

## WEBSITE PRIVACY POLICY

### In General

Pro-Fit Performance Club Fitting, LLC (“Pro-Fit”, “we” or “us”) values our customers and respects their privacy. This privacy policy (“Privacy Policy”) governs our collection and use of data in connection with this website (the “Site”) and the products and services we offer via our Site and, in particular, our software-as-a-service offering (collectively, the “Service”).

This Privacy Policy sets forth the nature, purpose, use and sharing of any information that identifies or can be used to identify you, the visitors to our Site and users of our Service, as well as non-personally identifiable information that we may collect whenever you interact with our Site or Service. This Privacy Policy does not govern privacy practices associated with offline activities, websites other than the Site, products or services other than the Service, or practices of third parties that we do not own or control, such as our partners, third party product or service providers featured on the Site or advertisers. If you have objections to the Privacy Policy, you should immediately discontinue use of the Site and the Service, and follow the procedure described in the section entitled “Opting-Out or Updating Your Personal Information and Privacy Preferences.”

The Site and Service are intended for adult audiences only, and we do not knowingly collect any personal information from anyone under 13 years of age. If you are under age 13, please do not attempt to register for the Site or access the Service, or provide any personal information about yourself to us. If we learn that we have collected personal information from a child under age 13, we will delete that information as quickly as possible. If you believe that we might have any personal information from a child under the age of 13, please contact us immediately.

### Changes in Privacy Policy

Any information that we collect and maintain will be subject to this Privacy Policy, as amended from time to time. We may change the Privacy Policy at our sole discretion. However, if at any time we make material changes to the Privacy Policy, we will attempt to notify you of those changes. If as the result of such changes you want to alter the ways in which Pro-Fit is allowed to use your personal information, you can do so by following the procedure described in the section entitled “Opting-Out or Updating Your Personal Information and Privacy Preferences.”

### Collection of Information

- We collect the personal information you submit to us when you register with our Site or access our Service, including your name, employer/company name, email address and telephone number
- We automatically collect certain kinds of non-personal information from you when you use our Site or Service, including browser type, operating system, referring or exit webpages, click patterns, Session ID, and your computer’s IP address.
- We may on occasion supplement or correct the personal information you submit to us and your IP address with information in our other databases or information from third-party sources in order to reduce errors in our database, authenticate our users, prevent fraud and prevent abuse of our Site and Service, as well as to provide more consistent, relevant experiences to our users.
- We may collect general information about use of the Site, such as what pages visitors access, the number of visits, average time spent on the Site and other similar factors. This information is generally collected in aggregate form, without identifying any user individually, although IP

addresses and Session ID in relation to downloads may be tracked as part of our fraud prevention efforts.

### **How Your Information is Used**

Except as provided herein, Pro-Fit collects and uses your personal and non-personal information for internal purposes only. We do not sell, rent or lease your personal information to any third party. We may use your information in the following ways:

- To conduct routine business operations such as billing, identification, authentication, contact purposes and general research. As part of our routine business operations, we may transfer your personal information to certain third parties with whom we contract for the limited purpose of providing services such as web hosting and email. These service providers are obligated to protect your information, and they do not use your personal information for their own commercial purposes.
- To employ internal marketing techniques such as tracking customer preferences to provide a customized Site experience and communicating with you about the Service, special offers, and other services.
- To enhance and refine our Site and the Service we offer.

### **Tracking, Use of Cookies, Web Beacons and Similar Devices**

In order to improve our Service and the Site and provide more convenient, relevant experiences to our customers, we and our agents may use “cookies,” “web beacons,” and similar devices to track your activities. A cookie is a small amount of data that is transferred to your browser by a web server and can only be read by the server that gave it to you. It functions as your identification card and enables Pro-Fit to record your passwords and preferences. It cannot be executed as code or deliver viruses. A web beacon is a small transparent .gif image that is embedded in an HTML page or email used to track when the page or email has been viewed. Most browsers are initially set to accept cookies, and most services that include similar devices are typically initially activated to collect data. You can set your browser to notify you when you receive a cookie, giving you the chance to decide whether or not to accept it.

### **Third Party Tracking**

We may hire outside companies who use tracking technologies to issue advertisements on our behalf across the Internet. These companies may collect information about your interaction with us in order to specifically tailor advertisements to your preferences. If you would like to opt-out of third party tracking technologies associated with our Site, please click here [\[insert link\]](#). Note that if you opt-out of these third party tracking technologies, you may still see our advertisements on other websites, but they will not be the result of third party tracking technologies associated with our Site.

### **Protecting Your Information**

We use a variety of security measures to help protect your information. We do not retain your information for longer than is necessary for our business purposes. When we no longer need your information, we dispose of it safely. Despite our efforts to protect your personal information, there is always some risk that an unauthorized third party may find a way around our security systems or that transmissions of your information over the Internet may be intercepted. Your use of the Site and the Service constitutes an acceptance of such risk.

### **Disclosure to Third Parties**

We will not share your personal information with third parties without your express consent, except in the

limited circumstances described below:

- We may share your personal information with our third party service providers for the limited purposes described in the section entitled “How Your Information is Used.”
- We will share your personal information when required by law, regulation, or litigation, and as necessary for purposes of national security, law enforcement, or other issues of public importance.
- If Pro-Fit sells assets or is acquired by or merged with another entity, we may provide such entity customer information without obtaining your further consent. We may provide notice of such asset sales, acquisitions, or mergers on this Site.

### Your Choices

- You can always choose not to provide information when you are prompted to do so. Note that if you do not provide us with certain mandatory information, then you may be unable to subscribe to our Service or take advantage of certain features on the Site.
- If at any time you are uncomfortable with our use of your personal information for internal marketing purposes, you may opt-out by telephone, mail, or email as described in “Opting-Out or Updating Your Personal Information and Privacy Preferences.” As discussed above, if you opt-out, then certain features and services may be unavailable to you.
- You may similarly opt out of receiving communications from us, although we may find it necessary to continue to communicate with you regarding your use of the Site.
- You may set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies, please note that some parts of this Site may then be inaccessible or not function properly.

### Governing Law

The Site and Service are intended for users in the United States and those not governed by privacy laws of other countries. The terms of this Privacy Policy are governed by and in accordance with the laws of the state of Nebraska. You should not provide us with any personal information unless you consent to the application of United States law and, where applicable, Nebraska law, and to the use and disclosure of your information in accordance with the terms of this Privacy Policy.

### Opting-Out or Updating Your Personal Information and Privacy Preferences

You have the right to access, correct and delete inaccuracies in your personal information and privacy preferences on the Site at any time by signing into your account and editing your personal information in your account profile. You may also do so by contacting us via telephone, postal mail, or email.

If at any time you wish to opt-out of our use of your information for internal marketing purposes, you may do so by telephone, postal mail, or email:

Phone:	_____
Email:	_____
Address:	_____

### Privacy Complaints

Pro-Fit takes its users' privacy concerns seriously. If you believe that Pro-Fit has not complied with this Privacy Policy with respect to your information, you may write to Pro-Fit at the following address:

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Also, please note that Pro-Fit is not responsible for the content or privacy practices of non-Pro-Fit websites to which this Site or any other Pro-Fit website may link. You should review the privacy policies of such sites before using the sites.

### **Your California Privacy Rights**

California Civil Code Section 1798.83 permits customers of Pro-Fit who are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please write to us at the following address:

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### **Terms of Use**

Your use of our Site and Service, and any disputes arising from such use, are subject to this Privacy Policy as well as our Terms of Use (See \_\_\_\_\_) and any Subscription Agreement you may enter into with Pro-Fit.