Privacy Policy

This Privacy Policy (the "Policy") explains how personal information is collected, used, and disclosed by ForActive, Inc. (referred to as “ForActive” or “we”), with its registered office in the State of Delaware, including its designated agents, employees, and subsidiaries. This Policy applies to consumer users (individually referred to as “you”) of ForActive applications, as well as small and medium businesses (“Partners”) through which you purchase memberships and tickets for fitness and wellness services via our application and social networks. These networks, which you may use in connection with our Application and Sites, may also collect, use, and share information about you. This Policy does not cover such third parties or their services. For information about third-party privacy practices, please consult them directly.

By continuing to use our Website and Application, you acknowledge that you have had the chance to review and consider this Privacy Policy, and that you agree to it. This means you also consent to the use and disclosure of your information as described in this Policy. If you do not understand or do not agree with the Privacy Policy, you agree to immediately cease using our Application and Sites.

Information We Collect

We collect information about you in various ways when you use our Application and Sites. This information helps us provide the functionality and improve the quality of our Application, and the Website, as well as personalize your experience. Information we may collect includes:

- Name, email address, postal address, phone number (including mobile phone number), billing information, survey responses, demographics, and appointment details.
- Mobile device ID, precise location data, search locations if you use our mobile application.
- Information from third-party websites, applications, and services (“Third-Party Platforms”) connected with our Application and Sites.
- Automatically collected data such as your location, computer operating system, IP address, access times, browser type and language, as well as usage and activity data via cookies, web beacons, and similar technologies.

When you visit our Application or Sites, some information is automatically collected. For example, we may automatically collect your location, computer operating system, Internet Protocol (IP) address, access times, browser type and language, and the website you visited before our Sites. We also collect information about your usage and activity on our Application and Sites using certain technologies, such as:

Cookies

We may collect information through automatic tracking systems (e.g., browsing preferences) and from information you voluntarily provide (e.g., during registration). Cookies are small text strings used to store information about the user's preferences or the device used to access the internet (e.g., computer, tablet, or mobile phone). Cookies help us provide a more personalized browsing experience. You may disable cookies, but doing so may affect the functionality of our Website. To continue using our Website or Application without changing cookie settings, simply proceed with browsing.

We may also access information contained in cookies placed on your device by a Third-Party Platform, as permitted by the terms of your agreement and privacy settings with that platform. We may share this information with the Third-Party Platform for its use, as permitted by your privacy settings.

Third-Party Cookies

We may use third-party cookies to track user behavior, understand interests, and tailor advertising accordingly. These cookies, often tracking cookies, may be used for custom advertising and analytics.

Web Beacons

We may collect information using web beacons. These electronic images are used on our Application and Sites or in emails to deliver cookies, count visits, understand usage, and assess campaign effectiveness.

Log Data

Like all websites and mobile applications, our Sites use log files to store automatic information collected during visits. This data may include your IP address, browser type, device parameters, referral pages, and number of clicks. For security purposes (e.g., spam filters, firewalls), this automatically recorded data may also include personal information like your IP address to prevent damage to the Website or Application.

How We Use Information

We use the personal information collected through our Application for various purposes, including:

- Making purchases and offering products and services
- Operating and improving our application, products, and services
- Personalizing and customizing your experience
- Communicating with you about products, services, promotions, and technical updates
- Preventing fraudulent or unauthorized activities
- Displaying relevant advertising
- Sending marketing notifications via text message or email

Registered Users

By registering, you consent to the collection, storage, and use of your personal data as described in this Privacy Policy.

Unregistered Users

If you use the Website or Application without registering, certain data may still be collected passively, such as through cookies, IP addresses, location data, and browser data (e.g., session information).

Sales & Billing Information

To purchase goods or services through the Application, you will be asked to provide billing and payment information, which may be stored for future transactions.

Email Marketing

You may be asked to provide your name and email address for email marketing purposes. You can opt-in to receive these communications voluntarily.

Security of Your Personal Information

ForActive takes reasonable steps to protect your personal information from unauthorized access, loss, or disclosure. While we use encryption technology such as SSL for credit card transactions, we cannot guarantee that data transmission over the internet will always be secure. You are responsible for maintaining the confidentiality of your account information.

Your Rights and Choices

- **Opt-Out Rights:** You can stop all information collection by uninstalling the mobile application and opting out of promotional emails.
- **Cookie Choices:** You can choose to remove or reject cookies through your browser settings.
- **Location Services:** You can disable location services on your mobile device, affecting certain features of our Application and Sites.

How We Share Information

We use secure systems to store your personal data and take reasonable steps to protect it against unauthorized access, disclosure, or destruction. However, no system is entirely secure. We may share your information with partners or third-party service providers to fulfill services on our behalf.

With Partners ("Service Providers")

When you purchase memberships or tickets or join classes via our Application, we provide your information to the relevant partner. The partner may use your information for their own purposes, and ForActive does not control their privacy practices.

