

PRIVACY POLICY

Fysio LLC (“Fysio,” “we,” “us” or the “Company”)

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1. Overview.

This Privacy Policy sets forth our policy and practices with respect to the collection, retention, protection, use and destruction of any information, including personally identifiable information (“Personal Data” or “PI”), provided by users of our services and/or visitors to our sites and/or mobile application(s) (collectively, the “Sites”).

We take the privacy of your Personal Data and other information extremely seriously. We want you to know that we will take all commercially practicable and available precautions to ensure the security and privacy of your information. We also want you to know what information we collect, why and how we will treat that information. Finally, we want you to be able to exercise control over your data so that if you no longer wish to provide us information or want to opt-out of receiving certain communications, you can do that easily. This Privacy Policy is for you. It includes important information regarding your Personal Data and other information.

2. Privacy Policy Links.

We think we do a good job at protecting your information and we are committed to transparency in our data security practices. Accordingly, we make an effort to provide a link to this Privacy Policy in the footer of every page on our Sites, including those pages on which Personal Data is provided or received, and to make it available in all of our software.

3. Access to Information; Contacting Company.

It is vitally important for you to keep your Personal Data accurate, current and complete. If at any time you need to change or update your Personal Data, please contact us as specified below. We will take immediate steps to update or correct your Personal Data in our possession that you have previously submitted. Please also feel free to contact us if you have any questions about this Privacy Policy or our information practices. You can email us [here](#), or if you prefer you may write us at [**Physical Address**] or call us at [**toll-free number**].

4. Binding Agreement & Consent.

When you sign up for Fysio, you verify that you’ve read and agree to this Privacy Policy. Since you are agreeing to what’s contained in this document when using Fysio, you’re encouraged to read it (if you haven't already).

BY USING THE SITES OR SERVICES OR ALLOWING SOMEONE TO USE THE SITES OR SERVICES ON YOUR BEHALF, YOU ARE CONSENTING TO OUR COLLECTION, RETENTION, USE, DISCLOSURE, TRANSFER AND STORAGE IN ACCORDANCE WITH THIS PRIVACY POLICY OF ANY

PERSONAL DATA OR OTHER INFORMATION RECEIVED BY US AS A RESULT OF SUCH USE.

If you do not agree with and consent to the terms in this Privacy Policy, you will not be allowed to register with Fysio or to use any of our Sites. If you do not consent to this Privacy Policy, please exit the Fysio Sites immediately.

5. Changes to Company's Privacy Policy.

The Sites and our business may change from time to time. As a result (and for other business and/or technological reasons), it may be necessary for us to make changes to this Privacy Policy occasionally. We reserve the right to update or modify this Privacy Policy at any time and from time to time without prior notice. Please review this policy periodically, and especially before you provide any Personal Data.

This Privacy Policy was last updated on the date indicated above. Your continued use of the Sites after any changes or revisions to this Privacy Policy shall indicate your agreement with the terms of such revised Privacy Policy. We will post a notice on the homepage of our Sites if material changes (as determined by us) are made to this Privacy Policy. When this policy is changed (other than for typographical corrections that do not change its meaning), we will update the "last modified" date at the top of the policy. We also will provide a summary at the bottom of the Policy, describing the types of changes made.

6. Accounts, Personal Profiles & Communications From Us.

Your use of Fysio is anonymous. Your real name, date of birth, email address and other Personally Identifiable Information are not visible on the Sites to other members or users. When creating an account, you select a name under which you appear when using the Site (a Public Profile Name). You can stay anonymous by selecting a confidential Public Profile Name and by keeping that private. Members are identified by a Public Profile Name that they choose and can change at any time. Safeguarding your privacy and anonymity online takes a little common sense.

Fysio requires you to enter an email address. Fysio provides you the option to control the content you receive from Fysio including, but not necessarily limited to, newsletters, new videos, feedback on progress, responses to help requests, notification of new content available on the Website, updated or reset user identification and password information, inquiries about unauthorized access, special offers for products and services and rebate information. We value your privacy, and do not abuse that trust. If you ever find that your are receiving too many communications (or would prefer a different manner of contact), please let us **[know]**.

7. Information We Collect & Retain.

7.1 Personal Data

Personally Identifiable Information is information that identifies specifically who you are. This includes information like your full name and your email address. We keep this information private by not displaying it or sharing it unless you agree. We keep this information secure, using state of the art encryption among other security measures.

We do not display this information on Fysio, except inside of your Account Profile, which is visible only to you. If you choose to reveal any such information (for example, by revealing your real name and your Public Profile Name to someone or by making yourself identifiable through your choice of Public Profile Name or image), that is your choice – although not advisable.

