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# PRIVACY POLICY

Last updated April 2020

Thank you for choosing to be part of our community at SpectrumPerformance (“Company”, “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 [info@SpectrumPerformance.fit](mailto:info@SpectrumPerformance.fit)

When you visit our website and use our services, you trust us with your personal information. We take your privacy very seriously. Our goal in this privacy policy is to explain to you in the clearest way possible what information we collect, how we use it, and what rights you have regarding your information and privacy. We hope you take some time to read through it carefully because your privacy is important. By using SpectrumPerformance.fit, you consent to the policies and terms described here. If there are any terms in this privacy policy that you do not agree with, please discontinue use of our and our services, and contact us immediately if we can help you to better understand our policy.

This privacy policy applies to all information collected through our website and/or any related services, sales, marketing, or events (we refer to them collectively in this privacy policy as the "Services"). Please note that this Policy does not govern the collection or use of information by our partners, advertisers, or any other third parties that we do not control, including social media links or widgets on our site. If you visit a website that we link to, please review their privacy policy before providing them information.

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

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## **1. WHAT PERSONAL INFORMATION DO WE COLLECT?**

The Lowdown: We get the personal information that you give us.

We collect personal information that you voluntarily provide to us when expressing an interest in obtaining information about us or our products and services, using our website and features, when participating in activities with us, or by otherwise contacting us. You may be required to provide certain personal information when you elect to use certain products or services available from our website, such as (but not limited to): 1) registering for an account on our site; 2) signing up for our mailing list; 3) downloading our content, such as one of our e-books; 4) signing up for special offers; 5) submitting an inquiry, filling out a form, texting, or otherwise contacting us; or 6) submitting payment information for our services.

The personal information that we collect depends on the context of your interactions with us, the choices you make, and the services, products, and features you use. By providing this information, you consent to its use according to the terms of this Policy.

We may collect your first name, last name, and nickname; phone numbers; e-mail addresses; and other similar data. We may also collect your address and birthdate. While we do not ask for, collect, or store any Protected Health Information (“PHI”) on our website, nor should you provide any PHI, our site may link to third-party patient management software where PHI is collected in order to provide you with specific services you have requested. While we do not control any third parties, we have taken care to select vendors responsibly. However, it is your responsibility to review the privacy policies of any third party websites prior to providing any information; again, we are not responsible for the use of information or data you supply to third parties.

All personal information that you provide to us must be true, complete and accurate, and you must notify us of any changes to such personal information.

You may visit our site without providing any personal information. Again, we only collect that information which is voluntarily submitted. You can always refuse to supply any personal information; however, it may prevent you from engaging or accessing certain features.

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## 2. DO WE USE COOKIES AND OTHER TRACKING TECHNOLOGIES?

The Lowdown: We may use cookies and other tracking technologies to collect and store your information.

We may use cookies and similar tracking technologies (like web beacons and pixels) to access or store information in order to analyze site traffic so that we may identify preferred content and measure site engagement to enhance users' experiences on the site and deliver customized content to our visitors. Most web browsers are set by default to accept cookies on your hard drive. If you prefer, you can usually choose to set your browser to remove cookies and to reject cookies. If you choose to do so, this could affect certain features or functions of our website.

Additionally, non-personal identification information about your hardware and software may be automatically collected by third party hosts and providers, which may include your IP address, browser type, domain names, access time, and referral website address. We may access this information to gather general statistics and analytics regarding the use of our website, but we do not control these third parties' tracking technologies or how they may use the data. However, these third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative ("NAI") on the NAI's website.

## 3. HOW DO WE USE YOUR INFORMATION?

The Lowdown: We use your information to tailor our website and services to our viewers, and to help you get the products, services, and information you asked for.

We use personal information collected via our website 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 run, operate, and improve our website and services. We may need your information to display content on our site correctly, and to provide relevant content to you. We may also use information in the aggregate to understand how our visitors as a group use the services and resources provided on our Site.
- To send you marketing and promotional communications. We and/or our third party marketing partners may use the personal information you send to us for our marketing purposes, if this is in accordance with your marketing preferences. You

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can opt out of our marketing emails at any time (see the "[WHAT ARE YOUR PRIVACY RIGHTS](#)" below).

