

## **Privacy and Cookies Policy**

Virgin Pulse, Inc. ("Virgin Pulse," "we," "us," "our") is committed to protecting your privacy. This Privacy and Cookies Policy (the "Privacy Policy") explains our data practices regarding the Personal Information we collect about you in connection with our resources and services available through the website and mobile applications (the "Services"), all of which are entirely voluntary, and what steps you can take to protect that information.

Here are the topics we will cover in this Privacy Policy

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## **Privacy Shield**

Virgin Pulse participates in and has certified its compliance with the EU-U.S. Privacy Shield Framework. Virgin Pulse is committed to subjecting all personal data received from European Union (EU) member countries, in reliance on the Privacy Shield Framework, to the Framework's applicable Principles. To learn more about the Privacy Shield Framework, visit the U.S. Department of Commerce's Privacy Shield List at <https://www.privacyshield.gov/list>.

Virgin Pulse is responsible for the processing of personal data it receives, under the Privacy Shield Framework, and subsequently transfers to a third party acting as an agent on its behalf. Virgin Pulse complies with the Privacy Shield Principles for all onward transfers of personal data from the EU, including the onward transfer liability provisions.

With respect to personal data received or transferred pursuant to the Privacy Shield Framework, Virgin Pulse is subject to the regulatory enforcement powers of the U.S. Federal Trade Commission. In certain situations, Virgin Pulse may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) at <https://www.jamsadr.com/file-an-eu-us-privacy-shield-or-safe-harbor-claim>.

Under certain conditions, more fully described on the Privacy Shield website at <https://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint>, you may invoke binding arbitration when other dispute resolution procedures have been exhausted.

## **Collection and Use of Personal Information**

To enable us to provide quality services to you, we need to collect anonymous and Personal Information about you. “Personal Information” means any information concerning the personal or material circumstances of an identified or identifiable individual. We collect Personal Information through your use of the Software and related services such as the Virgin Pulse Activity Tracking Devices (hardware devices distributed by Virgin Pulse which can be connected with our services), the Biometric Tracking Kiosks (tracking stations located e.g. at your employer), and information you provide related to your use of the website and mobile applications (e.g. through the use of cookies).

Your Personal Information includes, but is not limited to, your:

- contact Information, such as your name, address, e-mail address, phone number provided by your employer, or which you provide when you enroll as a user of the website, upload or submit activity information or any material via the website or request any information;
- Email address in connection with your account sign-in facility;
- gender and age when you enroll and in connection with your account profile;
- information collected through the use of our software and related services about your health, fitness and related activities including technical information from your fitness device;
- record of your participation in activities and challenges and your rewards;
- information you post in the form of comments or contributions to discussions; and
- communications you send us to submit queries or comments regarding the website or its content.

You are under no obligation to provide any Personal Information to us at any time. However, if you should choose to withhold specific information, we may be unable to provide you with certain services.

We will use your Personal Information only for the purpose of providing our services to you including to:

- administer your account with us;
- identify you when you sign-in;
- track your program progress, determine your eligibility for rewards, as well as provide you with information that you may find helpful;

- analyze on an anonymous, aggregated data basis the use of the website and the people visiting in order to improve our content and services including research into our users demographics; and send you information which you have requested from us.

### **Push Notifications**

We send you push notifications on your device from time-to-time in order to provide you with in-product reminders and notifications. If you no longer wish to receive these types of communications, you may turn them off at the device level.

### **Informational E-mails**

Virgin Pulse may send you e-mails or newsletters with information and offers about the Virgin Pulse platform and services. You can opt out of such communications free of charge at any time by updating the 'my profile' section of the website, or by sending an e-mail to [privacy@virginpulse.com](mailto:privacy@virginpulse.com).

### **Additional Information**

When you visit the website we may automatically collect additional information such as the type of internet browser or mobile device you use, your IP address (the unique address that identifies your device on the internet) and the operating system of your device which is automatically recognized by our web server. We use this information to derive a broad, non-specific understanding of the locations from which you are accessing our services, to analyze trends, administer the site, track users' movements around the site, and to gather demographic information about our user base as a whole and to personalize the website to users' preferences.