We will retain your Personally Identifiable Information, like your email address, for as long as your account is active or as needed to provide you services. We will retain and use your Personally Identifiable Information as necessary to comply with our legal obligations, resolve disputes and enforce our agreements.

When you interact with us through the Sites, we may collect Personal Data and other information from you, including information such as name, mailing address, email address, telephone number. We may also collect certain demographic information such as job attributes, preferences, interests, as well as health related information including information regarding certain physical characteristics such as age, gender, height, weight, current pain levels, past and current medical history and other information used to create customized content. We may also collect information regarding your Daily activity patterns, description of work activities, personal interests and hobbies requiring physical activity, as well as any other information that will allow us to optimize user experiences and create a customized program for you.

Fysio collects Personal Data in the following ways:

- When you register a new profile or update your existing profile on our website
- When you use our Fysio health assessment tools
- When you answer any questions before, during or after any of the Fysio generated video programs
- When you answer any video feedback questions

7.2 Non-Personal Data

Non-Identifiable Data: When you interact with the Sites, we collect certain personally non-identifiable information (“Non-Personal Data”). The Non-Personal Data we collect includes without limitation Internet Protocol (IP) addresses, Internet browser type, other characteristics of your device and software, domain names of your Internet Service Provider (ISP), your approximate geographic location, a record of your usage of the

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Services, the time of your usage and aggregated Personal Data that cannot be used to specifically identify you.

Such information, which is collected passively using various technologies, cannot, in and of itself, be used to specifically identify you. We also receive certain Non-Personal Data (including, without limitation, of the type set forth above) from various third parties. The Non-Personal Data we collect from third parties may be combined with the information we collect as specified herein.

Cookies and Other Session Identifiers: As do most other digital and online companies, we utilize a technology called “cookies.” A cookie is a small file which asks permission to be placed on your computer’s hard drive. Once you agree, the file is added and the cookie helps analyze web traffic or lets you know when you visit a particular site. Cookies allow web applications to respond to you as an individual. The web application can tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.

Cookies also help provide additional functionality and help us analyze usage more accurately. For instance, our Services may set a cookie on your browser that allows you to access the Services during future visits. These cookies may be used to tailor content (including advertising) you see on the Services as well as other Internet sites that you may visit in the future. Cookies may be session cookies (*i.e.*, last only for one browser session) or persistent cookies (*i.e.*, continue in your browser until they are deleted or expire).

Like most websites, we and our third party tracking service use log files to gather certain information automatically and store it in log files. This information includes Internet Protocol (IP) addresses, browser type, Internet Service Provider (ISP), referring/exit pages, operating system, date/time stamp, and clickstream data. We use this information, which does not identify individual members, to analyze trends, to administer the site, to track members’ movements around Fysio and to gather demographic information about our user base as a whole.

Overall, cookies help us provide you with a better website, by enabling us to monitor which pages you find useful and which you do not. **A cookie in no way gives us access to your computer or any information about you, other than the data you choose to share with us.**

In many cases, the information collected using cookies and other tools is used in non-identifiable ways, without any reference to Personal Data. For example, we use information we collect about Site users to optimize our Site and to understand its traffic and usage patterns. In other cases, we associate the information we collect using cookies and related technologies with Personal Data. In that case, this Privacy Statement governs how we use that information. Additionally, if the settings on your location-aware device allow us to receive geo-location data or information, we may collect that information automatically.

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Please note that you have a choice as to whether you want to allow cookies to be utilized; however, if you elect not to allow cookies to be placed as provided herein, you may not be able to use or enjoy all of the features of the Site. While we recommend that you leave cookies turned on as they allow you to take advantage of some of the features of the Site, you have the ability to control the use and moderation of our cookies.

You can, through your web browser's option settings, control the use of cookies. Specifically, you can configure the settings (i) to receive notifications when you are receiving new cookies, (ii) to disable cookies or (iii) to delete cookies. Please refer to your web browser's help section for information on how to do this. In addition to the types of cookies described above, we also use local shared objects, also known as "Flash cookies," and HTML 5 Local Storage for various purposes, including for fraud prevention and to display content (both on and off the Services) based upon what you view on the Services. Local shared objects and HTML 5 Local Storage are different from cookies described above. Cookie management tools provided by your browser may not remove local shared objects or HTML 5 Local Storage.

