

PRIVACY POLICY

Last updated Apr, 2024

Thank you for choosing to be part of our community at The average People Limited, doing business as The Average App (“**The Average App**”, “**we**”, “**us**”, or “**our**”). We are committed to protecting your personal information and your right to privacy. If you have any questions or concerns about our policy, or our practices with regards to your personal information, please contact us at averagethamizhan@theaverage.app.

The use of our Platform which includes theaverage Mobile Application (hereinafter referred to as “Mobile Application”) and Internet pages of theaverage Website – [www.theaverage.app] (hereinafter referred to as “Website”) and our related Websites, platforms, Applications, Services, Products and content (together with the Mobile Application and Website, collectively referred to as “Services”) is possible without any indication of personal data; however, if a data subject wants to use our services via our website or mobile application, processing of personal data could become necessary. If the processing of personal data is necessary and there is no statutory basis for such processing, we generally obtain consent from the data subject.

The processing of personal data, such as the name, address, e-mail address, or telephone number of a data subject shall always be in accordance with the Information Technology Act, 2000 and published in accordance with the provisions of Rule 4 of the [Information Technology \(Reasonable security practices and procedures and sensitive personal data or information\) Rules, 2011](#) and [The General Data Protection Regulation](#) (GDPR) applicable to theaverage. By means of these data protection declarations, our enterprise would like to inform the general public of the nature, scope, and purpose of the personal data we collect, use and process. Furthermore, data subjects are informed, by means of this data protection declaration, of the rights to which they are entitled.

When you visit our website, mobile application, and use our services, you trust us with your personal information. We take your privacy very seriously. In this privacy policy, we seek to explain to you in the clearest way possible what information we collect, how we use it and what rights you have in relation to it. We hope you take some time to read through it carefully, as it is important. If there are any terms in this privacy policy that you do not agree with, please discontinue use of our Sites or Apps and our services and/or you may disagree to provide any further information to us.

This privacy policy applies to all information collected through our website (such as <https://theaverage.app>), mobile application, (“**Apps**”), chat applications like Whatsapp, social media accounts, email survey forms and/or any related services, sales, marketing or events (we refer to them collectively in this privacy policy as the “**Services**”).

Please read this privacy policy carefully as it will help you make informed decisions about sharing your personal information with us.

IF YOU DO NOT AGREE WITH THE TERMS OF THIS PRIVACY POLICY, PLEASE DO NOT ACCESS THE WEBSITE/MOBILE APPLICATION.

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1. WHAT INFORMATION DO WE COLLECT?

Information you provide

***In Short:** We collect certain personal information necessary to provide you services, when you create an account with us.*

- We collect personal information such as your name and email address when you create an account with us.
- We require certain personal information to provide you products or services such as
 - your birth date, gender, phone number, mailing address;
 - your weight, height, lifestyle, food preferences, nutrition data, workouts, physical activity, photographs, medical conditions, health goals, steps, sleep habits or other fitness regimes and health-related information as our services and products are further developed;
- **Your Contributions.** Information and content, you provide. We collect the content, communications and other information you provide when you use our Products, including when you sign up for an account, create or share content, and message or communicate with others. This can include any information in or about the content (including without limitation, any text, information, graphics, messages, photos, images, location of a photo, the date a file was created, nutritional information contributed to the Food Database and works of authorship kind), data, questions, comments, suggestions or other content, including personally identifiable information that you upload, send, email, display, perform, distribute, post or otherwise transmit to us, at our request or on your own, on, or through the Services (such as message boards, recipe logging), whether in connection with your use of the Services or through the use of any Third Party Websites or Third Party Services or otherwise, and whether publicly posted or privately transmitted.
- **Your Messages.** We store messages, photos, videos and documents from your chats on our servers so that you can access your chat data from any of your devices anytime without having to rely on third-party backups. All data is stored encrypted. Our developers do not access the user data.
- **Payment Data.** We may collect data necessary to process your payment if you make purchases, such as your payment instrument number (such as a credit card number), and the security code associated with your payment instrument. All payment data is stored by Cashfree, RazorPay, PayPal, Payglocal, Juspay and Stripe.

- **Limited Use Disclosure.** The use of information received from Health Connect will adhere to the Health Connect Permissions policy, including the Limited Use requirements.

