

Fitpass Privacy Statement (Privacy Policy)

Last updated on July 17, 2024

At Fitpass, we take data protection seriously. Privacy and security of information are at the heart of Fitpass. This Privacy Statement outlines the core principles and practices we adhere to in order to ensure your privacy is respected when using our services.

Fitpass, the local Fitpass companies specific to each country, and Up Coop belonging to the same group of companies ("Fitpass", "we") process the personal data of users of interactive services, members of Fitpass, and services ordered through the Fitpass application ("Fitpass App"), as well as users of other products and services delivered through Fitpass and visitors to the website Fitpass.rs ("Website").

In this Privacy Statement, the term "Fitpass services" collectively refers to the Website, Fitpass App, and other services provided by Fitpass to members. In this Privacy Statement, the terms "Members" or "you" collectively refer to our clients and members of Fitpass services, representatives, and other authorized members of User Employers, potential clients, and members of Fitpass services ("Members"). Our Privacy Statement explains, for example, the types of personal data we process, how we process personal data, and how you can exercise your rights as a data subject (for example, the right to object, the right to access).

Some of our services may be subject to a specific privacy policy. If a specific privacy policy applies to a particular service, we will publish it in a timely manner in relation to that service.

This Privacy Statement may be updated from time to time to reflect changes in data processing practices or otherwise. The current version can be found on the Website. We will not make significant changes to this Privacy Statement or reduce the rights of Members in accordance with this Privacy Statement without prior notice to Members.

1. DATA CONTROLLERS

This Privacy Statement applies to the processing of personal data of Members carried out by Fitpass. Fitpass is part of the company Up Coop with the official address Z.A.C. des Louvresses, 27-29 avenue des Louvresses - 92230 GENNEVILLIERS, Paris, Republic of France. We operate as one team and sometimes jointly decide on the processing of personal data. In relation to the processing of personal data of Members in the countries listed below, the Fitpass Group and the local Fitpass company act as joint data controllers. This means that the Fitpass Group and the local Fitpass company jointly determine the purposes and means of processing personal data. The individual data controllers for Clients for specific countries are listed below: Montenegro: "EMERGO SPORT" DOO CONSULTANCY COMPANY FOR BUSINESS AND OTHER MANAGEMENT, BELGRADE – NOVI BEOGRAD, PART OF A FOREIGN COMPANY PODGORICA, Srdara Jola Piletića no.22 Podgorica, Montenegro,

- Serbia: Emergo Sport d.o.o, Bulevar Mihajla Pupina 6A, 11070 Belgrade.
- Georgia: FitPass Georgia LLC, Lech Khachinsky Street no. 1, Tbilisi.
- Bosnia and Herzegovina: AA SPORT d.o.o, Space Office Center- Pijacna 14k, Sarajevo.

- Turkey: Multinet Kurumsal Hizmetler A.S, Esentepe Mah. Kore Şehitleri Cad. Propa Plaza Apt. No: 4-6, İç Kapı No: 3 Şişli/Istanbul/Turkey.
- Greece: Up Hellas, Dragatsaniou 6, Athens, 10559, GR.
- Moldova: Up Moldova, Doina si Ion Aldea-Teodorovici Street no. 22 A, MD 2064, Chisinau.

For the avoidance of doubt, the main data controller for Clients of Fitpass services is located in Bulgaria, with its headquarters at Haydushka Polyana 8, 1000, Sofia, Bulgaria. Emergo Sport d.o.o. is authorized to handle all requests and inquiries from data subjects regarding the processing of personal data by the Fitpass group on behalf of the local joint data controllers.

