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# FORTUS Privacy Policy

Effective Date: 31 July 2024

Welcome to FORTUS! We're so excited to have you on board.

We take the protection of your personal data extremely seriously. This privacy notice will inform you about what personally-identifiable information we collect about you, in which manners and for what purposes we do so, who we may share it with, and what rights you have over your personal data.

## Privacy Policy

### 1. What Is and Is Not Covered by this Privacy Notice?

This Privacy Policy concerns "you" (the data subject) and applies to:

- **Members:** This Privacy Notice applies to the Personal Data we collect directly from you or about you as a customer ("**Member**") of the FORTUS app ("**App**"), including if you are a current paying Member, on a free trial, begin to sign up to the App but do not complete your sign up or continue to use the App, or are a departed Member and no longer use the App but keep an account on the App, as well as when we provide Member support services to you.
- **Website and Social Media Users:** This Privacy Notice applies to the Personal Data we collect directly from you or about you through your use of our website (www.FORTUS.com), any other website or microsite which links to this Notice ("**Website**"), and our social media pages.
- **Business Contacts:** When you interact with us in a professional capacity, we may collect some Personal Data from and about you.

We refer, collectively, to the App and Website as FORTUS's "**Platform**". Any services FORTUS renders are referred to as the "**Services**".

This Privacy Notice does not apply to:

- **FORTUS Staff and Job Applicants:** This Privacy Notice does not apply when we collect the Personal Data of FORTUS employees, job applicants, contractors, business owners, directors, officers, and other staff.
- **Information Which Does Not Constitute Personal Data:** If we do not maintain information in a form that identifies, relates to, describes, is reasonably capable of being associated with, or could be reasonably linked, directly or indirectly, with a particular individual or household, such information is not considered Personal Data and this Privacy Notice will not apply to our processing of that information.

**External websites or services:** Our electronic messages or online services, including our Websites, App, Forum may contain links to other websites owned and run by third parties. We are not

responsible for the handling of your Personal Data by those websites and recommend you review the privacy notices of those websites.

## 2. Who is responsible for processing your Personal Data?

**FORTUS Fit Pty Ltd** (ACN 677 951 316) (referred to as "**FORTUS**", "**we**", "**us**" or "**our**") provides the Platform and related services to you as set out in our [Terms of Use](#). FORTUS is headquartered in Australia.

FORTUS is the "controller" (or "business") for the Personal Data we collect as described in this notice. This is because we decide how and why your Personal Data is collected and processed via the Platform.

Our contact information is at the end of this Privacy Notice. If you have any questions, you can always reach us using the contact information or via [team@FORTUS.fit](mailto:team@FORTUS.fit).

## 3. What Personal Data do we collect about you and how do we collect it?

### What is my Personal Data?

"**Personal Data**" has different meanings given to it in the data protection laws applicable to you ("**Data Protection Law**"). It generally includes any information or opinion relating to you which allows us to identify you, such as your name, phone number, social media name or 'handle', member ID, postal address, email address, details of products or services you have purchased, payment details and information about your access to our Platform.

### How do we collect your Personal Data?

We may ask for and collect your Personal Data either directly through your use of the Platform, when you communicate with us in any way, or indirectly through our third party partners (such as TikTok, Meta, Google, and Snap) or providers such as via our social media pages, or when your friend refers you to the Platform. This information is collected by the Third-Party Account providers and is provided to FORTUS under their privacy policies. You can generally control the information that we receive from these sources using the privacy controls in your Third-Party Account. We may also collect information from you automatically when you visit our Platform using certain online tracking technologies, like cookies, which are described in our Cookie Policy available at the following webpage:

[FORTUS.com/cookie-policy](https://FORTUS.com/cookie-policy), which may be set by us or our third party partners.

### What categories of Personal Data do we collect about you?

Specifically, in the past 12 months, we have collected the following categories of your Personal Data:

- **Account Information:** First and last names, email address, and date of birth. This is mandatory information which we require when you open a user account on the Platform ("**User Account**") using your email address. Once you have created an account, FORTUS generates a member ID which is a unique set of numbers used to identify you. When you have elected to sign up and log into the Platform using a third-party account you created (e.g., through Facebook, Apple, Google), we collect the information you have agreed to make available to us

(e.g., name, email address, app ID, profile information, preferences). This information is collected by those third-party account providers (e.g., Facebook, Apple, Google) and disclosed to FORTUS under their privacy policies. You can control what data we receive by changing your privacy controls in your third-party account.

