

# Privacy Policy of movesmart.golf

Issued on February 15, 2023

*Please note: Only the German original of this Privacy Policy is legally binding. The English translation is provided for information purposes only and has no legal force. By accepting this Privacy Policy, you automatically accept the German original.*

## 1 Introduction

The company is aware that the services require a high level of trust on your part. We take this trust very seriously and ensure that the security and confidentiality of the personal data provided to us is our highest priority. Please read the following policy to learn more about our privacy practices. By using the app or the website or by availing of the services, you accept the practices described herein.

## 2 Purpose

The company provides this privacy policy to describe our practices with respect to the collection, use, and disclosure of personal data of users. Personal data has the meaning defined by the Federal Act on Data Protection (FADP) and the Ordinance to the Federal Act on Data Protection ("personal data"). The data controller responsible for data processing is MTS Muscle tracking system AG, Poststrasse 14, 6300 Zug, Switzerland ("company").

## 3 Acceptance of the Policy

The company reserves the right to make changes to the privacy policy that it deems necessary or desirable without notifying you in advance. Users will be informed of the new privacy policy by email or notification, but it is your responsibility to regularly review this privacy policy to be informed of any changes. Your continued use of the website, app, or services after such changes or after expressly accepting the new privacy policy when using the website, app, and/or services constitutes your consent to such changes.

## 4 International Data Transfer

By using the website, app, or services, you acknowledge and agree that the personal data you submit may be hosted by the company or a third party selected by the company within the European Union or Switzerland for an indefinite period. You hereby agree that your personal data may be transferred to EU countries or to Switzerland and stored on computers outside of your country where data protection laws may not be as protective as in your jurisdiction. Your consent to this privacy policy, followed by the submission of personal data, constitutes your explicit consent to such transfer. The company will not transfer any of your personal data outside the European Union or Switzerland without your prior consent.

## 5 Type of Personal Data Collected

The main reason why we collect personal data about you is to provide you with the services and improve the features and content of the website and the app, manage your user account, and allow you to easily use and navigate the website, the app, and the services.

When you download the app, register through the website or the app, create or edit a user account, and use the website, the app, or a service, we will ask you for personal data. We may collect the

personal data you provide when registering and managing and personalizing your user account, or that you provide to us through your use of the services.

The company may collect the following personal data:

- Contact information such as first name, last name, company, email address;
- Computer settings such as IP address, operating system, device type, browser, login data;
- Transaction information, including information about products and services you purchased or downloaded, or requests and financial information about your transactions;
- User settings such as product requirements, industry interests, newsletters, community selections, and other information you select in the customer profile when registering on the website, or that arise from your use of the websites;
- Usage data such as location, date and time of use, used settings and functionalities, measurement data, audio and video recordings;

We may supplement the information you provide with information we receive from third parties.

The company uses personal data to provide the services. The personal data transmitted to the company by you may be hosted by the company or a third party selected by it.

We use your personal data for the following general purposes:

- Fulfillment of your requests for services;
- Personalization of advertising offers and content you see, especially based on your activities and transaction history on the site;
- Provision and improvement of the services;
- Conducting research and creating statistics about usage behavior;
- Providing anonymous, aggregated reports to internal and external partners;
- Management of your user account;
- Communication with you in general;
- Responding to your questions and comments;
- Conducting transactions;
- Notification of advertising offers and services that may be of interest to you;
- Sending the company's newsletter, unless you unsubscribe;
- Prevention of potentially prohibited or illegal activities;
- Enforcement of the terms of use (terms and conditions);
- Access to third-party services when you link your account to such third-party services;
- Compliance with legal requirements;
- As described to you at the time of data collection.

The company may use your recorded personal data to generate user data for the site or app, or to operate and improve the services.

Please note that your personal data may be accessed and stored for the above purposes in accordance with this policy. While the company may share your personal information with agents and contractors to perform the above functions, including hosting services, credit card processing services, order fulfillment, and website management, we require that they treat your personal data in accordance with the standards set forth in this policy and limit their use.