2. CONTACT DETAILS FOR FITPASS

"EMERGO SPORT" DOO CONSULTANCY COMPANY FOR BUSINESS AND OTHER MANAGEMENT, BELGRADE - STARI GRAD, PART OF A FOREIGN COMPANY PODGORICA, with registered office at Serdara Jola Piletića no.22 Podgorica, Montenegro, registration number: 21054097, PIB: 03667294

Correspondence address: Serdara Jola Piletića no. 22, Podgorica, Montenegro Email address: kontakt@fitpass.me

3. PROCESSING OF PERSONAL DATA AND SOURCES OF DATA

We process personal data only to the extent necessary and appropriate for the specific purpose of processing. The personal data we collect and process can be divided into two general categories: Member Data and Usage Data.

Member Data

Member Data is personal data collected directly from you or from the Employer on whose behalf you use Fitpass services ("User Employer"), as the case may be. We may collect Member Data in various ways, including after concluding a service agreement with the User Employer or when members register for Fitpass services, subscribe to the newsletter, or fill out a form. Additionally, please note that we also collect details of any transactions and payments you make through Fitpass services.

I. Member Data Necessary for Using Fitpass Services

The following personal data collected and processed by us are necessary to ensure the proper execution of the contract between you and us, as well as for our legitimate interest in fulfilling our contractual obligations to User Employers and to comply with our legal obligations. After the conclusion of the service agreement between us and the User Employer, the Employer provides us with your full name and email address on your behalf. When registering for Fitpass services and creating a membership account, you need to provide us with the following information:

- Full name;
- Email address;
- Employee status (corporate members using services through the User Employer). In the event of withholding the specified data in any way (request for deletion, objection), you will not be able to use any of the Fitpass services.

II. Member Data Voluntarily Provided During the Use of Fitpass Services

Your experience as a member or user can be enhanced by providing the following information, which you voluntarily give: Additional account information:

- Picture;
- Location data (if you consent to the processing of your location data);
- Other data, apart from the mandatory ones, that you provide when creating your membership account or later when editing your account profile.

III. Other Data

We may also process other information you voluntarily provide, such as:

- Information related to your applications via Fitpass services;
- Information you provide when submitting ratings, comments, or survey responses;
- Favorite facilities and other preferences;
- Consent and refusal for marketing;
- Information you provide through phone calls, emails, or chats with our customer service.

Usage Data

Usage Data arises from interactions of members with Fitpass services. Although we generally do not use Usage Data to identify an individual, under certain circumstances you may be identified through them, either alone or when combined or linked with Member Data. In such situations, Usage Data may also be considered personal data, which you voluntarily provide, according to applicable laws, and we will treat such data as personal data. We may automatically collect the following Usage Data when you visit, use, or exchange information within Fitpass services:

- Information describing your device or browser and the Fitpass application, their versions, functions, capabilities, and settings.
- Information about your operator, internet provider, and type of network connection, including your IP address.
- Identifiers provided by your device or third parties for application vendors or advertisers, or identifiers we create ourselves.
- Country, region, time zone, and geo-IP level location information.
- Details of your interaction with Fitpass services and how you use them. This includes usage patterns, which functions you use, ads, participation in a particular campaign, impressions, and interactions with offers, as well as information about orders.
- Data for tracking and reporting transactions initiated by our advertising partners, including timestamps and the aforementioned identifiers.

For information on how to manage identifiers for advertising and analytics on your device, see the section "Cookies and Other Technologies" below.

Cookies and Other Technologies

We use various technologies to collect and store Usage Data and other information when members visit Fitpass services, including cookies, web storage, and the use of web and application telemetry. Cookies and other web storage data saved on your device allow us to identify visitors to Fitpass services and facilitate their use by creating grouped information about our visitors. This helps us improve Fitpass services and better serve our members. Cookies and other web storage data will not harm your device or files. We use cookies and other web storage data to tailor Fitpass services and the information we provide according to the individual interests of our members. Note that the retention time of different cookies is

limited and varies from less than a minute to an indefinite period until a particular cookie is deleted. Members can choose to set their web browser to refuse cookies. For example, the following links provide information on how to adjust settings for cookies and other web data on some popular browsers:

- Apple Safari
- Google Chrome
- Microsoft Edge
- Mozilla Firefox

Note that some parts of Fitpass services may not function properly if cookies are refused. Fitpass services use pseudonymized identifiers to track and predict your use of the application and services, as well as your preferences. Fitpass also uses third-party tracking technologies that are used only during the session to verify and report transactions initiated by our advertising partners.