- To send you our newsletter. If you decide to opt-in to our mailing list, you will receive emails that may include company news, updates, related product or service information, etc. We may use third party service providers to help us operate our business and the Site or administer activities on our behalf, such as sending out newsletters or surveys. We may share your information with these third parties for those limited purposes provided that you have given us your permission. You can opt-out of our mailing list at any time.
- To request your feedback. We may use your information to request feedback and to contact you about your use of our services and website in order to evaluate and improve our Services.
- To deliver you services and information. We may use your information to provide you with the Service(s) you requested.
- 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.
- To send you updates about our policies and services. If anything changes with regard to polices and services affecting our users, we may use your information to let you know.

#### 4. WILL YOUR INFORMATION BE SHARED WITH ANYONE?

The Lowdown: We only share information if: 1) you consent; 2) we are legally required to; 3) it's necessary to provide you with services; 4) it's necessary to protect your rights; or 5) it's necessary to fulfill our business obligations to you.

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

- **Consent:** We may process your data if you have given us specific consent to use your personal information in 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.

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- **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, where necessary to protect the rights and property of our company, in order to protect the personal safety of our users or the public, 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:

- **Third-Party Service Providers:** We may share your data with third party vendors, service providers, contractors, or agents who perform services for us or on our behalf and require access to such information to do that work. Examples include: practice management software, CRMs, payment processing, website data analysis, email delivery, website hosting services, customer service, deliveries, and marketing efforts. We may allow selected third parties to use tracking technology on our website, which will enable them to collect data about how you interact with us over time. This information may be used to, among other things, analyze and track data, determine the popularity of certain content, and better understand online activity. These third parties are required to maintain the confidentiality of your data, and are prohibited from unlawfully using your information except to provide these services.

Unless described in this Policy, we do not share, sell, rent, or trade any of your information with third parties for their promotional purposes.

- **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.

If you voluntarily disclose your information in chat areas or bulletin boards maintained by or connected to us (e.g., comments sections, social media posts/groups, message boards, or other similar forums), that information may be seen and used by others, and could result in unsolicited messages from others. We are not responsible for the user

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information you may choose to submit in these public forums. To request removal of your user information from any of our community forums, please contact us as provided below. In some cases, for legal retention purposes or technical limitations (e.g., the data may not be searchable), we may not be able to remove user information voluntarily disclosed by you in such forums, in which case, we will notify you.

## **5. HOW LONG DO WE KEEP YOUR INFORMATION?**

The Lowdown: We keep your information for as long as we need to in order to fulfill the purposes outlined in this privacy policy, unless otherwise required by law (and then we do what the law says).

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).

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.

## **6. HOW DO WE KEEP YOUR INFORMATION SAFE?**

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

We have implemented industry standard appropriate technical and organizational security measures designed to protect against unauthorized access, alteration, disclosure, or destruction of your personal information, username, password, transaction information, and data stored on our Site. 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 website is at your own risk. You should only access the services within a secure environment.

## **7. WHAT ARE YOUR PRIVACY RIGHTS?**

The Lowdown: You may review, change, or terminate your account at any time.

You may request to delete or modify your personal account and/or any user information you may have voluntarily submitted to us if you wish to do so. You may also ask to opt-out of marketing communications by clicking on the "unsubscribe" or "opt-out" link in the marketing emails we send you; to opt out of other forms of marketing, please contact us using the details below. In addition, you may request to have user information deleted subject to the "HOW LONG DO WE KEEP YOUR INFORMATION?" section above.