Payment Processors

ForActive uses Stripe as a third-party payment processor. Stripe's Terms of Service and Privacy Policy govern these transactions. You can find Stripe's Privacy Policy here.

Chat, Messages & AI-Assisted Suggestions

We collect and process the following when you use ForActive's Chat feature:

- **Message content** - the text of messages you send and receive.
- **Voice recordings** - audio you send as a voice note. We may generate a text transcript to make voice notes usable by our systems. We do not create voiceprints or use voice recordings for biometric identification or authentication.
- **Files and attachments** - images, documents, or other files you share (for example, progress photos or workout plans).
- **Metadata** - timestamps, delivery/read status, and sender/recipient information. For Group Chats, metadata also includes the identity of participants and of the User who created or administers the group.

How we use this data:

- **To deliver the Chat feature** - sending, storing, and displaying messages.
- **To power AI-assisted suggestions**, such as prompting a Partner to follow up on a missed payment or create custom pricing plan. These suggestions come from automated analysis of Chat Content and are shown only to the relevant Partner or Customer. We do not use Chat Content to make decisions about your access to housing, employment, credit, healthcare, or other significant life opportunities, and we do not use it for advertising.
- **To keep the System safe** - detecting fraud, abuse, and Terms violations.
- **To provide customer support** when you contact us about a Chat-related issue.

Legal bases for processing

We process Chat Content: (a) to perform our contract with you and to provide the Chat feature; (b) on the basis of our legitimate interest in keeping the System safe, preventing fraud and abuse, and improving the System through AI-assisted suggestions, balanced against your interests and fundamental rights; and (c) to comply with our legal obligations.

Sensitive information shared in Chat

Because ForActive connects Partners and Customers, Chat may sometimes include health-related details (for example, an injury or dietary restriction). We only process this information on the basis of your explicit consent or another applicable legal basis. We treat this as sensitive information: we don't sell it, don't use it for advertising, and limit access to what's

needed to operate the Services and provide AI-assisted suggestions. We collect this information only as necessary to provide the Services and do not use or disclose it for any purpose beyond what you would reasonably expect when using Chat, or otherwise without your consent.

Who we share it with

- Service providers who help us operate Chat and our AI features (for example, OpenAI, Anthropic) bound by contracts limiting their use of your data to providing services to us.
- Law enforcement or other parties, only where required by law or to protect someone's safety.
- We do not sell Chat Content, and we do not share it with advertisers.

Retention

We retain Chat Content for as long as your account is active, +60 months for support/legal purposes, after which it is deleted or anonymized.

Your choices

Subject to applicable law you have the right to access, rectify, or request erasure of your Chat Content, to restrict or object to its processing (including profiling carried out by the AI System), and to receive a copy of it in a portable format. You can exercise these rights, or request deletion of your Chat Content, by contacting support@foractive.com. We may need to verify your identity before fulfilling the request, and some Content may be retained where required by law or to protect the integrity of the Service.

Your rights under State Privacy Laws

Depending on your state of residence, you may have the right to: confirm whether ForActive processes your personal information and access it; correct inaccurate personal information; delete personal information; obtain a portable copy of your personal information; opt out of profiling in furtherance of decisions that produce legal or similarly significant effects, including use of our AI System as described above; and appeal a decision we make regarding your request. To exercise these rights, contact us at support@foractive.com. We do not discriminate against you for exercising these rights. You may designate an authorized agent to submit a

request on your behalf, and we honor the Global Privacy Control as a valid opt-out preference signal where required by law.

Third-Party Platforms

Our Application and Sites may allow you to connect with Third-Party Platforms such as Facebook or Instagram. We do not control their privacy practices.

Third-Party Service Providers

We may utilize third-party service providers to assist with hosting, analytics, and marketing, but we ensure they adhere to our privacy standards.

Google Analytics

We use Google Analytics and Firebase Analytics with enabled Google Signals to understand application usage and improve our services. We may use Google Analytics Advertising Features, including aggregated demographic and interest reporting.

Children's Privacy

We do not knowingly collect personal information from children under 13. If we learn that a child under 13 has provided personal information, we will delete it immediately.

Notice to California Residents

Under California Civil Code Section 1798.83, California residents can request information about whether a business has disclosed personal information to third parties for direct marketing purposes. If applicable, you may request a list of third parties and categories of information disclosed. You may also opt out of these disclosures by contacting us.

Disclosure of Personal Data

We may disclose personal data in cases such as:

- To comply with local, state, or federal laws or regulations
- In response to legal processes, subpoenas, or court orders

- To protect the rights, property, or safety of ourselves, our customers, or others

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Changes to This Policy

We may update this Policy periodically. Changes will be posted on this page, and you will be notified of significant changes. Please review this Policy regularly.

Your Consent

By using our Application and Sites, you consent to the processing of your information as outlined in this Policy.

Contact Us

For any questions or concerns regarding your personal information or this Privacy Policy, please contact us at info@foractive.com.