### **Information Sharing**

In general, we will use and disclose your Personal Information to administer our services to you including, at times, disclosing your Personal Information to agents or contractors that work on our behalf and assist us in providing and supporting the services we offer through the website including processing transactions, fulfilling requests, analyzing data, or helping us to communicate with our members. We may also disclose your Personal Information if you have expressly consented to this.

In addition, we may use your Personal Information, in connection with your participation in our services and your possible participation in other third-party provided wellness services ("Third Party Providers") that may be offered to you by us, your employer or entities with which your employer contracts, for the following general purposes:

- (i) to coordinate (x) enrollment in, (y) enhancement of your experience, and (z) education about, the services available to you through our platform such as a Health Risk assessment or any related wellness services provided by a Third Party Provider,

- (ii) to ensure that you receive appropriate rewards for participation in our services and other similar services provided by your employer or entities that contract with your employer,
- (iii) to evaluate the overall quality and effectiveness of the program(s) in which you may participate; and
- (iv) to assess your eligibility for other programs that your employer, or contractors on behalf of your employer, may offer.

To the extent you participate in any wellness challenges or competitions that we sponsor, please be aware that your name and performance information will be available to other wellness challenge or competition participants and to your employer.

Except as described in this Privacy Policy, we will not sell, rent, or make available your Personal Information to third parties without your permission.

Unless in using the website or mobile applications you expressly or impliedly agree to make certain information available, all Personal Information which we collect is kept confidential to the best of our ability, subject to the other terms and conditions of this Privacy Policy. In addition, our employees and contractors who provide services related to our website or mobile applications are obliged to respect the confidentiality of any Personal Information held by us. Our employed staff and contractors are authorized to use your Personal Information only as necessary to provide these services to us.

In the event that we undergo re-organization or are sold to a third party, any Personal Information we hold about you may be transferred to that re-organized entity or third party in accordance with applicable law. You acknowledge that such acquisitions may occur, and that any acquirer of Virgin Pulse or its assets may continue to use your Personal Information as set forth in this Privacy Policy.

We may disclose your Personal Information to our subsidiaries, including overseas recipients located in the United Kingdom, Australia, Canada, Singapore or Switzerland.

Virgin Pulse may disclose your Personal Information (a) if legally entitled or required to do so (for example if required by law or by a court order or other judicial or administrative proceeding, (b) as otherwise required under any applicable law, rule, or regulation, and (c) if we believe, in good faith, that such disclosure is necessary to protect or defend our rights or those of others or to assist in the investigation or prevention of illegal activity.

The website makes message boards and messaging forums available to its members. Any information that is disclosed in these areas may become public information and you should exercise caution when using these and disclosing your Personal Information.

## **Access**

Upon request we will provide you with information about whether we hold any of your Personal Information. If your Personal Information changes or is incorrect or outdated, you may correct, update, or amend it by making the change through the ‘my account’ section of the website. If you no longer desire our service, please contact our Member Services department. We will respond to your request to within 30 days.

*For California Users:* California Civil Code Section 1798.83 permits Site visitors who are California residents and who have provided us with "personal information" (as that term is defined in Section 1798.83) to request certain information about the disclosure of that information to third parties for their direct marketing purposes. If you are a California resident, you may contact us by writing to: Virgin Pulse, Inc., 492 Old Connecticut Path, Suite 601, Framingham, MA 01701.

*For Canadian Users:* Canadian citizens, except under circumstances defined by law, are entitled to access their own personal data collected by Virgin Pulse by writing to: Virgin Pulse, Inc., 492 Old Connecticut Path, Suite 601, Framingham, MA 01701. If you believe that the personal data about you that we have collected is incomplete or inaccurate, please contact us and we will correct the information upon verification of the omission or error and of the identity of the person requesting the change.

