

XBody will only provide information to the authorities -if they have indicated the exact purpose and scope of the personal data – that is strictly necessary to the purpose of the inquiry.

12. YOUR RIGHTS TO ACCESS AND CONTROL YOUR PERSONAL DATA

We inform you that in relation to the processing of your personal data you dispose the following rights:

- Transparent information,
- Right of access by the data subject,
- Right to rectification,
- Right to erasure ('right to be forgotten'),
- Right to restriction of processing,
- Right to data portability,
- Right to object,
- Right to withdrawal of consent,
- Right to effective remedy.

12.1. Transparent information

We are obliged to provide information to you about the processing of your personal data. We fulfil our obligation by providing the present Privacy Policy to you. Please be aware of the fact, that if you have further questions in relation to the processing of your personal data you can exercise your right of access.

12.2. Right of access by the data subject

You have the right to get information whether we process your personal data and if so, you may demand a detailed prospectus that contains the following information:

- the reason of the data processing,
- the scope of the processed personal data,
- the source of the processed data,
- the recipient of the data,
- the term of the storage of the processed personal data,
- in case of an international transfer of your personal data, the guarantees of the transfer, and
- a repeated information on your rights in relation to the processing of your personal data and your right to lodge a complaint with a supervisory authority.

For your request we may give you a copy of your processed personal data free of charge.

For further copies we may charge you with a reasonable fee taking into account the administrative costs of providing the information. We provide information by electronic means for your request. You may exercise your right of access in writing at the following contact details:

- e-mail address:
- in writing to the XBody Online's address: HU-9028 Győr, Török Ignác utca 66.

For your request the aforementioned information may be provided orally if your identity is proven genuinely.

12.3. Right to rectification

For your request we rectify, correct or complete your inaccurate personal data (e.g. your age group is inaccurate, your e-mail address or your name has changed).

You may exercise your right of rectification in any of the following options:

- personally, in the Studio with our Trainer
- personally, on your Online Account

- e-mail address: helpdesk@xbodyworld.com
- phone number: +36 96 200 180

12.4. Right to erasure

You may request that we erase your processed personal data without undue delay if,

- the purpose of the data processing no longer justifies the processing,
- consent is the legal basis of the processing and you have withdrawn your consent (and there is no other applicable legal basis),
- you object the processing and there are no overriding legitimate grounds for the processing,
- the personal data have been unlawfully processed, or
- the personal data have to be erased under legal obligation.

You may exercise your right of erasure in any of the following options:

- personally, in the Studio with our Trainer
- personally, on your Online Account
- e-mail address: helpdesk@xbodyworld.com
- phone number: +36 96 200 180

The right of erasure cannot be exercised if the processing is necessary for exercising the right of freedom of expression and information, the compliance with a legal obligation that XBody is subject to, or for the performance of a public task, or reasons of public interest in the area of public health or archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, or for the establishment, exercise or defence of legal claims.

12.5. Right to restriction of processing

If you exercise this right and according to the applicable law you shall obtain restriction of processing, we cannot process your personal data (therefore we cannot transfer or organise your data) – with the exception of storage- unless you consent or it is necessary for the establishment, exercise or defence of XBody’s legal claims.

When can you exercise this right?

- If you claim that your personal data is inaccurate, for a period while we examine the accuracy of your data.
- If the processing is unlawful but instead of erasure, you request the restriction of your data.
- If we no longer need your personal data (for the purpose of the processing) however you request that we store them (e.g. for the establishment, exercise or defence of legal claims).
- If you object the processing, for a period while we verify whether our legitimate grounds override those of yours.

We inform you before the restriction of the processing is lifted (e.g. your inaccurate data have been rectified or we declined your request of restriction).

You may exercise your right to restriction of processing in any of the following options:

- in writing, e-mail address: helpdesk@xbodyworld.com

12.6. Right to data portability

If the legal basis of the processing is your consent or the performance of a contract and the processing

is carried out by automated means, you may request to receive the personal data that concerns you and which you provided us, in a structured, commonly used and machine-readable format. You may also request that we transmit your data to another controller.

You may exercise your right to data portability in any of the following options:

- in writing, e-mail address: helpdesk@xbodyworld.com

12.7. Right to object

You may object on the grounds relating to your particular situation, at any time to the processing of personal data concerning you if the legal basis of the processing is the legitimate interest of XBody. In this case, we will no longer process your personal data unless we demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

12.8. Right to withdraw a consent

You have the right to withdraw your consent at any time during the processing in any of the following ways:

- on your Online Account
- in writing, e-mail address: helpdesk@xbodyworld.com

We inform you that the withdrawal of your consent shall not affect the lawfulness of processing based on your consent before its withdrawal.

12.9. Procedural provisions

Please note that we will notify you on the action taken without undue delay, but within one month of receipt of your request. We may extend the period by further two months if it is necessary due to the complexity and the number of the requests. We inform you on the extension within one month of the receipt of your request.

If you submit your request by electronic means, XBody will give you the information by electronic means (unless you request otherwise).

If we do not take any action on your request, we inform you - without any undue delay and at the latest within one month of the receipt of your request - on its reasons and on the possibility to lodge a complaint with the Data Protection Authority and to seek a judicial remedy.

We inform you that we provide the requested information free of charge. If your request is clearly unfounded or excessive, in particular because of its repetitive character, we can charge you with a reasonable fee for administrative costs or we can refuse to take action on your request.

We communicate any rectification or erasure of personal data or rectification of processing to each recipient with whom we have provided your personal information (unless it is impossible). Upon your request, we inform you about these recipients.

12.10. Right to compensation

XBody compensates your damages that caused by unlawful processing or breaching the data protection requirements. In case of the violation of the rights relating to your personality, you are entitled to restitution in accordance with the provisions of the Hungarian Civil Code.

We inform you that XBody is liable for any damages caused by a processor that we used during the processing of your personal data. XBody shall be relieved of liability if the damage occurred in

consequence of unforeseen circumstances beyond our control.

XBody does not compensate your damages and you cannot claim restitution insofar as damage or impairment - caused by the violation of the right relating to your personality - is caused by your intentional or gross negligent behaviour.

12.11. Remedies

12.11.1.Right to a judicial remedy

If you consider that your rights under data protection law have been infringed (e.g. you couldn't exercise your aforementioned rights, you didn't receive any information on the processing etc.) you may file for court action against the controller before the general court in whose jurisdiction your home address or habitual residence is located. The court shall hear such cases in priority proceedings. We inform you that lawsuits related to personal data protection are free of charge.

12.11.2.Right to lodge a complaint with a supervisory authority

If you consider that your rights under data protection law have been infringed you can choose to lodge a complaint with the competent Data Protection and Freedom of Information Authority. For more information, please contact us through the following contact details:

- in writing, e-mail address: helpdesk@xbodyworld.com
- in writing to the XBody Online's address: Hungary, 9028 Győr, Török Ignác utca 66.
- phone number: +36 96 200 180
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13. CHANGES TO THIS POLICY

We may occasionally make changes to this Policy. When we make material changes to the Policy, we will provide you with prominent notice and give you the opportunity to review the revised policy before deciding if you would like to continue to use the XBody Online Services.

14. HOW TO CONTACT US

Thank you for reading our Privacy Policy, if you have any questions, suggestions or concerns about this policy or our use of your personal data, please contact our Data Protection Officer at diana.nemeth@xbodyworld.com.