You can manage cookie settings via the cookie banner on our websites. You can also manage communication and other privacy settings through the Fitpass application. You may, at any time, object to the automated processing of data. After lodging an objection, we will no longer be able to process data automatically unless there are legitimate and justified reasons.

Identifiers of Fitpass visitors can be disabled on iOS and Android mobile devices by changing settings (for iOS: Settings → Fitpass → Fitpass Settings → Limit Tracking, and for Android: Fitpass app → Profile Tab → Settings icon in the upper right corner). In general, advertising identifiers can be disabled on iOS mobile devices by enabling the "Limit Ad Tracking" option (Settings → Privacy → Advertising → Limit Ad Tracking). For more information about the advertising identifier, see the Apple Advertising and Privacy site.

Fitpass uses various third-party analytics and telemetry services, marketing or partner services, and other services integrated into our client software listed below:

Name	Purpose	Provider's Privacy Statement
SparkPost	Email delivery platform	Link
Sentry	Error tracking tool for developers	Link
IPAY GE	Payment provider for Georgia	Link
Taxcore CodeLess	E-Fiscalize receipts for online purchases	Link
WSPay	Payment provider for Serbia	Link
Intercom	Customer communication platform	Link
Fertimo	Access control system for venues in Georgia	Link
Link Mobility	SMS solution for BiH and Serbia	Link
WiFisher	SMS solution for Georgia	Link
Azeoo	White-labeled online workout app	Link
UpMoldova SMS	SMS provider for Up countries	Link
Firebase	Various aspects for development, maintenance, and user engagement via apps	Link

Please note that not all providers listed above are necessarily used at all times or in all markets.

4. PURPOSE AND BASIS FOR PROCESSING

We process personal data only to the extent necessary and appropriate for specific processing purposes. Please note that one or more of the following purposes and legal bases may apply simultaneously.

First, Fitpass processes your personal data to fulfill its contractual obligations to you or the User's Employer, for example, to the extent necessary to:

- Offer Fitpass services to you under the contract between you and Fitpass or between the User's Employer and Fitpass;
- Execute the contract between you and Fitpass and manage your Check-in, as well as communicate with you about changes to the terms of use, privacy policies, or other important changes related to the contract;
- Process your payments or any refunds (where applicable);
- Respond to your questions or resolve your support cases if you contact us.

Second, we may process your personal data if there is a suitable and legitimate interest (i.e., legitimate interest) to run, maintain, and develop our business or to create and maintain customer relationships. When we choose to use your data, and besides your consent, we measure our interests against your right to privacy and, for example, provide you with the opportunity to easily unsubscribe from our marketing communications and use pseudonymized or non-personally identifiable data whenever possible. You have the right to object to the processing of your data based on legitimate interest. However, Fitpass may reject such an objection under applicable law, for example, if the processing is necessary for the preparation, exercise, or defense of legal claims.

We process your personal data to the extent necessary to fulfill obligations, improve services, comply with legal regulations, and in other cases based on your consent, for example, to:

