

# Electronic Record of Contracts

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## Summary of Contracts

This document contains the following contracts.

Title	Revision	ID
Zen Planner Privacy Policy	1	5b043be31afede263c6c1126

## Contract signed by:

**hannes.woschner@managerboxen.at**

Signer ID: hannes.woschner@managerboxen.at

Email: hannes.woschner@managerboxen.at

Date / Time: May 22, 2018 at 12:16 PM EDT

IP Address: 213.47.100.189

User Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/66.0.3359.181 Safari/537.36

Completed by all parties on:  
**May 22, 2018 at 12:16 PM EDT**

# Zen Planner Privacy Policy

*Effective May 25, 2018*

This Privacy Policy covers the information we collect about you when you use our products or services, or otherwise interact with us (for example, by visiting the Zen Planner Website), unless a different policy is displayed. Zen Planner, we and us refers to Zen Planner, LLC and any of our corporate affiliates. We offer a wide range of products, including our Zen Planner Website, Zen Planner suite of services, mobile applications, and integrated websites, among other products and services. We refer to all of these products, together with our other services and websites as "Services" in this policy.

This policy also explains your choices about how we use information about you. Your choices include how you can object to certain uses of information about you and how you can access and update certain information about you. If you do not agree with this policy, do not access or use our Services or interact with any other aspect of our business.

Where we provide the Services under contract with a business (for example, your gym or fitness center) that business controls the information processed by the Services. For more information, please see Notice to End Users below.

## Changes to this Policy

In all things, we constantly aim to do the right thing and always seek to improve. If we need to update this policy, we will do so to be more clear, open, and honest with you. Such modification will be effective upon its posting to our website; it is therefore important that you review this policy regularly.

## Key Changes

We strive to provide improved user experiences to our customers and end users. Here is an overview of the main updates to this Privacy Policy, to make it more user-friendly and to address new data regulations (including the General Data Protection Regulation (GDPR)):

**Better navigation and user-friendly language.** To make the policy easier to understand, we use clear, plain language and examples that illustrate our activities. We reformatted our privacy policy page with easily identifiable section headers, so you can quickly find the information that matters most to you.

**More transparency.** We have added additional information to this policy to provide full transparency regarding the information we collect in connection with the Services we offer or which we collect from third party service providers.

**More control over your information.** We make it easy for you to control the information you provide to us. Our policy explains how you can make choices about your information, and the measures we've put in place to keep your information secure.

## What is “Personal Information”?

“Personal Information” is information that you submit to us and that identifies you personally, including contact information, such as your name, e-mail address, company name, address, phone number, and other information about you or your business. In addition, this includes information about any transactions that you enter into on the Zen Planner websites, and information about you that is available on the internet, such as from Facebook, LinkedIn, Twitter and Google, or publicly available information that we may be provided by third party service providers.

## What is “Sensitive Information”?

This refers to credit or debit card numbers, personal financial account information, Social Security numbers, passport numbers, driver's license numbers or similar personal identifiers, racial or ethnic origin, physical or mental health condition or information, or other employment, financial or health information.

## What information does Zen Planner collect?

**In connection with our customers' use of the Zen Planner Services, we may collect information, including Personal Information and Sensitive Information, such as:** first name, last name, primary address, e-mail address, phone number, gender, birth date, payment information (bank account or credit card), salutation, company name, emergency contact, and website domain name. You may otherwise choose to provide us with additional information when you fill in a form, conduct a search, update or add information to your account, respond to surveys, post to community forums, participate in promotions, or use other features of the Services. In addition to this, our customers can create custom fields using our Services that our customers to collect information using their own customer-created forms or in connection with an individual's profile. See the “Use by our Customers” section below for more information about use by our customers.

**In addition to information collected through the Zen Planner Services, we may collect information, including Personal Information and Sensitive Information, through third party services.** We may obtain information from other sources and combine that with information we collect through the Zen Planner Service. Such information may include first name, last name, email, phone number, company name, company address, company website, as well as other information (including information collected using “Cookies” (discussed below)), including social media information (twitter bio, linked in bio and other click data) and IP Address.

