

## **English (United Kingdom)**

### **Member Privacy Policy**

Virgin Pulse is committed to protecting your rights and your privacy. This Privacy Policy (the “**Policy**”) explains what data We collect about you and how We store, analyse and share the data We collect about you through the platform ([www.virginpulse.com](http://www.virginpulse.com)) and the Virgin Pulse mobile application. The Policy also explains your rights with regard to your data, and how to contact Us to request access, corrections, transfer, restriction or deletion of the data We have collected about you. Nothing in this Policy limits your rights under applicable laws, including your ability, depending on your country of residence, to file a complaint with your local Data Protection Authority.

Please carefully read through this Policy. To join the Programme and enjoy the Virgin Pulse services and Programme benefits, you are required to accept all the terms in this Policy. If you choose to accept these terms and enrol in the Virgin Pulse Programme, you will become a Member of the Programme. We may update the terms of this Policy from time to time to reflect changes in Our information practices. If We make any material changes to these terms, you will be notified via an update notice, and you will be given the opportunity to review and accept these terms prior to being able to access the Programme. You may withdraw your consent to this Policy or its updated terms at any time by contacting Us and notifying Us that you wish to terminate your membership.

Please note that any translation of this Policy is intended solely to facilitate your access to this information. The English version is the only official version of this Policy and any translation inaccuracies or discrepancies are not binding and have no legal effect for compliance or enforcement purposes.

### **What laws and regulations does Virgin Pulse comply with?**

The level of data protection established in the USA is lower than the one established in the European Union. We therefore take measures to ensure that your Personal Information is stored safely with Us, meeting regulatory privacy and security requirements imposed on European Union businesses.

Virgin Pulse will be compliant with the European General Data Protection Regulation (GDPR) on or before the established enforcement date, 25 May 2018.

Virgin Pulse participates in and has certified its compliance with the EU-U.S. Privacy Shield and Swiss-U.S. Privacy Shield Framework, as set forth by the U.S. Department of Commerce regarding the collection, use and retention of Personal Information from the European Union and Switzerland to the United States. Virgin Pulse is committed to subjecting all personal data received from European Union (EU) member countries and Switzerland, 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 website

at <https://www.privacyshield.gov> . To view and learn more about Our certification, please visit <https://www.privacyshield.gov/participant?id=a2zt0000000TOtTAAW&status=Active> .

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 and Switzerland, 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.

### **What information does Virgin Pulse collect about me?**

To provide the Virgin Pulse services, We collect anonymous and Personal Information about you. "Personal Information" means any information, including personal and material circumstances, that allows a person to become identifiable. You are under no obligation to provide any Personal Information to Us at any time. However, if you choose to withhold some Personal Information, We may be unable to provide you with certain services.

The definition of "Personal Information" includes, but is not limited to:

- Your contact information, including your name and last name, home address, personal and business email addresses, and your phone number;
- The email address you use to sign-in;
- Your gender, date of birth and age;
- Information about your health, fitness and related wellness activities offered within the Programme;
- Information about your participation and performance in challenges;
- The rewards you may be able to earn through Our Programme;

- The comments and contributions you may make on the web-based platform or mobile application; and
- Additional information you may provide as you submit queries and requests to Us.

### **How does Virgin Pulse collect my Personal Information?**

We collect your Personal Information as you submit it through the web-based platform and the mobile application, and by reviewing your use of the web-based platform and mobile application (for example through the use of cookies). Depending on the Programme design chosen by your Programme Sponsor, We may collect Personal Information through your use of additional services such as the Virgin Pulse Activity Tracking Devices and the Health Stations (additional information on these is provided below). Virgin Pulse may also collect information about you and your participation in the Programme through engagement surveys. Additionally, in some cases, your Programme Sponsor will have the opportunity to create surveys for its Members to complete, the Virgin Pulse Surveys.

### **What are the activity tracking devices and how do they track my activity?**

As a Programme Member you will be able to connect activity trackers to your account. The Virgin Pulse activity tracking devices are the MAX and the MAX BUZZ. These devices track your step activity per minute. From this information, Virgin Pulse is able to determine your total active fitness minutes and calories consumed. Additionally, if you wear the MAX BUZZ to sleep, it can recognise the length of your sleep from how long you lay still.