- Handling requests, debt collection, and legal processes. We may also process data to prevent fraud, misuse of our services, and for information, system, and network security.
- Contact regarding Fitpass services and notification of changes related to them or requesting your review or feedback on Fitpass services.
- Offering Fitpass services to you or displaying targeted or personalized ads through Fitpass services or otherwise sending targeted marketing services or products that may interest you. To form such a target group, we may process the information mentioned above in the Usage Data section. Please note, processing of personal data for marketing purposes will be based on your consent (see also the "Direct Marketing" section below).
- Improving the quality of Fitpass services and developing our business, for example, by analyzing usage trends of Fitpass services through processing data related to your use of Fitpass services.
- Ensuring our services meet your needs, personal data may be used for activities such as user satisfaction surveys. Whenever possible, we will do so only by using aggregated non-personally identifiable data.
- Processing your data within the Fitpass group of companies in accordance with this Privacy Policy. During the processing of your personal data for the purpose of providing Fitpass services to you, as well as for other purposes mentioned above, we may use automated processing methods, which may include automated decision-making. Additionally, we may process your personal data to administer and fulfill our legal obligations. This includes data processed for the purpose of fulfilling accounting obligations and providing information to competent authorities, such as tax authorities or law enforcement agencies, in accordance with legal obligations. In some parts of Fitpass services, you may be required to give your consent for the processing of personal data. For example, within the Fitpass application, you can manage your marketing and other permissions. If the processing of your personal data is based on your consent, you can withdraw it at any time by contacting us or modifying the relevant consent settings, for example, within the Fitpass application.

5. TRANSFER OF DATA TO COUNTRIES OUTSIDE OF EUROPE

To protect your personal data, Fitpass may transfer your personal data to Bulgaria or another European Union country where an adequate level of personal data protection applies. However, we have service providers, operations, and group entities in several geographic locations. As such, we and our service providers may transfer your personal data or process it in jurisdictions outside the European Economic Area or Member State residence. We will take steps to ensure that members' personal data receives adequate protection in the jurisdictions where it is processed. We provide appropriate and adequate protection for transfers of personal data to countries outside the European Economic Area through a series of contracts with our service providers based on Standard Contractual Clauses or through other appropriate protective measures. For more information on the transfer of personal data, you can contact us at any of the addresses listed above.

6. DATA RECIPIENTS

We only share your personal data within the Fitpass organization, if reasonably necessary for the purposes of this Privacy Policy. We do not share your personal data with third parties outside the Fitpass organization, unless one of the following circumstances applies: For purposes stated in this Privacy Policy and authorized service providers - Partners. To the extent that third parties (such as venues, partners, or vendors providing services) need access to personal data to perform Fitpass services or for other legal reasons, we provide such third parties with your data. For example, we may share your full name with Partners listed as service providers through Fitpass services, from whom the User uses a specific service within Fitpass and only the data that serves the purpose of executing the Interactive service, if necessary, for example, to check whether you are a member or not. Additionally, we may provide your personal data to our group companies or authorized service providers performing services for us (including data storage, analysis, marketing, and fraud prevention in payment) to process them for us and payment service providers to process your payments to us. When data is processed by third parties on behalf of Fitpass, Fitpass has taken appropriate contractual and organizational measures to ensure that your data is processed solely for the purposes stated in this Privacy Policy and in accordance with all applicable laws and regulations and in compliance with our instructions and appropriate protection and security obligations. Please note that if you provide personal data directly to a third party, for example, via a link in Fitpass services, processing is done in accordance with their rules and standards. For legal reasons and legal processes. We may share your personal data with third parties outside of Fitpass if we have a good faith belief that access to and use of personal data is reasonably necessary: (i) to comply with any applicable law, regulation, and/or court order; (ii) to detect, prevent, or otherwise address fraud, crime, security issues, or technical issues; and/or (iii) to protect the interests, property, or safety of Fitpass, members, or the public to the extent permitted by law. Where possible, we will inform you of such processing. For other legitimate reasons. If Fitpass is involved in a merger, acquisition, or sale of assets, we may transfer your personal data to a third party involved in that transaction. However, we will continue to ensure the confidentiality of all personal data. We will notify all affected members when personal data is transferred or becomes subject to a different Privacy Policy. With your explicit consent. We may share your personal data with third parties outside of Fitpass when we have your explicit consent to do so. You have the right to withdraw this consent at any time free of charge, for example, by contacting us. Emergo will not be liable for any use of forwarded personal data by third parties for any other purposes than those stated, therefore it cannot be held responsible for any damage that may arise from such use by third parties for the User.