Information automatically collected

In Short: *Some information – such as IP address and/or browser and device characteristics – is collected automatically when you visit our Services or Apps.*

We automatically collect certain information when you visit, use or navigate the Services through our Apps or Website. This information does not reveal your specific identity (like your name or contact information) but may include device and usage information, such as your IP address, browser and device characteristics, operating system, language preferences, referring URLs, device name, country, location, information about how and when you use our Services or Apps and other technical information. This information is primarily needed to maintain the security and operation of our Services or Apps, and for our internal analytics and reporting purposes.

Like many businesses, we also collect information through cookies and similar technologies.

Information collected through our Apps

In Short: *We may collect information regarding your geo-location, mobile device, push notifications, when you use our apps.*

If you use our Apps, we may also collect the following information:

- ***Geo-Location Information.*** We may request access or permission to and track location-based information from your mobile device, either continuously or while you are using our mobile application, to provide location-based services like tagging your location to a post. If you wish to change our access or permissions, you may do so in your device's settings.
- ***Mobile Device Access.*** We may request access or permission to certain features from your mobile device, including your
 - *Mobile device's storage* to read & write videos, pictures & pdf files from the device,
 - *Contacts* to find your connections who are already using our services,
 - *Camera to capture images & videos to provide services,*
 - *Record Audio* to capture audio while recording a video or live video streaming,
 - *Social media accounts* to login to your theaverage account.
 - *Data about health from iOS HealthKit, Health app and Google Fit.*

We handle all iOS Health app and HealthKit data in accordance with Apple's development guidelines. To view Apple's HealthKit developer guidelines, go to

<https://developer.apple.com/app-store/review/guidelines/#health-and-health-research>.

We handle Google Fit data in accordance with Google Fit Terms of Service. To view Google Fit Terms of Service go to <https://developers.google.com/fit/terms>.

If you wish to change any of our access or permissions, you may do so in your device's settings. However, revoking these permissions may prevent you from using all or some of the functionality of our services.

- ***Mobile Device Data.*** We may automatically collect device information (such as your mobile device ID, model and manufacturer), operating system, version information and IP address.
- ***Push Notifications.*** We may request to send you push notifications regarding your account or the mobile application. If you wish to opt-out from receiving these types of communications, you may turn them off in your device's settings.
- ***Messages via messaging apps:*** We may request to send you notifications via Whatsapp and/or other messaging apps. If you wish to opt out from receiving communications on your chat applications, you may decline/disagree when prompted on our platform.

2. HOW DO WE USE YOUR INFORMATION?

In Short: We process your information for purposes based on legitimate business interests, the fulfillment of our contract with you, compliance with our legal obligations, and/or your consent.

We use personal information collected via our Services or Apps for a variety of business purposes described below. We process your personal information for these purposes in reliance on our legitimate business interests, in order to enter into or perform a contract with you, with your consent, and/or for compliance with our legal obligations. We indicate the specific processing grounds we rely on next to each purpose listed below.

We use the information we collect or receive:

- **To facilitate account creation and logon process.** If you choose to link your account with us to a third-party account *(such as your Google or Facebook account), we use the information you allowed us to collect from those third parties to facilitate account creation and logon process for the performance of the contract.
- **To send administrative information to you.** We may use your personal information to send you product, service and new feature information and/or information about changes to our terms, conditions, and policies.
- **To protect our Services.** We may use your information as part of our efforts to keep our Services or Apps safe and secure (for example, for fraud monitoring and prevention).
- **To enable user-to-user communications.** We may use your information in order to enable user-to-user communications with each user's consent.
- **To enforce our terms, conditions and policies for Business Purposes, Legal Reasons and Contractual.**
- **To respond to legal requests and prevent harm.** If we receive a subpoena or other legal request, we may need to inspect the data we hold to determine how to respond.
- **To manage user accounts.** We may use your information for the purposes of managing our account and keeping it in working order.
- **To deliver services to the user.** We may use your information to provide you with the requested service.
- **To respond to user inquiries/offer support to users.** We may use your information to respond to your inquiries and solve any potential issues you might have with the use of our Services.
- **For Marketing, Publicity & Promotions.** theaverage may also publish User's name, voice, likeness and other Personal Information that is part of User's User Content, and theaverage may use the content, or any portion of the content, for advertising, marketing, publicity and promotional activities, provided that theaverage will not exercise such rights as to any User Content which identifies User in a public manner unless User provides a separate consent to theaverage in writing (email is sufficient) authorizing such use. For full terms and conditions regarding User Content User submits to the Service, please review theaverage's Terms & Conditions.