- **Contact information**, as needed or otherwise not covered under Account Information, if you choose to provide it to us.
- **Health information** including height and weight.
- **Workout information** provided by you on the Platform or generated through your use of the FORTUS App. For example, your fitness goals, training preferences, workouts completed, and duration of workout.
- **Contributed Content**, such as information from the photos, videos, posts, comments, kudos, ratings, reviews, and other content you share on the Services, including when you participate in partner events or create segments or routes.
- **Preferences** in your User Account and use of the Platform.
- **Voluntary information** you provide about yourself which you choose to share with us or through one of our providers or partners. For example, via a free text field when completing workout reviews, giving feedback to us about your experience in the Platform, completing member surveys, etc.
- **Payment information**, such as your transaction details, if you purchased items directly on the Platform or from our third-party providers. *Note* we do not receive or store payment information for your FORTUS membership itself as this is handled by our payment providers.
- **Usage information** about how you use the Platform.
- **Communications** with us or directed to us via letters, emails, chat services, chatbot, and social media.
- **Contacts information**, if you choose to add your contacts' information by connecting your contacts from your mobile device or social networking accounts to FORTUS. If you choose to share your contacts with FORTUS, we will, in accordance with your instructions, access and store your contacts' information in order to identify potential connections and help you connect with them. Learn more about how we collect information about your contacts, how we use that information, and the controls available to you.
- Where you have selected particular services or features on the Platform (e.g. scheduling your workouts, sharing your fitness activities with friends through social media platforms), your **photos, audio, contacts and calendar information, as well as your social network information** (including credentials and any information from your public posts about FORTUS or your communications with us).
- **Other users:** We may also collect **information about you from other FORTUS users** such as when they interact on your activities, such as commenting.

- **Referral information:** When you have sent a referral link to a friend, colleague, or family member or been referred to FORTUS by a friend, we may be able to identify the identity of the person who referred you or who you referred.
- **Social media information:** Any information you share in a social media post where you tag, use a hashtag, link, or otherwise direct the post to our attention.
- Your **location** where the IP address of your computer or device is used to determine your region (e.g., USA, Australia, UK) so that we can customise your experience on the Platform (e.g. language settings).
- **Technical information and log files**, such as data about your device, network information. The Services also use log files. The information stored in those files includes IP addresses, browser type, internet service provider (ISP), referring/exit pages, platform type, date/time stamp, and number of clicks. This information is used to analyse trends, administer, protect and secure the Services, track user movement in the aggregate, and gather broad demographic information (e.g., country residence) for aggregate use. IP addresses may be linked to session IDs, athlete IDs and device identifiers.

## What Health and Sensitive Information do we collect?

We collect health and other sensitive information from you in the following instances:

- **Voluntarily provided by you:** Some of the Platform's functionalities (e.g. free text fields) may allow you to enter information you want to share with FORTUS that could be of a sensitive nature. These free text fields may appear completing workout reviews, submitting feedback on your experience of the Platform, or when completing customer surveys. You may also choose to share potentially sensitive information when interacting with our support team.
- **Inferences:** FORTUS may infer information about your health, including information about your medical conditions or requirements, as well as data on your physical characteristics from this information about your preferences or data submitted to it.
- **Linked Devices and Apps:** For example, you may choose to connect a third-party device (like an Apple Watch or fitness tracker) to the Platform and enable that device to share your fitness activity or health information (e.g., heart rate, steps, water intake) it collects with FORTUS. FORTUS also shares that data back to Apple and Google. You can manage what data your device or app shares with FORTUS (and what information FORTUS shares with your device) at any time within the Apple Health or Google Fit application on your device.
- To learn more about how you can manage what data your Apple device shares with and receives from FORTUS, please refer to this [page](#).
- To learn more about how you can manage what data your Android device shares with and receives from FORTUS, please refer to this [page](#).