Other personal data collected may be described in other sections of this privacy policy or through dedicated explanatory text related to data collection. The personal data may be voluntarily provided by you or automatically collected when using the site or app. If certain personal data is not provided, this may result in the site and/or the app being unable to provide the services. You are fully responsible for the personal data of third parties that are posted or shared through the site and/or the app,

and you declare that you have the right to communicate or transmit them, thereby releasing the company from any responsibility.

In addition to the information contained in this privacy policy, the website and/or app may provide users with additional and context-specific information about certain services or the collection and processing of personal data upon request.

## **6 Social Networks**

Functions (so-called plugins) of various social networks operated by third parties (Facebook, Twitter, Google+) are integrated into the site and the app, allowing you to link your accounts with the site and/or the app. These plugins allow users to share content on social networks. When you link your social network accounts with the site and/or the app, personal data may be transmitted to the third-party providers. You understand and accept that the company has no control over the transmission of personal data to the third-party providers and accept that your personal data will be processed by these third-party providers. Please review the privacy policies of these third-party providers before linking your social network accounts with the site and/or the app.

## **7 Payment Information**

The company does not store your credit card information. External service providers such as Apple Pay or PayPal process the payment through your credit card. You understand and accept the payment processing by these external services. Before ordering a product on the site and/or the app, you will be informed of the various steps of the electronic purchase. You will receive an automatic confirmation of the product or service purchased on the site or app via email.

## **8 Public Profile**

By registering on the site or app, you accept that personal data such as your profile picture and username will be published and displayed on the site and/or the app, and publicly accessible. The company is not responsible for any reproduction, use, or reference (by search engines) of your publicly accessible personal data on the site and/or the app.

## **9 Electronic Communication Protocols and Cookies**

In addition to the information mentioned above, the company may collect information about your use of the website through electronic communication protocols and cookies. Like most websites, the company automatically receives information from you as part of the communication connection itself, often consisting of network routing information (where you come from), device information (browser type), referring website, and date and time. Collecting this automatic information helps us customize your experience as a user. It allows us to monitor and analyze the use of the website, app, and services and increase the functionality and user-friendliness of the website and app.

The company also uses cookies, embedded URLs, and embedded pixels to collect additional information. Cookies are small data files transferred to a computer's hard drive for storing information such as registration IDs and passwords. We also use session ID cookies to enable certain functions of the website, understand how you interact with the website, and monitor aggregate usage by users. We will use cookies to identify your language settings on your device, the advertising offers you have subscribed to, and/or session cookies. Session cookies are deleted from your computer when you log out of the website and then close your browser, unlike persistent cookies. Please note that you can

choose to not receive a cookie file at any time by setting your web browser to reject cookies or prompt you before accepting a cookie. However, if you refuse cookies, you may not be able to use all parts of the website or app or all the features of the services.

The company may re-link the information directly provided by the above technologies with personal data.

## 10 Google Analytics

We may collect information about your computer, including your IP address, operating system, and browser type, for system administration and reporting using Google Analytics. These are statistical data about the browsing behavior and patterns of our users and do not identify any individual. Google Analytics is a web analytics tool that helps website owners understand how visitors interact with their website. Google Analytics customers can view various reports on how visitors interact with their website to improve it. Like many services, Google Analytics uses first-party cookies to track visitor interactions. In our case, they are used to collect information about how visitors use our site. We then use the information to create reports and help us improve the website or app. Cookies contain information transferred to the hard drive of your computer. These cookies are used to store information such as the time the current visit occurred, whether the visitor has been to the website before, and which website referred the visitor to the web page. Google Analytics collects information anonymously. It reports website trends without identifying individual visitors. You can opt-out of Google Analytics without affecting your visit to our website. For more information on opting out of Google Analytics tracking on all websites you use, visit this page: <https://tools.google.com/dlpage/gaoptout>.

## 11 Data sharing and disclosure

The company may use your recorded personal data in relation to the website and/or the app.

The company may share aggregated information that does not contain personal data and otherwise non-identifying information and log data with third parties for analysis and other purposes. Any aggregated information shared in these contexts does not contain personal data.

The company may only transfer your personal data to a third party for hosting or processing.