theaverage or others may store, display, reproduce, publish, distribute or otherwise use User Content online or offline in any media or format (currently existing or hereafter developed) and may or may not attribute it to User. Others may have access to this User Content and may have the ability to share it with third parties. Please think carefully before deciding what information User shares, including Personal Information, in connection with User's User Content. Be aware that public postings are not confidential. Please note that theaverage does not control who will have access to the information that User chooses to make public and cannot ensure that parties who have access to such publicly available information will respect User's privacy or keep it secure. theaverage is not responsible for the privacy or security of any information that User makes publicly available on the Service, the Mobile App or Website or what others do with information User shares with them on the Mobile App and Website. theaverage is not

responsible for the accuracy, use or misuse of any User Content that User discloses or receives from third parties through the Service.

3. WILL YOUR INFORMATION BE SHARED WITH ANYONE?

***In Short:** We only share information with your consent, to comply with laws, to provide you with services, to protect your rights, or to fulfill business obligations.*

We may process or share data based on the following legal basis:

- **Consent:** We process your sensitive personal data or information if you have given us specific consent to use it for a specific purpose.
- **Legitimate Interests:** We may process your data when it is reasonably necessary to achieve our legitimate business interests.
- **Performance of a Contract:** Where we have entered into a contract with you, we may process your personal information to fulfill the terms of our contract.
- **Legal Obligations:** We may disclose your information where we are legally required to do so in order to comply with applicable law, governmental requests, a judicial proceeding, court order, or legal process, such as in response to a court order or a subpoena (including in response to public authorities to meet national security or law enforcement requirements).
- **Vital Interests:** We may disclose your information where we believe it is necessary to investigate, prevent, or take action regarding potential violations of our policies, suspected fraud, situations involving potential threats to the safety of any person and illegal activities, or as evidence in litigation in which we are involved.

More specifically, we may need to process your data or share your personal information in the following situations:

- **Other Users.** When you share personal information (for example, by posting comments, contributions or other content to the Services) or otherwise interact with public areas of the Services, such personal information may be viewed by all users and may be publicly made available outside the Services in perpetuity. If you interact with other users of the Website/Mobile Application, those users may see your name, profile photo, and descriptions of your activity, including sending invitations to other users, chatting with other users, liking posts, posting comments, posting reviews, following Forums.
- **Online Postings.** When you post comments, contributions or other content to the Website/Mobile Application, your posts may be viewed by all users and may be publicly distributed outside the Website/Mobile Application in perpetuity.
- **Business Transfers.** We may share or transfer your information in connection with, or during negotiations of, any merger, sale of company assets, financing, or acquisition of all or a portion of our business to another company.

4. WHO WILL YOUR INFORMATION BE SHARED WITH?

***In Short:** We only share information with the following third parties.*

We only share and disclose your information with the following third parties. We have categorized each party so that you may easily understand the purpose of our data collection and processing practices. If we have processed your data based on your consent and you wish to revoke your consent, please contact us using the contact details provided in the section below titled "[HOW CAN YOU CONTACT US ABOUT THIS NOTICE?](#)".

- **Cloud Computing Services**
 - Google cloud (GCP) ([Privacy Policy](#)) ([GDPR Compliance](#))
- **Communicate and Chat with Users**
 - Google Forms (Privacy Policy)
- **Invoice and Billing**
 - Stripe ([Privacy Policy](#)) ([GDPR Compliance](#))
- **User Account Registration and Authentication**
 - Google Sign-In
- **App Testing**
 - TestFlight
 - Google Play Console
- **Manage App**
 - theaverage Admins

5. DO WE USE COOKIES AND OTHER TRACKING TECHNOLOGIES?

In Short: We may use cookies and other tracking technologies to collect and store your information.