It is entirely your choice whether or not to share your health information with FORTUS. You do not need to share it to use the Platform. You must give your explicit consent to FORTUS to the processing of this health information by FORTUS. If you do not, you may not be able to use *some* functionalities such as workout progress. You can also hide certain statistics from being viewed by others, such as height, weight, or workout progress, including on individual activities.

In certain countries, we need to obtain explicit consent from you before we collect your health information. If you consent to this processing, you may always later withdraw your consent to the processing of your sensitive information at any time within the Profile Menu in the FORTUS App or by contacting us. Withdrawing consent will not prohibit you from using the FORTUS Platform, but some functionality across the Platform, like tracking weight loss progress, could be disabled or may not function properly.

## **Updating Account Information**

You may correct, amend or update profile or account information at any time by adjusting that information in your account settings. If you need further assistance correcting inaccurate information, please contact FORTUS at [team@FORTUS.fit](mailto:team@FORTUS.fit)

## **4. Why and how do we use your Personal Data?**

Your Personal Data is used for the following purposes:

**Provide access and features of the Platform, the products and services you request, and improve our Services:** We use the Personal Data you give us to provide the Platform and the products and services you request, including the abilities to:

- to create, set up, and secure your User Account and provide you access to the Platform;
- to record your activities and analyse your performance. For example, to compare your past efforts, analyse your training, and - with your consent - use your heart rate information to provide you with interesting and useful performance analysis. We may also use this information to calculate further information about your activity so that this can be provided to you as part of the functionality of the Platform;
- to interact with other users. For example, to participate in clubs, challenges, or events, follow other users, message other users, and use features that help users interact with one another, such as group activities.
- to manage your training. For example, to set goals, track your workout progress, and to use a workout calendar/
- to visualize your activities in new ways. For example, by creating personal heatmaps or using your training log.
- to share insights with the FORTUS community. Your content, should you choose to, will be shared with other FORTUS users. For example, by sharing your public reviews and photos of gyms, or specific workouts, exercises and plans.
- to fulfill any orders for products that you place on the Platform, including to communicate with you about the orders and to process information for our internal accounting, billing and audit purposes;
- to customize your user experience. For example, provide you with suggested workouts and trainings based on your preferences or historical workouts;

Subject to your privacy controls, your information, including parts of your profile, username, photos/videos, users you follow and who follow you, clubs you belong to on FORTUS, your activities, the devices you use, and interactions you give and receive will be shared on FORTUS so that you may be able to participate in the Services, for example to show your place on a leaderboard.

We may also perform data analysis based on the data we collect from you for statistical and marketing analysis purposes – for example, we may use information about how users of our Platform search for and find specific workouts to better understand the best ways to organise and present the content that we offer. We use third-party analytics providers to gain deeper insights into how you use our Services.

**Provision of messaging Services:** We use the information we collect and receive (including your personal details, and content you choose to share) in connection with your use of FORTUS Messaging on the basis of our legitimate interest in enabling you to find new ways to interact by using the Services. When you use Messaging, we use your information:

- (i) to provide you with the FORTUS Messaging service;
- (ii) to improve FORTUS Messaging, for example to increase the functionality of Messaging by analysing usage data to identify technical and design improvements and by assessing feedback you provide in relation to Messaging; and
- (iii) to protect you and other users of the Messaging service and the Services, for example by enforcing our Terms of Service, Acceptable Use Policy and Community Standards. We use automated tools to assist us in protecting and safeguarding you and other users and to keep the Messaging service secure, for example to detect misuse and bad actors.

**Communicate with you:** We may also use the information we collect and receive to market and promote the Services, activities and events on FORTUS, and other commercial products or services, including using email and push notifications, in accordance with your preferences.

**Process your payments:** We use the information we collect to process your subscription or any other paid service you may purchase from us, including using your location data to determine your country pricing.

**Communicate information about our products and services and for other targeted promotional purposes:** With your consent, or as otherwise permitted by applicable Data Protection Law, we will use your Personal Data to provide information that we believe is of interest to you, prior to, during, and after your interactions with us, including marketing communications and news concerning our products, services, events and other promotions. Though not currently planned, in the future we may use cookies, pixels and other similar tracing technologies to provide us with analytics, provide measurement, and for ad targeting. These tracking technologies may be set by us or our third party partners such as TikTok, Meta, Google, Snap.