Aggregated Personal Data: In an ongoing effort to better understand and to serve our users, we often conduct research on our customer demographics, interests and behavior based on Personal Data and other information that has been provided or received by us. This research may be compiled and analyzed on an aggregate basis and this aggregate information does *not* identify you personally and is classified and treated as Non-Personal Data under this Privacy Policy.

The use of cookies by any of our partners, affiliates, or service providers are not covered by our Privacy Policy. We do not have access or control over these cookies. Our partners, affiliates, service providers may use current session ID cookies to help us improve performance and functionality of Fysio.

8. Our Use of Information That We Collect.

8.1 Personal Data

We are not in the business of selling Personal Data. We consider this information to be a vital part of our relationship with you. There may be, however, certain circumstances in which we may disclose, transfer or otherwise share your Personal Data with certain third parties without further notice to you, as set forth below. We use the Personal Data only as specified in this Privacy Policy. Specifically, we may use the Personal Data in the following ways:

Specific Reason: If you provide Personal Data for a certain reason, we may use the Personal Data in connection with the reason for which it was provided. For instance, if you contact us by email, we will use the Personal Data you provide to answer your question or to attempt to resolve your issue and will respond to the email address from which the contact came.

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Access and Use: If you provide Personal Data in order to obtain access to or use of the Services or any functionality thereof, we will use your Personal Data to provide you with access to or use of the Services or functionality and to monitor your use of such Services or functionality.

Internal Business Purposes: We may use your Personal Data for internal business purposes including without limitation to help us improve the content and functionality of the Sites, to better understand our users, to protect against, identify or address fraudulent activities, to enforce our Terms of Sites, to manage your account and provide you with customer service and to generally manage the Sites and our business.

Marketing: We may use your Personal Data to contact you in the future for certain marketing and advertising purposes, including without limitation to inform you about services or certain promotional messages which may be of interest to you. If you wish to change or update your PI or to change your subscription preferences, you may do so by contacting us at any of the addresses provided above.

If we intend to use any Personal Data in any manner that is not specified herein, we will inform you of such anticipated use prior to or at the time at which the Personal Data is collected or we will obtain your consent subsequent to such collection but prior to such use. In short, we will honor the choices you've made regarding your Personal Data and will inform you about any other intended uses of such information.

Business Transfers: As we develop our business, we might sell, buy, transfer or otherwise acquire or dispose of certain businesses or corporate assets. In the event of a corporate sale, merger, reorganization, dissolution or similar event, Personal Data (as defined herein) *may* be part of the transferred assets. You acknowledge and agree that any successor to or acquiror of the Company (or its assets) will continue to have the right to use your Personal Data and other information in accordance with the terms of this Privacy Policy. We will ensure that any successor or acquirer of the Company will treat your Personal Data as securely and confidentially as VRB.

Subsidiaries and Affiliates: We may also share your Personal Data with our subsidiaries and/or affiliates consistent with this Privacy Policy. Our subsidiaries and affiliates will be bound to maintain any Personal Data in accordance with this Privacy Policy.

Agents, Consultants and Related Third Parties: We, like many businesses, sometimes engage other companies to perform certain business-related functions on our behalf so that we can focus on our core business. Examples of such functions include mailing information, e-commerce and order fulfillment, maintaining databases and processing payments. When we engage another company to perform these (or other) functions, we may provide them with information, including Personal Data, in connection with their performance of such functions. We will retain only those third-party service providers adhere to the same or similar privacy standards that we do.

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Legal Requirements: We may disclose your Personal Data if required to do so by law (including, without limitation responding to a subpoena or request from law enforcement, court or government agency) or in the good faith belief that such action is necessary (i) to comply with a legal obligation, (ii) to protect or defend our rights, interests or property or that of other customers or users, (iii) to act in urgent circumstances to protect the personal safety of users of the Services or the public or (iv) to protect against legal liability as determined in our sole and unfettered discretion.

8.2 Non-Personal Data

Non-Personal Data does not and cannot be used to personally identify you. Accordingly, we may use such information for any lawful purpose.

8.3 What We Do Not Do With Your Information

Fysio will not disclose any Personal Information about you unless specifically agreed to you by you or to (1) comply with valid legal requirements such as a law, regulation, search warrant, subpoena or court order; or (2) in special cases, such as a financial threat to you or others. In the event that we are legally compelled to disclose your Personal Information to a third party, we will notify you unless doing so would violate the law or court order.

