

Effective Date: January 1, 2021

This Privacy Policy outlines Bodyplex Fitness® (“we” or “us”) current policy on personal information concerning club members, consumers, and franchisees, and covers the operations of our fitness clubs, franchise operations, business development, use of our web sites under bodyplexfitness.com (the “Sites”) and mobile software applications, including our Bodyplex Fitness® application and may cover some information pulled from affiliated applications to the extent that information is included in the Bodyplex Fitness® application (“Apps”).

By using Bodyplex Fitness® services, Sites, Apps, products, features, tools or resources, you agree to the terms of this Privacy Policy and our Terms of Use. You may refuse or withdraw your consent at any time; however, we may not then be able to provide you with our full range of products and services. You may not use the Sites, Apps, or our products or services if you do not agree to the Privacy Policy.

This policy may change from time to time. Your continued use after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

In the following Privacy Policy, we provide you with information regarding:

1. Personal Information We Collect through the Site and Apps
2. How We Use and Share Your Personal Information
3. Our Use of Your “Cookie” Information on the Site and Apps
4. Our Relationship with other Websites
5. Access and Correction of your Personal Information

6. Security of Your Personal Information
7. Retention of your Personal Information
8. Changes to this Privacy Policy
9. How to Contact Us
10. Country-Specific Addenda

We encourage you to read this whenever you visit our fitness clubs or Sites or use our Apps, since we may change this policy from time to time. A copy of the current policy is always posted at www.bodyplexfitness.com/privacy

Territories

This Privacy Policy covers our activities throughout the world. We may host the Sites or information within the Apps on servers located within these countries or in any other country we, our service providers, or our service providers' vendors maintain facilities, including the United States. This means that your personal information may be stored on servers located within any country where there are Bodyplex Fitness® locations. The locations of our servers may change from time-to-time. Further, our franchisees may maintain individual websites in the country or territory they service.

Consent

BY SUBMITTING YOUR PERSONAL INFORMATION TO US, YOU ARE CONSENTING TO THE PROCESSING OF YOUR PERSONAL INFORMATION IN THE UNITED STATES OR IN ANY OTHER COUNTRY IN THE WORLD AND TO OUR USE OF YOUR PERSONAL INFORMATION AS SET FORTH IN THIS PRIVACY POLICY. IF YOU ARE SUBMITTING PERSONAL INFORMATION OF THIRD PARTIES TO US, YOU WARRANT AND REPRESENT YOU HAVE THEIR CONSENT TO PROVIDE THEIR PERSONAL INFORMATION TO US AND WILL HOLD US HARMLESS FROM AND AGAINST CLAIMS BY SUCH INDIVIDUALS RELATING TO OUR PROCESSING AND USE OF SUCH PERSONAL INFORMATION WITHIN THE TERMS OF THIS PRIVACY POLICY.

1. Personal Information We Collect through the Site and Apps

In general, you can browse the non-password protected portions of our Sites without telling us who you are or revealing any personal information about yourself, except for our collection of “cookies” as described in Section 3.

We may collect personal information from you on our Site and Apps or through any other digital or personal communication with you. Information collected by us is voluntarily provided by you and may be integrated with other information you have provided to our franchisees upon signing up for a membership at an Bodyplex Fitness® club.

If you are a Bodyplex Fitness® member, you may choose to integrate information from your membership account with the Site and our Apps, but you will have the opportunity to opt-in to that integration of information across different platforms. Our Site and the Apps may also collect general information about

your technology interface or preferences (such as the type of browser used or the files requested). Some of the information described below is mandatory for the performance of certain services, and if not entered, you may not be able to utilize or participate in some of our online services or features.

The information we may collect through your use of the Site may include, but is not limited to:

- Where the account registration feature is available, your contact information to create an Bodyplex Fitness® account, such as your first name, last name, phone number, and email address;
- Where the account registration feature is available, your profile username and password to enter the password-protected portion of the Site;
- Your transaction history relating to the use of our clubs, purchase of certain products or other information you wish to share with us and integrate with the Site;
- If integration with your membership is available to you, membership-related information, such as your home address, Bodyplex Fitness® location, key FOB number, and membership number;
- Fitness-related information provided in the membership process, such as your height, weight, general fitness-related goals or other information helpful to achieving your fitness goal;
- Information regarding training sessions, classes, or other information regarding your utilization of services at the club-level;
- Where the account registration feature is available, correspondence with your personal training or Bodyplex Fitness® club regarding your activity;
- Information provided by you when you participate in a survey or communication to you regarding your use of the Site, or utilizing Bodyplex Fitness® services;
- Information provided by you to participate in advertising contests or sweepstakes;