You can opt-out at any time after you have given your consent to such communications. In providing tailored promotional materials to you, FORTUS may use the personal information collected through your use of the Platform, such as the user preferences you set and profile data you submit, any fitness activity data generated through your use of the Platform.



**Platform and Service improvement:** We also use the information we collect and receive to conduct research, and to analyse, develop, troubleshoot, and improve the Services. To do this, FORTUS may use third-party analytics providers to gain insights into how our Services are used, using aggregated data, and to help us improve the Services.

**Protection of you and the Services:** We use the information we collect and receive to protect users, enforce our Terms of Service, Acceptable Use Policy, and Community Standards, and promote safety. For example, we find and remove content that violates our terms, such as hate speech or spam, as well as suspend or terminate accounts that share such content. FORTUS reserves the right to review accounts and user actions on the Services to ensure compliance with our Terms. You can report any content you deem as inappropriate to [team@FORTUS.fit](mailto:team@FORTUS.fit).

**Customer service and feedback communications:** We use your contact information to manage our relationship with you as our customer and to improve our services and enhance your experience with us (e.g. to respond to your inquiries when you reach out to us). We may also contact you for partnership opportunities, when investigating alleged violations of our terms, or to send proactive customer support messages.

From time to time, we may also conduct customer surveys to gauge satisfaction with our Platform and the services and products that we provide. If you voluntarily complete a survey, we will collect and analyse your responses to improve our Services and Platform.

**Administrative or legal purposes:** We use your Personal Data to operate our business, including for statistical and marketing analysis, systems testing and to diagnose technical and service problems, maintenance, and development of our Platform, or in order to deal with a dispute or claim.

We use your date of birth to check that you are legal age in your country. Please note that individuals must be of legal age in their respective countries to use the Platform. Please refer to our Terms of Use.

We use your ZIP/post code to assess which Data Protection Laws apply to you and to respond to your privacy rights requests.

**Security, health, administrative, crime prevention/detection and legal purposes:**

We may use your Personal Data to verify your information and identity, and to protect against, identify and prevent fraud and other unlawful activities.

We may also share your Personal Data with government authorities or enforcement bodies for compliance with legal requirements, or as otherwise required or permitted by applicable Data Protection Law.

**Other purposes:** We may also use your Personal Data in other ways, and where we do so, we will provide specific notice at the time of collection and obtain your consent unless otherwise permitted by applicable Data Protection Law.

## 5. What legal bases do we have for processing your Personal Data?

FORTUS relies on a number of legal bases to collect, use, share, and otherwise process the information we have about you for the purposes described in this Privacy Policy, including:

- as necessary to provide the Services and fulfill our obligations pursuant to the Terms of Service. For example, we cannot provide the Services unless we collect and use your location information;
- where you have consented to the processing;
- where necessary to comply with a legal obligation, a court order, or to exercise and defend legal claims;
- to protect your vital interests, or those of others, such as in the case of emergencies; and
- where necessary for the purposes of FORTUS's or a third party's legitimate interests, such as our interests in protecting our users, our partners' interests in collaborating with our users, and our commercial interests in ensuring the sustainability of the Services.

In some countries, such as the European Economic Area and United Kingdom, we need to have a legal basis to process your Personal Data. Our processing of your Personal Data for the purposes described in this Privacy Notice is done pursuant to the following legal basis:

- As necessary to comply with or fulfill our legal obligations. For example, we need to collect your date of birth to ensure you are old enough to use the Platform.
- The processing is necessary for the performance of our contract with you, such as providing you with our services on the Platform. Where we receive your Personal Data as part of providing our Services to you based on a contract, we require such Personal Data to be able to carry out the contract. Without that necessary Personal Data, we will not be able to provide our services to you;
- If it is in our legitimate interests to do so as a business. For example, to improve the functionality of our Platform or conduct system testing and to diagnose technical and service problems, maintenance, and development of our Platform;
- Where you have consented to our using your Personal Data. For example, for the collection of data pertaining to your health status or for direct marketing;
- Where you have made such information is manifestly made public; and
- To protect your vital interests or those of another person (e.g. in case of a medical emergency).