## Why does Zen Planner collect information and how is it used?

We use the information in connection with our legitimate interest in providing the Service to our customers and you, as well as for improving the Services and our customers' experience with the Services, and for undertaking marketing activities to you of products or services that may be of interest to you.

We use the information in the following ways:

- We store information in connection with providing the Services to you.
- We use information to trigger automated and manual communications (calls, emails, SMS messages), such as service or support messages, updates, security alerts, account notifications, and for those who have opted-in, marketing and sales communications.
- We use information to send payment information for processing (e.g., encrypted payment information with the payor's name).
- We use information for de-identified internal reporting (e.g., reporting regarding locations of our customers and their members, membership demographics, all in de-identified form).
- We use it for providing customer support services
- We use it to operate, protect, improve, and optimize the Services and experience, and personalize and customize your experience based on your preferences and other content you submit to the Services.
- We may also share aggregated information (information about our users that we combine so that it no longer identifies or references an individual user) and other anonymized information for regulatory compliance, industry and market analysis, demographic profiling, marketing and advertising, and other business purposes.
- With your permission:
  - Send you promotional messages, marketing, advertising, and other information that may be of interest to you based on your preferences (including information about Zen Planner services) and social media advertising through social media platforms such as Facebook or Google.
  - Personalize, measure, and improve our advertising.
  - Administer referral programs, rewards, surveys, sweepstakes, contests, or other promotional activities or events sponsored or managed by Zen Planner.
  - Conduct profiling on your characteristics and preferences (based on the information you provide to us, your interactions with the Zen Planner Services, and information obtained from third parties) to send you promotional messages, marketing, advertising and other information that we think may be of interest to you.

You can opt-out of or limit the types of marketing communications you receive from us by following the unsubscribe instructions included in our marketing communications or changing your notification settings within your account, or by contacting us at: [marketing@zenplanner.com](mailto:marketing@zenplanner.com).

## Are you watching me online?

No. Our entire team is expressly forbidden from accessing your private information without your consent. This means that we may log in to your account in order to provide you with technical assistance, but we do not monitor the private information that you store on Zen Planner. In addition, our team cannot access or view your decrypted credit card information.

Our support team does monitor and create aggregate reports regarding general system usage – such as your ability to log into the website, server response times, and pages visited – in order to provide the best possible service for you. We may also check in with you from time to time to see how we can better serve you.

## Will you sell my information once I join?

Absolutely not. We will not sell your information to any third parties. We respect your privacy and will limit our communications to the following situations. We will only send you email messages that are necessary to keep you informed about the status of your account, to provide you with customer service that you've requested, or to inform you of relevant services or offers that Zen Planner or our partners are providing. We will never sell or lease information from your account to unrelated third parties.

We will only allow your private information in our possession to be seen by another person in order to comply with a warrant or subpoena from the appropriate authorities in a legal investigation. We do not give out your private data to other private companies or government entities under any other circumstances. We will never ask you to share information about your students with our marketing partners.

## Third Party Service Providers

Zen Planner will need to share your information, including Personal Information and Sensitive Information, in order to ensure the adequate performance of our contract with our customer.

For example, service providers may help us: (i) verify your identity or authenticate your identification documents, (ii) check information against public databases, (iii) conduct background or police checks, fraud prevention, and risk assessment, (iv) perform product development, maintenance and debugging, (v) allow the provision of the Zen Planner Services through third party platforms and software tools (e.g. through the integration with our APIs), or (vi) provide customer service, advertising, or payments services. These providers have limited access to your information to perform these tasks on our behalf, and are contractually bound to protect and to use it only for the purposes for which it was disclosed and subject to confidentiality obligations.

In addition, the Zen Planner Services may contain links to third party websites or services, such as third party integrations, co-branded services, or third party-branded services ("Third Party Partners"). Zen Planner doesn't own or control these Third Party Partners and when you interact with them, you may be providing information directly to the Third Party Partner, Zen Planner, or both. These Third

Party Partners will have their own rules about the collection, use, and disclosure of information. We encourage you to review the privacy policies of the other websites you visit.