## **Anonymous Information**

We may create “Anonymous Information” records from the Personal Information records by excluding your Contact Information, or excluding any other information that could link the Anonymous Information back to you. We may use this Anonymous Information for internal purposes, such as analyzing patterns in the program usage, so that we may enhance the services. We reserve the right, subject to applicable law, to use and disclose any Anonymous Information at our discretion. For example, upon request by your employer, we may share Anonymous Information with other partnering organizations for purposes of research and program analysis. You are welcome to request the names of such partnering organization from us at any time. We use this Anonymous Information to analyze and understand demographics trends, customer behavior patterns and desires, and information that may enrich the content and quality of our member programs.

If you are a member of the Virgin Pulse program we may (a) share Anonymous Information with your employer in an anonymous aggregated or group format, and (b) provide your Personal Information in an anonymous aggregated or group format to third parties (“Analytics Processors”) that process that Personal Information to generate Anonymous Information and analytical information related to that Anonymous Information to be shared with your employer. Your employer will not be able to use such Anonymous Information to directly identify you. Your employer may use this Anonymous Information in its discretion, including to evaluate the program overall as well as provide additional benefits, programs, and services. The Analytics Processors do not have any independent right to use your Personal Information except to provide services to generate the Anonymous Information and analyze the information to generate general

analytical information. You are welcome to request the names of such Analytics Processors from us at any time.

## **Cookies**

Technologies such as cookies, beacons, tags, scripts and other similar technologies are used by us and our service providers, technology partners or other 3rd party assets. These technologies are used to help administer the site, identify the total number of users, measure traffic patterns for research purposes, personalize or customize content so that a user's preferences can be "remembered" when they return to the site, and to better manage content.

The website also uses cookies or similar technology to collect information about member's access to the website.

Cookies are pieces of information that include a unique reference code that a website transfers to your device to store and sometimes track information about you. A number of cookies the website uses last only for the duration of your session on the website and expire when you close your browser. Other cookies are used to remember you when you return to the website and will last for longer.

We use cookies to:

- remember that you have used the website before; this means we can identify the number of unique visitors we receive and manage capacity;
- allow you to navigate the website more quickly and easily;
- remember your login session as you move from one page to another within the website;
- store your settings and preferences;
- customize parts of the content of the website to reflect your targets and awards; and
- collect statistical information about how you use the website so that we can improve the website and our content.

Some of the cookies used on the website are set by us and some are set by third parties who are delivering services on our behalf.

Most computer and some mobile device browsers automatically accept cookies but, if you prefer, you can change your browser to prevent that or to notify you each time a cookie is set. You can also learn more about cookies by visiting [www.allaboutcookies.org](http://www.allaboutcookies.org) which includes useful additional information on cookies and how to block cookies using different types of browser. Please note that by blocking or deleting cookies you may not be able to take full advantage of the website.

The table below provides more detail about specific cookies issued through this website.

| Category:    | Vendor:          | Purpose:  | Where Online:                             |
|--------------|------------------|---|---|
| Performance: | CloudFlare       | To serve static content securely from Cloudflare's global CDN network   | All pages of our websites                 |
|              | New Relic        | Allow us to measure site performance  | All pages of our websites                 |
|              | Google Analytics | Provides visitor behaviors and actions which allows us to understand how these visitors are interacting with the site, which allows us to communicate appropriately with them, both online and offline. | All pages of our websites and mobile app. |
|              | Crittercism      | Allow us to collect mobile app error information through Crittercism.com  | All pages of our mobile app               |
|              | Inspectlet       | Allows us to track members' website journey and create heat maps  | All Virgin Pulse platform pages           |

|                |               |  |  |
|----------------|---------------|--|--|
| Functionality: | Filepicker.io | Allow us to offer our customers ability to upload photo files to the web site  | All pages of our websites                          |
|                | Zendesk       | Allows us to offer customers to email or chat with one of our Customer Service agents online.  | All pages of our websites                          |
|                | Walk Me       | Tool used to create web page tutorials for members and explain them the usage  | All pages of our website                           |
|                | Pusher        | Tool which allows us to create real time chat and notification system for members  | All pages of our website and mobile app            |
|                | Virgin Pulse  | Uses a number of cookies to help maintain user experience, such as language preference   | All pages of our websites and mobile app           |
| Targeting:     | Bizographics  | Cookies are used by the partner to track performance of marketing campaigns and recognize you on third party websites, to ensure marketing messages are as relevant as possible. | In various places across the Virgin Pulse website. |
|                | Localytics    | Allows us to track actions and send marketing and  | All pages of our website and mobile apps           |