More particularly, you have the right to do the following:

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- Withdraw your consent at any time. You have the right to withdraw consent where you have previously given it to the processing of your Personal Information.
  - Object to processing of your data. You may have the right to object to the processing of your data if the processing is carried out on a legal basis other than consent.
  - Access your data. You have the right to learn if data is being processed, obtain disclosure regarding certain aspects of the processing, and obtain a copy of the data undergoing processing.
  - Verify and seek rectification. You have the right to verify the accuracy of their data and ask for it to be updated or corrected, and it is required for you to do so in order to use the site.
  - Restrict the processing of your information. You have the right, under certain circumstances, to restrict the processing of their data. In this case, we will not process your personal information for any purpose other than storing it.
  - Have your Personal Information deleted or otherwise removed. You have the right, under certain circumstances, to obtain the erasure of their Data from the Owner.
  - Receive your data and have it transferred to another controller. You have the right to receive your data in a structured, commonly used and machine readable format and, if technically feasible, to have it transmitted to another controller without any hindrance. This provision is applicable provided that the data is processed by automated means and that the processing is based on your consent, on a contract which you are part of, or on pre-contractual obligations thereof.
  - Lodge a complaint. You have the right to bring a claim before their competent data protection authority.

We are located and operating in the United States of America, and our website is not intended for users in the European Economic Area. If you choose to access the site and/or provide your personal information, please note that your information will be transferred to the U.S.A. You accept full responsibility for compliance with the laws of the jurisdiction where the access occurs. We make no representation that the website or Services are appropriate or available for use in locations outside the United States. Accessing the Site and/or using any of the services or materials from any jurisdiction where such access and/or use is illegal is prohibited.

California Civil Code Section 1798.83 permits California residents to request and obtain from us, once a year and free of charge, information about categories of personal information (if any) we disclosed to third parties for direct marketing purposes, and the names and addresses of all third parties with which we shared personal information in the immediately preceding calendar year. If you are a California resident and would like to make such a request, please submit your request in writing to us using the contact information provided below.

## **8. DO WE COLLECT INFORMATION FROM MINORS?**

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

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Our website is not intended for use by minors. We do not knowingly solicit data from or market to children under 18 years of age. By using the website, 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 website. 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 [info@SpectrumPerformance.fit](mailto:info@SpectrumPerformance.fit).

## 9. DATA BREACH

A privacy breach occurs when there is unauthorized access to or collection, use, disclosure, or disposal of personal information. In the event that we become aware of a security breach which has resulted or may result in unauthorized access, use or disclosure of personal information, we will promptly investigate the matter and notify the applicable supervisory agency 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 wellbeing, rights, or freedoms of natural persons.

## 10. CONTROLS FOR DO-NOT-TRACK FEATURES

Most web browsers and some mobile operating systems and mobile applications include a Do-Not-Track ("DNT") feature or setting you can activate to signal your privacy preference not to have data about your online browsing activities monitored and collected. No uniform technology standard for recognizing and implementing DNT signals has been finalized. As such, we do not currently respond to DNT browser signals or any other mechanism that automatically communicates your choice not to be tracked online. If a standard for online tracking is adopted that we must follow in the future, we will inform you about that practice in a revised version of this privacy policy.

## 11. DO WE MAKE UPDATES TO THIS POLICY?

The Lowdown: Absolutely! We update this policy as necessary to keep everything safe, legal, and to best protect your privacy.

We reserve the right to 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 notice 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. Your continued use of the site after such modifications will constitute your knowledge and agreement to be bound by the terms.



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## 12. HOW CAN YOU CONTACT US ABOUT THIS POLICY?

If you have questions or comments about this policy, you may contact our Data Protection Officer (DPO), Jackie Varnum, by e-mailing:

[info@SpectrumPerformance.fit](mailto:info@SpectrumPerformance.fit),

or by post to:

279 Somerlane Place  
Avondale Estates, Georgia 30002

## HOW CAN YOU REVIEW, UPDATE, OPT OUT, OR DELETE THE DATA WE COLLECT FROM YOU?

We respect your privacy! If you wish to opt out of receiving any or all communications from us, you may contact us at [info@SpectrumPerformance.fit](mailto:info@SpectrumPerformance.fit).

Based on applicable laws, 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, please e-mail [info@SpectrumPerformance.fit](mailto:info@SpectrumPerformance.fit). We will respond to your request within 30 days. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.