Cookies and Web Beacons

You can visit our website without giving away your personal information. We may use cookies, Google Analytics, web beacons, tracking pixels, and other tracking technologies on the Website/Mobile Application to help customize the Website/Mobile Application and improve your experience and analyse how the Website/Mobile Application is used. The information collected by Google Analytics is anonymous Traffic Data on the website. We do not collect any additional information such as name, age, gender, etc upon your usage of the Website without the need to create an account.

The data subject may, at any time, prevent the setting of cookies through our website by means of a corresponding setting of the Internet browser used, and may thus permanently deny the setting of cookies. Furthermore, already set cookies may be deleted at any time via an Internet browser or other software programs. This is possible in all popular Internet browsers. If the data subject deactivates the setting of cookies in the Internet browser used, not all functions of our website may be entirely usable.

For more information on how we use cookies, please refer to our Cookie Policy posted on the Website/Mobile Application, which is incorporated into this Privacy Policy. By using the Website/Mobile Application, you agree to be bound by our Cookie Policy.

Website Analytics

We may also partner with selected third-party vendors, such as Google Analytics, to allow tracking technologies and remarketing services on the Website through the use of first party cookies and third-party cookies, to, among other things, analyze and track users' use of the Site, determine the popularity of certain content and better understand online activity. By accessing the Website, you consent to the collection and use of your information by these third-party vendors. You are encouraged to review their privacy policy and contact them directly for responses to your questions. We do not transfer personal information to these third-party vendors. However, If you do not want any information to be collected and used by tracking technologies, you can find The Google Analytics

privacy policy [here](#). You can learn more about how to opt-out of tracking in Google Analytics [here](#) or [Network Advertising Initiative Opt-Out Tool](#) or [Digital Advertising Alliance Opt-Out Tool](#).

You should be aware that getting a new computer, installing a new browser, upgrading an existing browser, or erasing or otherwise altering your browser's cookies files may also clear certain opt-out cookies, plug-ins, or settings.

6. DO WE USE GOOGLE MAPS?

In Short: No

7. HOW DO WE HANDLE YOUR SOCIAL LOGINS?

In Short: If you choose to register or log in to our services using a social media account, we may have access to certain information about you.

Our Services or Apps offer you the ability to register and login using your third-party social media account details (like your Facebook or Google logins). Where you choose to do this, we will receive certain profile information about you from your social media provider. The profile Information we receive may vary depending on the social media provider concerned, but will often include your name, e-mail address, friends list, profile picture as well as other information you choose to make public.

We will use the information we receive only for the purposes that are described in this privacy policy or that are otherwise made clear to you on the Services or Apps. Please note that we do not control, and are not responsible for, other uses of your personal information by your third-party social media provider. We recommend that you review their privacy policy to understand how they collect, use and share your personal information, and how you can set your privacy preferences on their sites and apps.

8. IS YOUR INFORMATION TRANSFERRED INTERNATIONALLY?

In Short: We may transfer, store, and process your information in countries other than your own.

All web servers and hosting are managed by our team using Amazon Web Services in EU Region. This includes website hosting, backups, web database, file storage, APIs, and log files. Amazon's privacy policy can be found here: <https://aws.amazon.com/privacy/>.

If you are accessing our Services or Apps from outside EU Region, please be aware that your information may be transferred to, stored, and processed by us in our facilities and by those third parties with whom we may share your personal information (see "[WILL YOUR INFORMATION BE SHARED WITH ANYONE?](#)" above), in India, and other countries.

If you are a resident in the European Economic Area, then these countries may not have data protection or other laws as comprehensive as those in your country. We will however take all necessary measures to protect your personal information in accordance with this privacy policy and applicable law.

9. HOW LONG DO WE KEEP YOUR INFORMATION?

In Short: We keep your information for as long as necessary to fulfill the purposes outlined in this privacy policy unless otherwise required by law.

We will only keep your personal information for as long as it is necessary for the purposes set out in this privacy policy, unless a longer retention period is required or permitted by law (such as tax, accounting or other legal requirements). No purpose in this policy will require us keeping your personal information for longer than the period of time in which users have an account with us.

When we have no ongoing legitimate business need to process your personal information, we will either delete or anonymize it, or, if this is not possible (for example, because your personal information has been stored in backup archives), then we will securely store your personal information and isolate it from any further processing until deletion is possible.