### **Special Category Data or Sensitive Data**

Personal details including about your physical or mental health are considered “sensitive” Personal Data under applicable Data Protection Law. We will process any such data only if you have given your explicit consent, or it is necessary (for instance, if you request special assistance), or if the sensitive Personal Data has been manifestly made public by you (e.g., by posting information about your health/fitness status in the Forum), or otherwise in compliance with applicable Data Protection Law.

You may withdraw your consent for FORTUS’s processing of your sensitive Personal Data in the Profile Menu in the App at any time. To manage what data your Linked Device shares with FORTUS, please refer to the instructions in Section 3 above. As described more fully below, you may always contact us with any questions or requests about your Personal Data.

## 6. How do we protect and manage your Personal Data?

Security We follow strict security procedures in the collection, storage, and disclosure of your Personal Data, which are designed to protect it against misuse, unauthorised access, modification or disclosure and accidental loss, destruction or damage. The data you provide to us is protected using SSL (Secure Socket Layer) technology. SSL is the industry standard method of encrypting Personal Data and credit card details so that they can be securely transferred over the internet. We use industry-standard encryption algorithms when we store your data in our systems.

Please be aware that despite our efforts, we cannot guarantee absolute security of your account or information. In addition, you can take steps to protect your account and information such as creating a unique password for FORTUS that is not easily guessed and that you don't use anywhere else, not sharing your password with others, and promptly reporting suspicious activity or unauthorized account access.

Retention of your Personal Data We will not retain your Personal Data for longer than is necessary to fulfill the purposes for which it is being processed. To determine the appropriate retention period, we consider the amount, nature, and sensitivity of the Personal Data, the purposes for which we process it, and whether we can achieve those purposes through other means.

We also consider the periods for which we might need to retain Personal Data in order to meet our legal obligations, or to deal with complaints and queries, and to protect our legal rights in the event of a claim being made.

In general, this means that we will likely keep your Personal Data for as long as your User Account is open. Following deletion of your User Account, however, we may still retain a limited portion of your Personal Data so that we can maintain a continuous relationship with you if and when we are in contact with you again, and to comply with our internal processes and any legal obligations. Information connected to you that is no longer necessary and relevant to provide our Services to you may be de-identified or aggregated with other non-personal data to provide insights that are commercially valuable to FORTUS, such as statistics of the use of the Services.

When we no longer need your Personal Data, we will securely delete or destroy it. We may also fully anonymise your Personal Data so that it can no longer be associated with you or identify you, in which case we may use that information without further notice to you.

### **Deleting Information and Accounts and Downloading Your Data**

You can delete your account or download your data using our self-service tools. Follow the instructions here to download your data, including your activity files. To delete your account contact [team@FORTUS.fit](mailto:team@FORTUS.fit).

After you make an account deletion request, we permanently and irreversibly delete your personal information from our systems, including backups. Once deleted, your data, including your account, activities and place on leaderboards cannot be reinstated. Following your deletion of your account, it may take up to 45 days to delete your personal information and system logs from our systems. Additionally, we may retain information where deletion requests are made to comply with the law and take other actions permitted by law.

In addition, you can delete some items of information (e.g., profile information) and you can remove individual activities from view on the Services without deleting your account. For example, if you withdraw your consent to FORTUS processing your health-related information, FORTUS will thereafter delete all health-related information from activities you upload. Once removed, the activities may remain on FORTUS's systems until you delete your account.

Additionally, we may retain information to comply with the law, prevent fraud, collect fees, resolve disputes, troubleshoot problems, assist with investigations, enforce the Terms of Service and take other actions permitted by law. The information we retain will be handled in accordance with this Privacy Policy.

## **7. Where do we store and transfer your Personal Data?**

FORTUS is headquartered in Australia but operates its business in multiple countries around the world.

The Personal Data that FORTUS collects from you will be processed and stored in Australia, the United States of America, and the European Economic Area (“EEA”). FORTUS will share your Personal Data with its service providers (e.g., customer support providers such as Zendesk, digital advertising providers such as Google and Meta), partners, and affiliates to help provide the services to you. Therefore, the Personal Data that you provide to FORTUS may be transferred to countries other than the country in which you initially provided your Personal Data or where FORTUS is located. FORTUS takes measures to ensure the protection of your Personal Data by its service providers.