7. PERIOD OF RETENTION

Fitpass does not retain your personal data longer than legally permitted and necessary for the purposes of providing Fitpass services or relevant parts thereof. The retention period depends on the nature of the information and the purpose of processing. Therefore, the maximum retention period may vary for each

use. After a member deletes their membership account, personal data may only be retained as long as such processing is legally required or reasonably necessary for our legal obligations or legitimate interests, such as resolving claims, accounting, internal reporting, and settlement needs. We regularly assess the retention period of personal data to ensure that data is kept only for the necessary period of time.

8. YOUR RIGHTS

Right of access You have the right to request access to and be informed about your personal data we process. We provide you the opportunity to review certain data through your membership account within Fitpass services or request a copy of your personal data by contacting us.

Right to withdraw consent In case the processing is based on consent given by the member, the member may freely withdraw consent at any time. Withdrawal of consent may lead to limited possibilities of using Fitpass services. Withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal.

Right to rectification You have the right to request correction or supplementation of inaccurate or incomplete personal data we hold about you by contacting us. Some of your personal data may be corrected or updated through your membership account within Fitpass services.

Right to erasure You may also request us to delete your personal data from our systems. We will comply with such request unless we have a lawful basis not to delete the data.

Right to object You may have the right to object to certain uses of your personal data if such data are processed for purposes other than necessary for performing Fitpass services or fulfilling legal obligations. If you object to further processing of your personal data, it may lead to limited possibilities of using Fitpass services.

Right to lodge a complaint If a member believes that the processing of personal data is incompatible with applicable data protection laws, the member may lodge a complaint with the local data protection supervisory authority in Montenegro and/or Serbia. Alternatively, the member may lodge a complaint with another local and competent data protection supervisory authority.

Right to restriction of processing You may lodge an objection against the processing of personal data and request us to restrict the processing of personal data, for example, when your requests for deletion, rectification, or objection are pending and/or when we do not have lawful grounds for processing your data. After an objection is lodged, Fitpass will no longer process data unless there are lawful and legitimate reasons. However, this may lead to suspension or limited possibilities of using Fitpass services.

Right to data portability You have the right to receive the personal data you have provided to us in a structured, commonly used, and machine-readable format and to independently transfer that data to a third party.

How to exercise your rights You can exercise these rights by contacting Fitpass support or sending a letter or email to the addresses listed above, including the following information: full name, address, email address. If you have a Fitpass account, we recommend contacting us through Fitpass support for easier identification. We may refuse or charge requests that are manifestly unfounded, excessive, or repetitive.

9. DIRECT MARKETING

Emergo may use all collected personal data provided with the User's consent for the purpose of creating personalized offers about the services it provides, providing information on the expiration date and the

possibility of renewing the account, as well as the possibility of contacting regarding other projects and services offered by Emergo and Partners, which may be of interest to the Client based on processed data. The member may cancel processing for these purposes at any time by contacting customer support.

10. INFORMATION SECURITY

Emergo stores all data in databases and on servers protected by state-of-the-art security technologies, continually implementing data security measures for data it processes. We use administrative, organizational, technical, and physical measures to protect the personal data we collect and process. Measures include, for example, where appropriate, encryption, pseudonymization, firewalls, secure facilities, and access systems. Our security control mechanisms are designed to maintain an appropriate level of confidentiality, integrity, availability, resilience, and data recovery capability. We regularly test Fitpass services, systems, and other resources for security vulnerabilities. In addition, access to personal data by Fitpass employees is restricted and limited to what is necessary for the employee's task.

11. AMENDMENT OF PRIVACY STATEMENT

We will periodically update this Privacy Statement due to changes in our practices and services. When we make changes to this privacy notice, we will change the "last updated" date at the top of the privacy statement. If we make significant changes to how we collect, use, and share personal data, we will notify you by posting a notice of changes on the website. By continuing to use the Interactive Service after changes to the Privacy Policy, it is understood that the User has accepted all terms of the amended Privacy Policy. We recommend checking this page periodically to stay informed of any changes to our privacy notices.