10. HOW DO WE KEEP YOUR INFORMATION SAFE?

In Short: We aim to protect your personal information through a system of organizational and technical security measures.

We have implemented an appropriate Information Security Management System (ISMS) designed to protect the security of any personal information we process. This ISMS is established and managed in alignment with global best practices and certified towards ISO 27001:2013 standard. The system is subject to strong controls including ongoing monitoring, periodic security testing, internal/external audits and verifications. However, please also remember that we cannot guarantee that the internet itself is 100% secure. Although we will do our best to protect your personal information, transmission of personal information to and from our Services or Apps is at your own risk. You should only access the services within a secure environment.

11. DO WE COLLECT INFORMATION FROM MINORS?

In Short: We do not knowingly collect data from or market to children under 18 years of age.

We do not knowingly solicit data from or market to children under 18 years of age. By using the Services or Apps, you represent that you are at least 18 or that you are the parent or guardian of such a minor and consent to such minor dependent's use of the Services or Apps. If we learn that personal information from users less than 18 years of age has been collected, we will deactivate the account and take reasonable measures to promptly delete such data from our records. If you become aware of any data we have collected from children under age 18, please contact us at vivek@theaverage.app

12. WHAT ARE YOUR PRIVACY RIGHTS?

In Short: In some regions, such as the European Economic Area, you have rights that allow you greater access to and control over your personal information. You may review, change, or terminate your account at any time.

[Information Technology \(Reasonable security practices and procedures and sensitive personal data or information\) Rules, 2011](#) permits our users who are Indian residents and [The General Data Protection Regulation](#) (EU) permits our users who are EU residents the right to review or amend the Sensitive

Personal Data or Information (SPDI) and give the information provider an option to retract consent at any point of time, in relation to the information that has been so provided.

In some regions (like the European Economic Area), you have certain rights under applicable data protection laws. These may include the right (i) to request access and obtain a copy of your personal information, (ii) to request rectification or erasure; (iii) to restrict the processing of your personal information; and (iv) if applicable, to data portability. In certain circumstances, you may also have the right to object to the processing of your personal information.

If we are relying on your consent to process your personal information, you have the right to withdraw your consent at any time. Please note however that this will not affect the lawfulness of the processing before its withdrawal.

If you are resident in the European Economic Area and you believe we are unlawfully processing your personal information, you also have the right to complain to your local data protection supervisory authority. You can find their contact details here: http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm.

- **Account Information:** If you would at any time like to review or change the information in your account or terminate your account, you can:
 - Log into your account settings and update your user account.
 - Contact us using the contact information provided
 - Upon your request to terminate your account, we will deactivate or delete your account and information from our active databases. However, some information may be retained in our files to prevent fraud, troubleshoot problems, assist with any investigations, enforce our Terms of Use and/or comply with legal requirements.

For more details on terms of use & privacy policy practices of Google, please visit the Google Privacy & Terms web page at <http://www.google.com/intl/en/policies/privacy/>

13. DO WE MAKE UPDATES TO THIS POLICY?

In Short: Yes, we will update this policy as necessary to stay compliant with relevant laws.

We may update this privacy policy from time to time. The updated version will be indicated by an updated "Revised" date and the updated version will be effective as soon as it is accessible. If we make material changes to this privacy policy, we may notify you either by prominently posting a policy of such changes or by directly sending you a notification. We encourage you to review this privacy policy frequently to be informed of how we are protecting your information.

14. HOW CAN YOU CONTACT US ABOUT THIS POLICY?

If you have questions or comments about this policy, you may contact us, by email at averagehamizhan@theaverage.com, or by post to:

AVERAGE PEOPLE LIMITED

128 City Road, London, United Kingdom, EC1V 2NX

15. HOW CAN YOU REVIEW, UPDATE, OR DELETE THE DATA WE COLLECT FROM YOU?

Based on the applicable laws of your country, you may have the right to request access to the personal information we collect from you, change that information, or delete it in some circumstances. To request to review, update, or delete your personal information, Open the Average mobile app, Navigate to Tools section in the bottom nav bar, Click on the user icon on the top right corner, select settings option and press Delete Account. If you have more questions please email us on: averagethamizhan@theaverage.com. We will respond to your request within 30 days.