- Various account information related to your Bodyplex Fitness® membership to allow you to update credit card, bank account, other payment information, or any other information regarding your profile;
- If you are a prospective franchisee, we may collect detailed information such as your first name, last name, email address, phone number, address, and general financial information such as liquidity and assets, to evaluate your qualifications for an Bodyplex Fitness® franchise;
- If we offer alternative sign ins, we may collect certain sign on information you have provided to third parties, such as Facebook or Twitter, when you sign on to use our Site or Apps through these third parties;
- Computer data or files, often called “cookies,” which may be sent by your web browser and stored on an individual computer to allow our server to “recognize” you through the navigation of the Site and for us to credit your account for various online transactions;
- Computer data files, often called “web beacons” that are collected from emails or links on third-party sites that allow our server to evaluate the popularity of those links or the information contained in emails or on third-party sites; and
- Your IP address to measure our website traffic and to help provide a more personalized experience.

The information we may collect through your use of the Apps may depend on the version of the Apps or the country you are in, but this information may include, but is not limited to:

- Information to register for your App account, such as first name, last name, email address and other Bodyplex Fitness® membership information, as well as a username and password to access the App;
- Your activity history regarding your use of the Apps, such your visits to clubs, participation in training activities, classes or utilization of other Bodyplex Fitness® products or services;

- Membership-related information, such as your home address, Bodyplex Fitness® location, key FOB number, and membership number;
- Fitness-related information provided in the membership process, such as your height, weight, general fitness-related goals, fitness-related habits or other information helpful to achieving your fitness goals;
- Certain location or geolocation information pulled directly from your mobile device, your wireless carrier or certain third party providers, to allow tracking of your activity. This collection and tracking may occur even when the Apps or other related applications are not actively open and running;
- Information regarding personal training sessions and communication with your personal trainer or other Bodyplex Fitness® staff;
- Records of copies of your correspondence, if you contact us;
- Information provided by you when you participate in a survey or communication to you regarding your use of the Apps, or utilizing Bodyplex Fitness® services;
- Various account information related to your Bodyplex Fitness® membership to allow you to update credit card, bank account, other payment information, or any other information regarding your profile;
- If we offer alternative sign ins, we may collect certain sign on information you have provided to third parties, such as Facebook or Twitter, when you sign on to use our Apps through these third parties; and
- Computer data or files, often called “cookies,” which may be sent by your mobile device to allow our server to “recognize” you through the navigation of the Apps and for us to link your activity on the Apps with your membership.

Information obtained from your Social Media Accounts

You may choose to log into your Bodyplex Fitness® account on the Site or through our Apps via certain social media networking services, such as Facebook and Twitter (“Social Media Accounts”). By integrating these Social Media Accounts into your account, we are able to offer you more personalized services, but may also collect certain personal information provided in your Social Media Accounts, such as your profile information, email address, profile picture and friend list. If you do not want us to have access to this information, do not utilize the Social Media Account sign-in feature.

Children Under the Age of 13

Our Site and Apps are not designed for children and we do not knowingly collect information from any person under the age of 13. If you are under the age of 13, please do not submit any personal information to us through the Site or any Apps. If we learn we have collected or received personal information from a child under 13, we will delete that information.

2. How We Use and Share Your Personal Information

We will use your personal information to provide the services we offer on the Site and through our Apps, including:

- Processing and updating your membership information, including personal information you provide, credit card information or other electronic payment processing;
- Processing your billing information, which may be contracted to our third party payment processing vendor;
- Contacting you regarding services you have engaged in or with, including personal training or collection efforts;
- Providing you with information regarding club locations nearest to you or certain information regarding your club;
- Conducting marketing and research, through direct surveys to you, but also through our or our franchisees communication with you;
- Providing you with information you have requested from us, our franchisees or trainers you have engaged with;
- Developing and displaying content and advertising tailored to your interests and preferences;
- Processing your franchise application and contacting you regarding franchise opportunities;
- Conducting contests and sweepstakes;
- Sending you electronic communications you have requested, such as text messages, push notifications, notifications through our Apps or through your mobile device;
- Providing you with updates and content based on your geo-location information you have provided to us;
- Providing assistance with your fitness goals, such as encouragement on workouts, training schedules, recommended dietary changes, and other information to help you reach your fitness goals; and
- Contact you regarding updates to the Site, Apps, or provide administrative notices to you.