9. Controlling Your Personal Information.

Whenever you are asked about whether you would like to receive customized content from Fysio, you can indicate that you do not want this information sent to you. This content is aggregated based upon preferences that you specify. It may also include promotional, marketing and/or advertising information. You may change your mind at any time by updating your preferences on the Fysio website, or by writing to us or emailing us at [email address]

10. Social Media Platforms.

You may also manage the sharing of certain Personal Data with us when you connect with us through a social media platform or application, such as through Facebook Connect. Please refer to the privacy settings of the social media website or application to determine how you may adjust your permissions and manage the interactivity between Fysio and your social media accounts.

11. Closing Your Account.

You can close your account at any time by signing into your Fysio account and choosing "Delete Account" from your Account Settings. You will receive an email confirming that your account has been deleted.

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Your account contains data that you have provided to Fysio, including information in your Account Settings and Health Activity. After you close your account all of your Personally Identifiable Information is deleted.

12. Exclusions.

This Privacy Policy does not apply to any Personal Data collected by us other than Personal Data collected when you create an account. This Privacy Policy shall not apply to any unsolicited information you provide to us or another user or visitor through the Services or through any other means. This includes, but is not limited to, information posted to any public areas of the Site, any ideas for new products or modifications to existing products, claim or demand letters, Digital Millennium Copyright Act notices and other unsolicited submissions (collectively, "Unsolicited Information"). All Unsolicited Information shall be deemed to be non-confidential and we shall be free to reproduce, use, disclose, distribute and exploit such Unsolicited Information without limitation or attribution.

13. Children.

Protecting the privacy of children is extremely important to us. We do not knowingly collect Personal Data from children under the age of 13. If you are under the age of 13, please do not submit any Personal Data through the Services. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce our Privacy Policy by instructing their children never to provide Personal Data without parental consent. If you have reason to believe that a child under the age of 13 has provided Personal Data to us, please contact us, and we will endeavor to delete that information from our databases as soon as possible.

14. Links to Other Web Sites.

This Privacy Policy applies only as specified herein. The Site may contain links to other websites *not* operated or controlled by us (the "Third Party Sites"). The policies and procedures set forth herein do not apply to any Third Party Site. The owners and operators of all Third Party Sites are responsible for Personal Data and Non-personal Data provided, collected, maintained, store or otherwise disclosed on those sites. The links from the Services do not imply that we endorse or have reviewed the Third Party Sites, including their privacy policies, if any. We strongly encourage contacting those sites directly for information on their privacy policies.

15. Storage and Security.

The security of your personal information is a top priority for us. Experts design our security measures and we use a variety of technologies and procedures to help protect the security of your personal information from unauthorized access, use and disclosure. We restrict access to personal information to Fysio employees, contractors, and agents who need to know that information in order to operate, develop, or improve our services. These individuals are bound by confidentiality obligations and may be subject to

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discipline, including termination and criminal prosecution, if they fail to meet these obligations. No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, we cannot guarantee its absolute security.

16. Phishing.

We do not and will not, at any time, request your Personal Data or other personal information in a non-secure or unsolicited email or telephone communication. Identity theft and the practice currently known as “phishing” are of great concern to us. Safeguarding information to help protect you from identity theft is one of our priorities. For more information about phishing, visit the Federal Trade Commission at <http://222.ftc.gov/bcp/edu/pubs/consumer/alerts/alt127.pdf>.

17. International Privacy Laws.

If you are visiting our website from outside the United States, please be aware that you are sending information (including Personal Data) to the United States where our servers are located. We will hold and process your Personal Data and Non-Personal Data in accordance with privacy laws in the United States and this Privacy Policy. Please note that privacy laws in the United States may not be the same as, and in some cases may be less protective than, the privacy laws in other countries.

18. Other Terms and Conditions.

Your access to and use of the Services is subject to the Terms of Use, which is accessible here:

19. Your California Privacy Rights.

Pursuant to Section 1798.83 of the California Civil Code, residents of California can obtain certain information about the types of Personal Data that companies with whom they have an established business relationship have shared with third parties for direct marketing purposes during the preceding calendar year. In particular, the law provides that companies must inform consumers about the categories of Personal Data that have been shared with third parties for direct marketing purposes, the names and addresses of those third parties, and examples of the types of services or products marketed by those third parties. To request a copy of the information disclosure pursuant to Section 1798.83 of the California Civil Code, please contact us by phone at [_____], by writing to [_____] or by writing us at the address specified below:

[address]

Please allow 30 days for a response.

You have the right to request a copy of the Personal Data that we hold about you. If you would like a copy of some or all of your Personal Data, please contact us via the addresses specified herein. We want to make sure that your information is accurate and

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up-to-date. You should ask us to correct or remove information which you think is inaccurate or outdated.