## Corporate Affiliates

To enable or support us in providing the Zen Planner Services, we may share your information, including Personal Information and Sensitive Information, within our corporate family of companies that are related by common ownership or control, provided that such corporate affiliates shall also comply with the terms of this Privacy Policy. If Zen Planner undertakes or is involved in any merger, acquisition, reorganization, sale of assets, bankruptcy, or insolvency event, then we may sell, transfer or share some or all of our assets, including your information in connection with such transaction or in contemplation of such transaction (e.g., due diligence). In this event, we will notify you before your personal information is transferred or becomes subject to a different privacy policy.

## Compliance with Law and Responding to Legal Requests

We may disclose your information, including Personal Information and Sensitive Information, to courts, law enforcement or governmental authorities, or authorized third parties, if and to the extent we are required or permitted to do so by law or if such disclosure is reasonably necessary: (i) to comply with our legal obligations, (ii) to comply with legal process and to respond to claims asserted against Zen Planner or a Zen Planner customer, (iii) to respond to verified requests relating to a criminal investigation or alleged or suspected illegal activity or any other activity that may expose us, you, or any other of our users to legal liability, (iv) to enforce and administer our Terms of Use or other agreements between Zen Planner and its customer, or (v) to protect the rights, property or personal safety of Zen Planner, its employees, its customers, or members of the public.

Where appropriate, we may notify customers or individuals about legal requests unless: (i) providing notice is prohibited by the legal process itself, by court order we receive, or by applicable law, or (ii) we believe that providing notice would be futile, ineffective, create a risk of injury or bodily harm to an individual or group, or create or increase a risk of fraud. In instances where we comply with legal requests without notice for these reasons, we will attempt to notify that our customers or individuals impacted about the request after the fact where appropriate and where we determine in good faith that we are no longer prevented from doing so.

## Reviewing, Correcting and Deleting Your Personal Information

Upon request we will provide you with information about whether we hold any of your Personal Information. If you provide us with your Personal Information, you have the following rights with respect to that information:

To review the user information that you have supplied to us;

To request copies of personal information that you have provided to us in a structured, commonly used, and machine-readable format

and/or request us to transmit this information to another service provider (where technically feasible);

To request that we correct any errors, outdated information, or omissions in user information that you have supplied to us;

To request that your user information not be used to contact you;

To request that your user information be removed from any solicitation list that we use;

To request that your user information be deleted from our records;

To opt out of being solicited by Zen Planner or third parties.

To exercise any of these rights, please contact us at please contact us at: [help@zenplanner.com](mailto:help@zenplanner.com). We will respond to your request to change, correct, or delete your information within a reasonable timeframe and notify you of the action we have taken.

Information you share publicly using the Services (including through Integrated Websites) may be indexed through third party search engines. In some cases, you may opt-out of this feature in your account settings. If you change your settings or your public-facing content, these search engines may not update their databases. We do not control the practices of third party search engines, and they may use caches containing your outdated information.

Also, we may retain some of your information as necessary for our legitimate business interests, such as fraud detection and prevention. For example, if we suspend Zen Planner account for fraud reasons, we may retain certain information from that Zen Planner account to prevent that individual or business from opening a new Zen Planner in the future.

We may retain and use your information to the extent necessary to comply with our legal obligations. For example, we may keep some of your information for tax, legal reporting and auditing obligations.

Information you have shared with others (e.g., forum postings, etc.) may continue to be publicly visible, even after your Zen Planner account is cancelled. Additionally, some copies of your information (e.g., log records) may remain in our database, but are disassociated from personal identifiers.

Because we maintain the Zen Planner Services to protect against accidental or malicious loss and destruction, residual copies of your personal information may not be removed from our backup systems for a limited period of time.

## **Our Services and Children**

The Services are not directed to individuals under 16. If we become aware that a child under 16 has provided us with Personal Information, we will take steps to require that consent is given or authorized by the holder of parental responsibility over the child. If you become aware that a child under the age of 16 has provided us with Personal Information without parental consent, please contact us at [help@zenplanner.com](mailto:help@zenplanner.com).