Other activity tracking devices can track a wide number of different aspects of your daily activities, including, among others, your daily steps and fitness activity, your heartbeat and sleep pattern. Depending on the brand and model of activity tracker you use, the data collected may vary. In general, companies selling activity tracking devices have specific privacy policies available, which outline what data the specific activity tracking device collects. We strongly suggest you review the right privacy policy to know what specific data points your activity tracking device collects about you.

### **What are Health Stations and what information can I submit by using them?**

Depending on the type of Programme made available to you by your Programme Sponsor, you may have access to Health Stations. Health Stations allow you to measure your blood pressure and weight and input that information in the Programme.

Health Stations are measurement tracking stations which may be located, for example, in your office. Depending on your Programme, you may receive access to Health Stations in your area at no additional cost.

### **What information do Virgin Pulse Surveys collect from me?**

Depending on your Programme design, your Programme Sponsor may be able to create and submit customised surveys for its Members to complete. Virgin Pulse does not contribute to the creation of the questions in these surveys, and does not review the questions in these surveys. If you decide to take part in a Virgin Pulse Survey, the results will be shared with your Programme Sponsor in aggregated reports. Your Programme Sponsor will not be able to identify you from these reports. However, if the survey offered gives you the ability to respond to a question by writing in a response, the response will be shared with the Programme Sponsor. If you include identifiable Personal Information in these open-ended responses, your Programme Sponsor may be able to identify you.

### **What information does Virgin Pulse collect through MyPulse?**

Depending on your Programme design, you may have access to MyPulse. MyPulse is an assessment that includes the Heart Age survey, which assesses your heart health, and the Lifestyle Score, which assesses your lifestyle across multiple areas of wellbeing. You do not have to complete a MyPulse if you do not want to share this information with Us.

### **How does Virgin Pulse use my Personal Information?**

We will use the Personal Information collected only to provide you with access to Our services, including:

- To administer and manage your Virgin Pulse account and membership;
- To identify you when you sign-in;
- To track your progress in the Programme and the rewards you earn;
- To provide you with information about the Programme and Programme features; and
- To respond to your questions and requests.

Additionally, We may use your Personal Information to create “Anonymous Data” records by removing any information (including any Contact Information) that would allow the remaining data to be linked back to you. We may use the Anonymous Data for internal purposes, such as analysing patterns and programme usage to improve Our services. Additionally, We may use Anonymous Data to analyse and understand demographic trends, customer behaviour patterns and preferences, and information that can help Us enrich the content and quality of the Virgin Pulse Programme. We reserve the right, subject to applicable laws and regulations, to disclose Anonymous Data at Our discretion.

### **Where and how is my Personal Information and other data stored?**

All your data, including any Personal Information We collect about you, is stored at Amazon

Web Services data centres located in the United States of America (USA). Because your data is stored on USA soil, it may be subject to USA laws, including the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001” (USA PATRIOT Act), as well as the jurisdiction of the USA government, tribunals, law enforcement and regulatory agencies, which may require Virgin Pulse to grant them access to your data.

### **Is my Personal Information and other data secure?**

Virgin Pulse is committed to protecting your data and your privacy. To ensure data security, We follow reasonable physical, electronic and managerial procedures designed to safeguard and secure your data and Personal Information. However, no company can fully eliminate security risks associated with the provision of online services.

Among the security features We use to protect your Personal Information and other data, We require that you create and use a username and unique password to access the web-based platform and mobile application. We use multiple layers of security to protect your Personal Information and data, including firewalls, intrusion detection tools and antivirus. We retain your username as part of your Personal Information, to allow Us to recognise you when you login, but We do not share your username with anyone.

### **Who at Virgin Pulse has access to my Personal Information?**

As a global company, Virgin Pulse has a number of offices and subsidiaries around the world. Virgin Pulse has office locations in the United States, the United Kingdom, Canada, Bosnia, Switzerland, Singapore, Brazil and Australia. Our employees at these locations may be required to access your Personal Information to allow Us to provide you with quality services, including Member support services through the Virgin Pulse Call Centre. Our employees are obligated to respect the confidentiality of your Personal Information, and are only authorised to access your Personal Information as necessary to provide you with services or support.