*If you are a user in the EEA or UK:* While countries outside the European Economic Area and the United Kingdom do not always have strong privacy and data protection laws, we take measures to protect your Personal Data in compliance with applicable Data Protection Law. We require all third-party data recipients (including our service providers and partners) to process your information in a secure manner and in accordance with the Data Protection Law (e.g., through the signing of the appropriate data processing agreements and EU Standard Contractual Clauses). If you have further questions about this or would like to request copies of the applicable safeguards, please contact us.

## **8. Who do we share your Personal Data with?**

We share your Personal Data with the following:

- Other Users of the Platform if you have selected particular services or features on the Platform (e.g. scheduling your workouts, sharing your fitness activities with friends through social media platforms).
- If you joined FORTUS via a referral link sent to you by one of your contacts (like a friend, family member, or colleague), we may let that contact know you’ve created a FORTUS account, and provide them a referral bonus as a result.
- Third party social media platforms such as Facebook, Instagram, TikTok, Snap, Google in various circumstances, including where:
  - you are able to access third party social media services through our Platform or before coming to our Platform;

- you connect your User Account to your social media account, in which case we will receive from the social media platform the Personal Data you choose to share, based on the preferences and settings on your social media account. We will use this information in order to improve and personalise your use of our Platform;
- third party social media sites have placed cookies or pixels on our website, or we have placed their cookies on our website;
- you post or otherwise participate in competitions, events, or direct your social media posts to us via a hashtag, tag, link, etc.; and
- we use social media plugins on our Platform (e.g., a “share” or “like” button), and your use of these plugins, may result in the disclosure of some of your information to the social media platform in question, and possibly presented on your social media profile, to be shared with others in your network – however, we will only share your Personal Data with these social media platforms if you have provided your express consent for us to do so.

Please refer to the privacy policy of those third-party social media platforms to find out more about these practices.

We may also share your Personal Data with the following:

- Other companies, contractors or agents that assist us in providing services to you, including support ticketing, legal services, debt collection, administration services, customer services and information technology support.
- Only where you have provided consent, other companies, contractors or agents in connection with our marketing efforts, or marketing platform providers.
- Government authorities, law enforcement bodies and regulators for compliance with legal requirements, or where otherwise required by applicable Data Protection Law, or if we determine that such disclosure is allowed by the law or reasonably necessary to comply with the law, including to respond to court orders, warrants, subpoenas, or other legal or regulatory process.
- Our legal and other professional advisers in order to enforce our legal rights in relation to our contract with you.
- Where you choose to link a third-party wearable device (like an Apple Watch), workout completion and other information may be transferred back to the wearable in order for you to track fitness progress using that device. You can manage this data transfer in the settings panel of your wearable’s app, as discussed above.
- We enable you to share your information and content with third party apps, plugins, or websites that integrate with the Services, as well as with third parties who work with FORTUS to offer an integrated feature, such as a challenge sponsor, media streaming, or tracking device. You can choose to share your profile data and activity data (including private activities) with these third parties. Information collected by these third parties is subject to their terms and policies and may not provide you with the same privacy controls that are available on FORTUS. FORTUS is not responsible for the terms or policies of third parties.

- We may also transfer your Personal Data to potential buyers in the event that we sell or transfer all or a part of our business or assets (including in the event of a reorganization or dissolution / liquidation), under strict non-disclosure restrictions, and solely in order to allow a buyer to determine whether to proceed with the transaction, or where such a determination is made, to complete it.
- We may also retain, preserve or disclose your information if we determine that this is reasonably necessary or appropriate to: (1) prevent any person from death or serious bodily injury; (2) to address issues of national security or other issues of public importance; (3) to prevent or detect violations of our Terms of Service or fraud or abuse of FORTUS or its users (4) or to protect our operations or our property or other legal rights, including by disclosure to our legal counsel and other consultants and third parties in connection with actual or potential litigation.

In such cases where your Personal Data is shared with third parties, FORTUS will only share it to the extent that is necessary, such as to perform limited functions on our behalf and as required to safeguard your personal information.

### **Aggregate Information**

FORTUS may deidentify and aggregate the information you and others make available in connection with the Services and post it publicly or share it with third parties. Examples include information about equipment, usage, demographics, routes, performance, and challenge participation and completion. FORTUS may use, sell, license, and share this aggregated information with third parties for research, business or other purposes. Please visit your privacy controls if you would like to opt out of FORTUS using your information for these purposes.