## Security

We are always improving administrative, technical, and physical security measures to help protect information against unauthorized access, loss, destruction, or alteration, through the use of protective measures such as firewalls and data encryption, and information access controls. If you have reason to believe that your Zen Planner account credentials have been lost, stolen, misappropriated, or otherwise compromised or in case of any actual or suspected unauthorized use of your Zen Planner account, please contact us at: [help@zenplanner.com](mailto:help@zenplanner.com).

## About Cookies

All modern web browsers support cookies, which are small, temporary pieces of information that are saved on your computer by your browser. Some are concerned about the potential for companies to abuse cookies, to save sensitive data on their computer that they do not know, or to monitor their online behavior.

Like most secure web applications, we use cookies to allow you to “log in” to our site because they are the most secure way of ensuring that your private data stays private. We will never store any personally identifiable information in cookies; they are only random numbers and letters that our servers use to keep track of which information you can access.

We also use cookies to identify the computers that connect to the Website. This is done to provide better customer service and to prevent fraud. For example, if a suspicious user attempts to log in to your account from an unknown computer in a distant country, we may block that computer from doing so.

Zen Planner uses cookies on our marketing website ([www.zenplanner.com](http://www.zenplanner.com)) to optimize our investment in our search engine optimization and search engine marketing programs.

For example, Zen Planner has implemented Google Display Advertising and Remarketing. These Google Analytics features we’ve implemented are based on Displayed Advertising (e.g., Remarketing).

Zen Planner and third-party vendors, such as Google, Hubspot, Optimizely and others, use first-party cookies (such as the Google Analytics cookie) and third-party cookies (such as the DoubleClick cookie) together for purposes such as to inform, optimize, and serve ads based on someone’s past visits to your website.

Visitors can opt-out of Google Analytics for Display Advertising and customize Google Display Network ads using the Ads Preferences Manager.

We also encourage visitors to explore the Google Analytics opt-out browser add-on.

## Notice to End Users

Many of our Services are intended for use by businesses that are our customers. Where the Services are made available to you through our customer (e.g. your gym, studio, school or fitness center), Zen Planner's customer is the administrator of the Services and is responsible for the accounts and/or Service sites over which it has control. If this is the case, please direct your data privacy questions to your administrator, as your use of the Services is subject to that business's policies. We are not responsible for the privacy or security practices of an administrator's organization, which may be different than this policy.

## Use by Our Customers

Our customers may use the Services to build webpages that people can visit to learn more about their business. Zen Planner does not control the content of these webpages or the types of information that our customers may choose to collect or manage using the Services. That information belongs to them and is used, disclosed and protected by them according to their privacy policies and is not subject to this Privacy Policy. Zen Planner processes our customers' information as they direct and in accordance with our agreements with our customers, and we store it on our service providers' servers, but we do not have control over its collection or management. Our agreements with our customers prohibit us from using that information, except as necessary to provide and improve the Services, as permitted by this Privacy Policy, and as required by law. We have no direct relationship with individuals who provide Personal Information to our customers. Zen Planner acknowledges that you have the right to access your Personal Information. Our customers' control and are responsible for correcting, deleting or updating information they have collected from you using the Services. If requested to remove data we will respond within a reasonable timeframe. We may work with our customers to help them provide notice to their visitors about their data collection, processing and usage. Our agreements with our customers prohibit them from using the Services to collect, manage, or process Sensitive Information, except with permission and to the limited extent necessary to provide services to the end user. We are not responsible for our customers' use of information they collect on the Services.

Zen Planner collects some information under the direction of its customers, and has no direct relationship with the individuals whose Personal Information it processes on behalf of Zen Planner customers. If you are a customer of one of our customers and would no longer like to be contacted by one of our customers that uses our Service, please contact the customer that you interact with directly. We may transfer Personal Information to companies that help us provide our service. Transfers to subsequent third parties are covered by the service agreements with our customers.

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