We strive to offer you an integrated, comprehensive way to manage your lifestyle, fitness goals and activity. In order to operate the Site and Apps as one seamless experience, however, we must share your personal information with our parent company, subsidiaries, and affiliates to provide you with the integrated services offered through the Site and Apps. We may also share such information with our franchisees, or other business partners with whom we collaborate or work with to provide specific services to you or if we think the products or services they offer would be of interest to you. We may provide user information to third-party service providers or vendors for purposes of, including without limitation, initiating direct marketing programs on our behalf, data tracking, maintenance or development of our Site or Apps, development of online products and services, customer service or new product development, or other contracted promotional opportunities provided to our users. We, as well as our franchisees, vendors, or other business partners may use this information for marketing and solicitation purposes.

Your fitness club visit data (for all Bodyplex Fitness® clubs that you visit), App data, and personal information may be made available to those clubs' franchisees, management and employees, or other contracted service providers whom you have engaged to provide services to you. Each of those parties is obligated to maintain the confidentiality of your personal information, and is permitted to access and use your personal information solely for the purpose of providing or enhancing services you use through the Bodyplex Fitness® club system or Apps. Additionally, you may choose to share personal information from the Site or Apps with personal trainers or other Bodyplex Fitness® members to assist you in evaluating your activities and goals.

While we try to be selective in working with third parties, we are not responsible for their use of your personal information. Where payments are involved, we must release your credit card information to credit card authorization service providers and associated banks to process your payment for purchases, returns or

refunds. We may transfer to our online service providers personal information you provide to us so that these parties may store and process your personal information.

We may share aggregate information with vendors, potential advertisers, business partners, or other third parties. Aggregate information does not include personally identifiable information.

Except as described in this section, we will not give or sell your personal information to any other party for its use in marketing or solicitation.

Additional Disclosures

We may also disclose personal information in any of the following circumstances: (1) in response to a subpoena, search warrant, court order, or other legal process or request, or as may otherwise be required by applicable law or regulation; (2) to protect and defend our rights or property or those of its franchisees, suppliers, related entities, affiliates, business partners, or others; or (3) as we, in our sole discretion, believes is appropriate under exigent circumstances in response to a perceived threat to the personal safety, property, or rights of any other person or organization.

In addition, since member information on our Site and in our Apps is a business asset, in the event we are reorganized or sold to or merged with another company, we may sell, assign, or transfer your personal information to a purchaser of all or substantially all of our business assets, or to an affiliate, as applicable.

3. Our Use of Your “Cookie” Information on the Site and Apps

A “cookie” is a small data file stored on your web browser or on your mobile device that allows us to recognize your computer or mobile device when you visit the Site or Apps by associating identification numbers with other user information you have provided us. Some cookies will remain on the hard drive of your computer or mobile device for the duration of your browser or user session, while others will remain until deleted by you. You may also be able to configure your computer or mobile device to limit the collection of these “cookies,” but that limitation may also limit our ability to provide all the services or functionality of the Site or Apps. Some third party service providers may use “flash cookies,” which are saved on your computer, but cannot be rejected, disabled, turned off, opted out of, or deleted in the same way as regular cookies. To learn how to manage your flash cookie settings, visit the Flash player settings page on Adobe’s website.

In collecting and maintaining cookie-based information or other information collected directly from your mobile device, such as your geolocation, we are able to:

- Provide you with access to your user preferences, and sign-in on approved devices;
- Provide the basic functionality of the Apps, such as displaying your live location and movement;
- Installing and monitoring elements of the Apps for security purposes;
- Help diagnose problems with the Sites or Apps, administer and improve the Sites or Apps, and measure the use of the Sites or Apps;

- Identify your internet provider, page views and other information regarding utilization of the Site;
- Gather other web analytics information related to your and other users' use and navigation of the Sites and Apps;
- Provide you with relevant content, including advertisements and other offers from third parties;
- Aggregate cookie data across all users to track overall visitor traffic patterns and provide this aggregated information to vendors, potential advisors, business partners, new agencies, or other parties to identify interests or plan for technical infrastructure requirements;
- Conduct advertising based on your use of the Site or Apps, as described below; and
- Otherwise provide improvements and enhancements to the Site.

We may also use third-party vendors, such as Google Analytics, to advertise to our users online. These third-party vendors may display Bodyplex Fitness® product advertisements on other websites based on your internet usage. More specifically, these vendors use first-party cookies (such as the Google Analytic cookie) and third-party cookies (such as the DoubleClick cookie) together to inform, optimize, and serve ads based on your past visits to the Site or another site affiliated with Bodyplex Fitness® products or services. Any information that these third parties collect via cookies is not linked to any personally identifiable information (name, address, email address, or phone number) we collect or you provide on the website. You can opt-out of Google Analytics for Display Advertising by using Google's Ads Settings.