## 12 Security

The security of your personal data is very important to us. The company processes your personal data properly and takes appropriate security measures to prevent unauthorized access, disclosure, alteration, or unauthorized destruction of personal data.

The processing of personal data is done using computers and/or IT tools and in compliance with organizational procedures and methods strictly related to the specified purposes. In addition to the company, in some cases, certain types of responsible persons involved in the operation of the website (administration, sales, marketing, legal, system administration) or external parties (such as third-party technical service providers, postal service providers, hosting providers, IT companies, communication agencies), which may be appointed by the company as data processors, may have access to personal data. An updated list of these parties can be requested at any time from the data controller.

Furthermore, the company uses standard security protocols and mechanisms for the exchange of sensitive data such as credit card details. When you enter sensitive information such as your credit card number on our website, we encrypt it using Secure Socket Layer (SSL) technology.

If your personal data has been unlawfully accessed by an unauthorized person, or it is reasonably believed that this has occurred and applicable law requires notification, the company will promptly notify you by email or mail about the incident.

### **13 System logs and maintenance**

For operation and maintenance purposes, this application and any third-party services may collect files that record interaction with the app (system logs) or use other personal data for this purpose (such as IP address).

### **14 Right of access to your personal data**

You may request access to the user's personal data collected by the company at any time, request correction of inaccurate information, or request the collected personal data to be deleted.

Such an access request must be sent by registered mail with a copy of your ID to the following address: MTS-Muscle tracking System AG, Poststrasse 14, 6300 Zug, Switzerland.

### **15 Deleting your personal data**

All users can view, update, correct, or delete their personal data within their account in the profile area. If you would like us to delete your personal data from our system, please notify us by email at [support@movesmart.golf](mailto:support@movesmart.golf), and we will attempt to comply with your request, unless we are legally obligated to retain the record.

Please note that any information we have copied may remain in our backup for a certain period after your deletion request, as may any content you have transmitted to third parties. This may be the case even if there are no personal data related to your user account in our active user databases.

You acknowledge that the use of the internet is not secure and that there are certain inherent risks to your personal data. The company will make reasonable efforts to protect your personal data, but cannot guarantee that the data you provide to the company is secure and protected against unauthorized access and theft by third parties, and therefore disclaims any liability in this regard.

### **16 Links**

If any part of the website contains links to third-party websites or pages, those websites or pages are not subject to this privacy policy. If you choose to visit a link to a third party, you will be redirected to the third party's website or page. We have no control over third-party websites, and therefore recommend reading the privacy policies on those other websites or pages to understand their practices for collecting, using, and disclosing personal data.

### **17 Compliance with Laws and Law Enforcement**

The Company collaborates with governmental and law enforcement agencies as well as private parties to enforce and comply with laws. We will disclose personally identifiable information about you to governmental or law enforcement authorities or private parties if we, in our sole discretion, believe it necessary or appropriate to respond to claims and legal processes (including but not limited to subpoenas), to protect the property and rights of the Company or a third party, to protect the

safety of the public or any person, or to prevent or stop activity we may consider to be illegal, unethical or legally actionable, or which may expose us to legal liability.

## **18 Business Transfers**

The Company will not sell, transfer or otherwise share your personally identifiable information for advertising or marketing purposes.

However, the Company may sell, transfer or otherwise share some or all of its assets, including your personally identifiable information, in connection with a merger, acquisition, reorganization or sale of assets, or in the event of bankruptcy. Your consent to this Privacy Policy followed by your submission of personally identifiable information represents your express agreement to such transfer.

## **19 Jurisdiction and Applicable Law**

This Privacy Policy and any matter arising out of or in connection with it are governed by the substantive laws of Switzerland, without regard to conflict of law principles. The United Nations Convention on Contracts for the International Sale of Goods is not applicable. Any controversy, claim, or dispute between a user and the Company arising out of or relating to this Policy or the breach thereof, shall be exclusively subject to the jurisdiction of the ordinary courts at the seat of the Company, without prejudice to an appeal to the Swiss Federal Court.

## **20 Contact**

For questions about this privacy policy, please contact our support at [www.movesmart.golf/support](http://www.movesmart.golf/support).