In the event that We (a) undergo reorganisation, or (b) that Virgin Pulse is sold to a third party, any Personal Information We hold about you may be transferred to the re-organised entity or third party, in accordance with applicable laws. In the event that such acquisition occurs, the new entity will continue to use your Personal Information within the limits of this Policy, to ensure continuation of service.

### **Can other Members or my Programme Sponsor view my Virgin Pulse profile?**

You can become “Friends” with other members of the Programme offered by your Programme Sponsor. You are able to send “Friend” requests to other Members taking part in your Programme, and they will be able to send you “Friend” requests. You can choose to accept or decline these “Friend” requests. You can also choose to remove a “Friend” any time after adding him or her. If you become “Friends” with another Member, that person will have access to (a) certain portions of your profile, (b) the number of steps you have taken in challenges you

choose to participate in, and (c) other activity data related to your participation in the Programme.

To the extent that you participate in any wellness challenges or competitions as part of the Virgin Pulse Programme, please be aware that your name and performance information will be available to other Members participating in the challenge or competition, and to your Programme Sponsor. Additionally, the Virgin Pulse Programme may make message boards and messaging forums available to you. Please be aware that any information disclosed in these settings may become public information. You should exercise caution if disclosing Personal Information while using these features.

### **Does Virgin Pulse share my Personal Information with third parties?**

We may, from time to time, share your Personal Information with third parties to allow Us to provide you with Our services. If We need to share your Personal Information with third parties, We will limit the information disclosed to the minimum amount necessary to ensure the provision and quality of the services We offer you. We do not make your Personal Information available to any third parties without your permission. We never use, disclose or share your Personal Information for marketing purposes, and We never sell or rent your Personal Information.

#### *Agents and contractors*

In some instances, We may disclose your Personal Information to agents or contractors that work on Our behalf and assist Us in providing and supporting the services We offer. This may include processing transactions in the store, fulfilling your requests, analysing your data, or helping Us to communicate important information about the Programme.

#### *Third Party Providers*

We may use or disclose your Personal Information to allow your participation in additional third-party provided wellness services. These additional wellness services may be offered to you by Us ("Programme Partners"), your Programme Sponsor, or other entities your Programme Sponsor contracts with directly ("Third Party Providers"). We will only use or share your Personal Information for the following general purposes:

- (i) To coordinate enrolment in such additional services;
- (ii) To enhance your Programme experience;
- (iii) To provide you with information about the services available to you through the Programme and platform, or provided to you by a Programme Partner or a Third Party Provider;
- (iv) To ensure that you receive appropriate rewards for participation in Our services and other

similar services provided by your Programme Sponsor or Third Party Providers;

(v) To evaluate the overall quality and effectiveness of the programme(s) you may participate in; and

(vi) To assess your eligibility for other programmes that your Programme Sponsor or Third Party Providers may offer.

Our Programme Partners are industry-leading wellness providers We select to enhance your experience. In certain instances, the use of such Programme Partners may require you to provide additional Personal Information and data to these Programme Partners. If you choose to use Programme Partner services or you provide additional Personal Information and data to these Programme Partners, you will be subject to the Programme Partner's privacy policy and terms of use.

#### *Government entities*

Virgin Pulse may be required to disclose your Personal Information if:

(a) Legally required to do so by the USA government, tribunals, law enforcement and regulatory agencies (for example as part of an ongoing investigation, subpoena, similar legal process or proceeding);

(b) As otherwise required under any applicable law, regulation or rule; and

(c) If We believe, in good faith, that such disclosure is necessary to protect or defend Our rights or the rights of others, to assist in an investigation or to prevent illegal activity.

#### **Does Virgin Pulse share my Personal Information with my Programme Sponsor?**

We may provide information in an anonymous and aggregated format or provide your Personal Information in a group format to third parties that process that Personal Information ("Analytics Processors") to generate Anonymous Information and derive analytical information to be shared with your Programme Sponsor. The Analytics Processors do not have any independent right to use your Personal Information, except to provide the aggregation and analysis services. Your Programme Sponsor will not be able to use such Anonymous Information or aggregated reports to directly identify you. Your Programme Sponsor may use the Anonymous Information at its discretion, including to evaluate the overall programme, as well as to provide additional benefits, programmes and services. Additionally, your Programme Sponsor may have access to additional information about you, for the limited purposes above in the section "*Does Virgin Pulse share my Personal Information with third parties?*".