4. Our Relationship with the Websites

In addition to the integration with certain mobile applications as described in this Privacy Policy, the Site and Apps may contain links to other web sites or other mobile applications. Additionally, other websites may contain links to the Sites. We do not review or monitor the web sites linked to the Sites and are not

responsible for the contents or privacy policies related to any other websites. If you visit one of these other web sites, you may want to review the privacy policy on that web site. Where the Sites contains a link to another web site owned and/or operated by us, such web site use may be subject to different and additional terms of service and privacy policy terms and conditions.

5. Access and Correction of your Personal Information

We strive to maintain the accuracy and integrity of the personal information in our databases and to keep that information up-to-date. We encourage you to promptly update your personal information if it changes. You may edit or deactivate your account information or account at any time by signing into your account on the Site or the Apps and navigating through your settings. You may request a copy of the personal information we have about you. You may send a request by email to Sharpsburg@bodyplex.com

Authorized Agents

An authorized agent is either a natural person or a business entity registered as applicable that a consumer has authorized to act on his or her behalf. You may use an authorized agent to submit a valid privacy request. Your agent will need to provide: either (1) a power of attorney; or (2) your written permission to allow the authorized agent to submit the request on your behalf and verification of your identity.

Unless otherwise stated in an addendum, all communications must be in the English language. We will respond to reasonable requests within the time limits established by applicable law or within a reasonable time if no time limit is established by applicable law. For your protection, we may ask you for additional information to verify your identity. In most cases, we will provide the information you request and correct or delete any inaccurate personal information you discover. We reserve the right, however, to limit or deny your request to the extent permitted by applicable law if: (1) the disclosure may be threat to the personal safety, property, or rights of any other person or organization; (2) the disclosure may lead to a violation of applicable laws or regulations; or (3) where you have failed to provide sufficient evidence to verify your identity.

Opting Out or Unsubscribing

You may opt out of certain collections of cookies or other web- or mobile device based enhancements, including geolocation data collection, by changing your browser settings or going into your preferences on your mobile device and restricting the transmission of certain information. Your limitation of the collection of this information, however, may disable our ability to provide you with the most relevant products or information regarding the Site and Apps. Currently, our servers do not respond to browser “do not track” signals. If you would like more information regarding online marketing practices and know your choices about not having this information used by our third party service providers, you may visit www.networkadvertising.org/choices.

To unsubscribe from our emails or other communication from us or a third party, you may follow the “unsubscribe” link at the bottom of the email or sign onto your account and change your email settings. To

unsubscribe from text messages or any other mobile messages, you may follow the instructions provided at the time of opt-in or contact us at sharpsburg@bodyplex.com

6. Security of Your Personal Information

We take reasonable precautions and have implemented managerial and technical procedures to try to protect the security of data and information, including personal information. However, we cannot guarantee against any loss, misuse, unauthorized disclosure, or alteration or destruction of data or personal information. You provide your personal information to us at your own risk. You acknowledge that: (1) there are security and privacy limitations in computer systems and on the Internet which are beyond our control; (2) the security, integrity, and privacy of any and all information and data exchanged between you and us through the Sites, including personal information, cannot be guaranteed; and (3) any such information and data, including personal information, may be viewed or tampered with by a third party while such information or data is being used, transmitted, processed, or stored. We collect, maintain, utilize and disclose your information only as required by law and as described in this Privacy Policy.

7. Retention of Your Personal Information

We keep your personal information only as long as we need it for the purposes for which it was originally collected (or to which you have subsequently consented) or for other legitimate purposes (such as regulatory compliance), or as permitted by applicable law.

8. Changes to our Privacy Policy

We reserve the right to modify this Privacy Policy, completely or in part, from time to time through the posting of notices on the Sites, at any time and without notice to you, that this Privacy Policy has changed (“Notices”). You expressly waive any right to receive Notices. You should check the Sites frequently for Notices to identify modifications of the Privacy Policy that may be of interest to you. Any use of the Sites following the date on which we implement changes to this Privacy Policy or post a Notice constitutes your acceptance of all such changes.

For questions or comments related to this Privacy Policy, please email us at Sharpsburg@bodyplex.com

9. How to Contact Us

For further information or enquiries regarding your personal information (including to request access to or correction of your personal information or to make a privacy complaint), please contact our General Manager at:

Bodyplex Fitness

Attention: General Manager

60 Thomas Grace Annex Lane

Sharpsburg, GA 30277

Sharpsburg@bodyplexfitness.com

If you have a complaint about how we have collected or handled your personal information, please contact our General Manager at the mail address set forth above.