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|--|--|------------------------------------|--|
|  |  | engagement messages to our members |  |
|--|--|------------------------------------|--|

### **Mobile Analytics**

We use mobile analytics software to allow us to better understand the functionality of our mobile software on your phone. This software may record information such as how often you use the application, the events that occur within the application, aggregated usage, metrics, performance data, crash reports, and where the application was downloaded from. We do not link the information we store within the analytics software to any personally identifiable information you submit within the mobile application.

### **Links to 3<sup>rd</sup> party sites**

The Virgin Pulse website and mobile applications may contain links to other websites that are not owned or controlled by Virgin Pulse. The provision of such links is for your convenience and does not signify our endorsement of such websites or their contents. We have no control over and are not responsible for the privacy policies governing such other websites or the content displayed on such other websites. If you submit Personal Information to any of those sites, your information is governed by their privacy policies. We encourage you to carefully read the privacy policy of any website you visit.

### **Security**

Virgin Pulse follows reasonable physical, electronic, and managerial procedures designed to safeguard and secure your Personal Information. However, no company, including Virgin Pulse, can fully eliminate security risks associated with Personal Information. Among the security measures we take is a login process requiring a password and username that you select and a firewall protecting our hosting server. Virgin Pulse will retain your username as part of your Personal Information, but will not share this information with anyone. Please be advised that you are responsible for keeping your password and username confidential and secure from unauthorized persons, and that you are responsible for any and all activities that occur under your member account.

It is advisable to close your browser when you have finished your session to help ensure others do not access your Personal Information if you use a shared computer or a computer in a public place.

### **Data Storage and Data Protection Compliance**

Your data will be processed and held by Virgin Pulse at Amazon Web Services data centers located in the United States of America, and as such, it may be subject to U.S. laws and it may be accessible to the U.S. government, tribunals, law enforcement and regulatory agencies. The level of data protection established in the United States of America is lower than the one established within the European Union. We will take measures to ensure that your Personal Information is

stored safely with us; in particular, we maintain compliance with US Data Protection Acts and the applicable Data Protection Acts within the EU.

### **Deletion of your Account**

If your membership is terminated for any reason, we will delete your contact information so that we retain only Anonymous Information in our databases, unless we are obliged to store your Personal Information for legal or billing reasons.

### **Your rights**

You have a legal right under data protection law to a copy of all the information held about you by us. On request we will provide you with a copy of this information. You also have a right to correct any errors in that information. As mentioned above, you have a right to prevent the use of your Personal Information for direct marketing purposes.

### **Changes to this Privacy Policy**

This Privacy Policy is subject to change from time to time. We will post any revised version of the Privacy Policy on the Virgin Pulse website. If we make material changes to it, we will also send you an email to the last e-mail address you provided to us. Any amended Privacy Policy will be effective seven (7) calendar days after posting for existing members.

Any changes to this Privacy Policy may affect our use or disclosure of Personal Information collected prior to the changes. If you do not agree to any of the changes, you must notify us prior to the effective date of the changes that you wish to terminate your membership with us. Continued use of our Services following notice of such changes shall indicate your acknowledgement and acceptance of such changes.

### **Contacting us**

Please submit any questions, concerns or comments you have about this Privacy Policy or any requests concerning your personal data by email to [privacy@virginpulse.com](mailto:privacy@virginpulse.com) or via the 'contact us' section of this website. Alternatively, you may contact us at:

The Privacy Officer  
Virgin Pulse, Inc.  
492 Old Connecticut Path, Suite 601, Framingham, MA 01701, United States

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