We may share Anonymous Data with your Programme Sponsor, in an aggregated or group format. Your Programme Sponsor may request that We share Anonymous Data with Third Party Providers and partnering organisations, for research and analysis purposes. You can

request the names of such Third Party Providers and partnering organisations from Us at any time.

If your Programme Sponsor is your Health Plan, Virgin Pulse may share additional information about you and your participation in the Programme, to ensure you are given access to any additional services, rewards and benefits that may be offered through your Health Plan.

### **Does Virgin Pulse collect other information about me?**

When you visit Our web-based platform or mobile application We may automatically collect additional information, including the type of browsers Our Members use, what mobile device you use (the operating system version), internet service provider (ISP), referring and exit pages, the files viewed on Our site (e.g. HTML pages, graphics, etc.), date and time stamps of activity on the platform, your IP address (the unique address that identifies your device on the internet) and the operating system your device uses. We use this additional information to derive a broad, non-specific understanding of the locations from which Our Members access Our services, and to enhance the security controls around platform access. We also use it to analyse trends, administer the web-based platform, track Members' movements on the platform and around the website, and to gather demographic information about Our Member base as a whole.

### **How does Virgin Pulse communicate with me?**

If you have opted to receive push notifications on your mobile device, We may, from time to time, send you push notifications to provide you with reminders and notices. If you no longer wish to receive such communications, you may turn them off at the device level.

From time to time, We may send you emails or newsletters with information about your Programme and the Virgin Pulse platform and services. Depending on your country of residence, you may be given the opportunity to opt-in to receive these communications as you enrol in the platform. Regardless of your initial selection, you may opt-out of these communications, free of charge, at any time during your membership, by updating your preferences in your account profile information, or by contacting Us directly.

### **Does Virgin Pulse use Cookies and other tools to collect data about me?**

Virgin Pulse and its Programme Partners and vendors use tools such as Cookies, tags, scripts and other similar technologies to enhance and support your experience on the platform. These technologies help Us administer the web-based platform and mobile application, measure traffic patterns and the total number of users, as well as to personalise and customise the platform's content, so that your settings are "remembered" when you login.

Cookies are small pieces of text sent to your browser by a website you visit. Cookies help Our web-based platform to remember information about your visit, like your preferred settings. Cookies play an important role, they can make your next visit easier and the web-based

platform more useful to you. You can learn more about Cookies by visiting [www.allaboutcookies.org](http://www.allaboutcookies.org), where you will also find information about how to block Cookies on different types of browsers. Depending on your location, additional information about Cookies may be presented to you when you visit the web-based platform, and you are given the opportunity to object to the use of Cookies. However, please be aware that by blocking or deleting Cookies you may not be able to take full advantage of the web-based platform or mobile application.

Virgin Pulse’s web-based platform uses Cookies to collect information about Member usage of the Programme. Additionally, some Cookies on Our web-based platform are set by third parties who are delivering services on Our behalf. Within the mobile application, webpages are sometimes displayed. Cookies allow you to avoid having to reenter your login credentials when accessing webpages.

We use Cookies:

- To remember that you have used the website before, allowing Us to identify you, as well as the number of unique visitors We receive, and manage capacity;
- To allow you to navigate the website more quickly and easily;
- To remember your log-in session as you move from one page to the next within the platform;
- To store your settings and preferences;
- To customise some aspects of the platform to reflect your interests and preferences; and
- To collect statistical information about how you use the website, allowing Us to improve Our services over time.

**What Cookies does Virgin Pulse use?**

This chart outlines the Cookies Virgin Pulse uses on its platform and mobile application, what data they collect and how We use the data collected.

<b>Category:</b>	<b>Vendor:</b>	<b>Purpose:</b>	<b>Where Online:</b>
<b>Performance:</b>	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 behaviours 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
<b>Functionality:</b>	Filepicker.io	Allow Us to offer Our customers ability to upload photo files to the website	All pages of Our websites
	Nop Commerce	The underlying technology of Our e-commerce store	E-Commerce Store
	Walk Me	Tool used to create webpage tutorials for members and explain 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
	Domo	Client reporting and analytics provider	All pages of Our websites
<b>Targeting:</b>	Localytics	Allows Us to track actions and send marketing and engagement messages to Our members	All pages of Our website and mobile apps

**Does Virgin Pulse use mobile analytics?**

We use mobile analytics software to allow Us to review the functionality of Our mobile software on your phone, and how to improve its quality and Our services. The mobile analytics software may record information such as how often you use the mobile application, the events that

occur within the mobile application, crash reports and performance data, where the application was downloaded from and other metrics, such as aggregated usage. The information collected by the mobile analytics software is managed separately from other Personal Information you submit within the mobile application.