### **Publicly Available Information**

When you join the FORTUS community as an individual of 18 years of age or older, your profile and your activities are set to be viewable by everyone by default. Your name and other profile information is viewable by other FORTUS users and the public and, subject to your privacy controls, additional information and content you share may also be viewable. For example, your media content and routes may be accessed by other FORTUS users and non-users or viewable on publicly accessible FORTUS pages or in search engine results.

When you join the FORTUS community as an individual under the age of 18, your profile and your activities are set to be viewable by followers only by default. In order for another FORTUS user to be able to see your detailed profile information or your activities, the FORTUS user must first request to follow you and you must accept that request. For example, a FORTUS user will not be able to see your uploaded activities or photos until after you have granted the FORTUS user permission to follow you.

We provide a variety of privacy controls to manage the sharing of your information and encourage our users to adjust their controls to align with their desired experience.

## **9. Children's Privacy**

Our services are not intended for, nor directed to, children under 16 years of age. We use technical measures to prevent children under 16 years of age from creating an account and therefore do not

knowingly collect personal information from anybody under 16 years of age. If you are under 16 years of age, **do not use FORTUS or the Platform.**

Moreover, we strive to provide additional privacy and safety protections for individuals under 18 years of age. For example, when users under 18 years of age create an account, their profile and activities are set by default to be viewable by followers only. We also may limit how we collect or process the personal information of individuals under 18 years of age. For example, you must be at least 16 years of age to upload heart rate data or receive heart rate analysis.

## **10. Your Privacy Rights and Choices**

You may have the right to:

### **Transparency**

You have the right to request information about whether we hold Personal Data about you, and, if so, what that information is and why we are holding/using it.

### **Access**

You may request access to your Personal Data (commonly known as a "data subject access request"). This enables you to receive a copy of the Personal Data we hold about you and to check that we are lawfully processing it.

### **Correction**

You have the right to request correction of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

### **Erasure**

You can request erasure of your Personal Data. This enables you to ask us to delete or remove Personal Data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Data where you have exercised your right to object to processing.

### **Object**

You may object to processing of your Personal Data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation that makes you want to object to processing on this ground. You also have the right to object where we are processing your Personal Data for direct marketing purposes.

### **Automated Decision Making and Profiling**

You may also object to automated decision-making including profiling, that is not to be subject to any automated decision-making by us using your Personal Data or profiling of you.

### **Restriction of Processing**

You have the right to request the restriction of processing of your Personal Data. This enables you to ask us to suspend the processing of Personal Data about you, for example if you want us to establish its accuracy or the reason for processing it.

## **Transfer**

Request transfer of your Personal Data in an electronic and structured form to you or to another party (commonly known as a right to “data portability”). This enables you to take your data from us in an electronically usable format and to be able to transfer your data to another party in an electronically usable format.

## **Withdraw Consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your Personal Data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time by contacting us. You can also withdraw your consent for the processing of your health information within the Profile Menu of the App. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes to which you originally agreed, unless we have another proper and legitimate basis for doing so.

## **Complain**

You also have the right to lodge a complaint about our processing of your Personal Data with the body regulating data protection in the country or state / province in which you live. If the GDPR applies to our processing of your Personal Data, you have the right to lodge a complaint with a supervisory authority if you are not satisfied with how we process your Personal Data. Specifically, you can lodge a complaint in the Member State of the European Union of your habitual residence, place of work, or of the alleged violation of the GDPR.

## **How to Exercise Your Rights?**

If you wish to exercise your rights related to your Personal Data (including the rights set out above), please contact the FORTUS team using the contact information at the end of this notice or via customer support on the Platform..

While you will generally not be required to pay a fee to access your Personal Data or to exercise any of your other statutory rights, we may charge a reasonable fee if your request for access is clearly completely unfounded, excessive or declines to comply with such requests where permitted by applicable Data Protection Law.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it and to prevent unauthorised modification of your Personal Data.