### **What are links to third party websites and mobile applications?**

Our web-based platform and mobile applications may contain links to other websites that are not owned or controlled by Virgin Pulse. We provide these links and connections for your convenience. Virgin Pulse has no control over these third parties, their privacy policies, and the content they display on their websites or mobile applications. If you choose to submit Personal Information while visiting these websites or using these mobile applications, please be aware your rights will be governed by the third parties' privacy policies. We strongly encourage you to carefully read the privacy policy of any website or mobile application you visit or use.

### **Can I find out what Personal Information and other data Virgin Pulse has collected about me?**

Yes, all Our Members, regardless of residency, except in specific circumstances identified by local laws, have a legal right to access the information Virgin Pulse has collected about you. You can request a copy of all the Personal Information and data We hold about you. We will provide you with a copy of all the data We have collected about you in a standard format (such as Excel) through a secure channel. You can contact Us to request a copy of all your data through the "Data Requests" option in the platform or mobile application. We will respond to your request within a reasonable timeframe.

*For California Users:* In accordance with the California Civil Code Section 1798.83 you may contact Us at the address above to request certain information about the disclosure of Personal Information (as defined in Section 1798.83) to third parties for their direct marketing purposes.

### **Can I correct or update my Personal Information and other data?**

Yes, if your Personal Information changes over time, or you realise your Personal Information is outdated or incorrect, you have a right to be able to update it or correct it. You may update or correct the information by modifying it directly within the web-based platform or mobile application. If you are unable to directly update or correct the information within your account, you can contact Us to request that We update or correct the information for you. If you are unable to directly update or correct the information within your account, you can contact Our Member Services team or use the "Data Requests" option in the platform or mobile application. We will respond to your request within a reasonable timeframe.

### **Can my Personal Information and other data be transferred to a different company?**

At any time during the course of your membership with Virgin Pulse you may request that all

your Personal Information and other data be transferred to a different wellness services provider. To complete the transfer, We will require additional information about the new vendor to ensure a secure channel is used, so that your Personal Information and other data remain protected. To request such transfer, you may contact Us through the “Data Requests” option in the platform or mobile application. We will respond to your request within a reasonable timeframe.

### **Can my Personal Information and data be deleted from Virgin Pulse databases?**

Yes, you can request that the data collected about you be deleted from Our system. You may terminate your Programme membership at any time by submitting a deletion request to Our Member Services team, or through the “Data Requests” option in the platform or mobile application. Your membership and this Policy will terminate thirty (30) days after We receive your request. During this thirty (30) day period you will be able to continue to enjoy the Programme benefits and redeem any outstanding earned rewards. After the thirty (30) day period is over, you will (i) no longer be able to participate in the Programme; (ii) no longer be entitled to receive any benefits or to earn any Points; (iii) not be able to redeem any unused Points, and (iv) no longer have access to the Health Stations or Website. Your Personal Information will be permanently and irreversibly deidentified at the end of an additional thirty (30) day grace period.

### **Can I request that Virgin Pulse restrict processing for some of my data?**

Due to the type of services We offer, We are unable to accommodate requests to restrict the processing of certain sets of data. If you wish for Us to stop processing parts of your data, you can request that all data be deleted through the process explained above.

### **How can I contact Virgin Pulse or its Data Protection Officer (DPO)?**

If you have any questions, comments or concerns about this Policy, or your rights and obligations under this Policy, you may contact Us via email at [privacyofficer@virginpulse.com](mailto:privacyofficer@virginpulse.com) or via the “Contact Us” section of the Virgin Pulse web-based platform and mobile application.

Alternatively you can contact Us by writing to:

The Virgin Pulse Data Protection Officer

Virgin Pulse, Inc.

75 Fountain Street, Providence, Rhode Island 02902, United States.

*This Policy was last updated in April 2018.*