## **Managing Your Settings**

### **Privacy Controls**



FORTUS offers several features and settings to help you manage your privacy and share your activities. Most privacy controls are located in your privacy controls page, but some are specific to individual activities, athletes, routes, or features. FORTUS provides you the option to make your activities visible to everyone, only your followers and you, or just you. [Click here to manage your privacy controls.](#)

## **Adjust Notification and Email Preferences**

FORTUS offers various ways to manage the notifications you receive. You can choose to stop receiving certain email notifications by indicating your preferences here. You may also unsubscribe from these emails by following the instructions contained at the bottom of these messages. In our app, you can access your “Push Notifications” in the settings menu. Where permitted by local regulations, we may opt you into marketing-related communications if you substantially interact with the Services or purchase a subscription. We may also send you periodic communications asking if you would like to opt into receiving marketing-related communications.

If you receive marketing communications from one or more of our subsidiaries, you must opt-out individually from each subsidiary you are receiving brand-specific marketing from.

Any administrative or service-related emails (for example, to confirm a purchase, to notify you of pricing changes, or provide a significant update to our policies, etc.) may not offer an option to unsubscribe as they are necessary to provide the Services you requested. You are responsible for providing us with a valid email address and keeping it updated to ensure you get these email notifications.

## **11. Cross Border Data Transfers**

The Services are operated from Australia. If you are located outside Australia and choose to use the Services or provide information to us, you acknowledge and understand that your information will be transferred, processed and stored in the Australia, as it is necessary to provide the Services and perform the Terms of Service.

Whenever we transfer personal data internationally, we use legal mechanisms, such as Standard Contractual Clauses, to ensure data transfers comply with applicable law.

## **12. Links to other websites**

Our Platform may provide links to other websites for your convenience and information. These websites may operate independently from us. If you visit any website linked to our Platform, you are subject to that website’s own privacy policies. We strongly suggest you review those third-party policies. To the extent any linked websites are not owned or controlled by us, we are not responsible for their content, any use of the websites, or the privacy practices of the websites.

## **13. Updates to this Privacy Notice**

We recommend you periodically review this Privacy Notice. FORTUS may revise and update this Privacy Notice at any time by posting an updated Privacy Notice on the Platform. All changes to the Privacy Notice are effective immediately when posted to the Platform and apply to all access to and use of the Platform thereafter. If you object to any of the changes to this Privacy Notice, you should stop using any part of the Platform and delete your account.

## 14. How can you contact us?

We welcome questions and comments about this Privacy Notice and our privacy practices. If we receive a complaint from you about how we have handled your Personal Data, we will investigate and determine what action we should take to resolve the complaint. We will contact you within a reasonable time and may request more information to assist us with our investigation. We aim to resolve all complaints in a timely manner.

If you wish to provide feedback or if you have questions or concerns or wish to exercise your rights related to your Personal Data, please contact the FORTUS team at the following email address: [dataprotection@FORTUS.com](mailto:dataprotection@FORTUS.com). Alternatively, you can contact the FORTUS team by completing a contact form (available at this webpage: <https://support.FORTUS.com/he/en-us/requests/new>) or through the chat function on the FORTUS Websites.

## 15. General

### Australia

For the purposes of the Australian Privacy Act 1988 (Cth), you can contact our Privacy Compliance Officer at: [dataprotection@FORTUS.com](mailto:dataprotection@FORTUS.com).

### “Sale” of Data:

FORTUS generally does not sell your Personal Data in the conventional sense (*i.e.*, for money). Like many companies, however, we use the services of third-party vendors and partners that help deliver interest-based ads to you. In cases where we do ‘sell’ data, this data will be de-identified and of the aggregate type, as specified in the ‘Aggregate Information’ section above. As part of this process, we may transfer your Personal Data to those vendor partners (like Meta) for their use as they help us deliver interest-based ads. Making Personal Data (such as online identifiers or browsing activity) available to these companies may be considered a “sale” or “share” under applicable U.S. State Consumer Privacy Laws. There are also instances where FORTUS could be considered to be “selling” Personal Data under these laws, such as when FORTUS engages in partnerships with other organisations to offer discounts for each other’s products and services to our users.

To request that FORTUS not “sell” or “share” your Personal Data, please fill out the form at this link: <https://join.FORTUS.com/en/do-not-sell-my-information> or change your cookie preferences in our Cookie Consent Manager.