

Improve Privacy Policy

Introduction

Please read this Privacy Policy carefully, as your access to and use of the Services signifies that you have read, understand and agree to all terms within this Privacy Policy. If you do not agree with any part of this Privacy Policy or our Terms, please do not access or continue to use any of the Services or otherwise submit your Personal Data to us.

This document is intended to clearly outline the data and privacy practices of Improve, LLC. (“Improve”). **Improve** is the Improve mobile applications for iOS and Android (“**Mobile App**”), and the improve-pro.com website (“**Website**”) and all subdomains. We collectively refer to these as the “**Services**” in this document.

Improve reserves the right to modify this Privacy Policy at any time as our Services change. If Improve makes changes to this Privacy Policy, the updated Privacy Policy will be posted on the Services in a timely manner. This policy will always be posted within the Mobile App and on the Website. If we make material changes, we will provide a prominent notice.

This policy was last updated on 12/23/2023.

Important Notice Regarding your Google Fit Data

Improve’s use of information received from Google APIs will adhere to Google API Services User Data Policy, including the Limited Use requirements.

Important Notice Regarding your Apple Health Data

User data collected from Apple Health will never be used for marketing or advertising purposes.

Important Notice Regarding Third-Party API

We use OpenAI's GPT API to process some of the text data users provide us. This API is used to enhance our product/service by providing additional functionality. The text data processed by the API may include personal health information such as steps, sleeping time etc. OpenAI will have access to this text data in order to provide the requested service. We do not share any personally identifiable information such as name, account, or email address with OpenAI. OpenAI's data usage policies can be found at <https://openai.com/policies/api-data-usage-policies>.

Data Transfer

BY USING THE SERVICES, YOU CONSENT TO THE COLLECTION, USE AND TRANSFER OF YOUR PERSONAL DATA FOR PROCESSING IN THE UNITED STATES.

The Services are hosted on servers in the United States. By using the Services and providing information to us, you consent to the transfer to and processing of the information in the United States. We use this consent as the legal ground for that data transfer unless stated otherwise.

If you are located outside of the United States, please be aware that information we collect will be processed and stored in the United States, a jurisdiction in which the data protection and privacy laws and principles may differ from the country or region where you reside or of which you are a citizen.

What Information Do We Collect

Improve collects information about you, including information that directly or indirectly identifies you if you choose to share it with Improve. We receive information when you choose to use our services. We also collect information about how you use our Services. You also have other opportunities to share information with us.

For example:

Account, Profile and Contact Information

We collect **basic account information** such as your display name, email, and password to secure your account and provide you with access to the Services.

We **don't collect** other **profile information** such as your profile picture, date of birth, profile description and your region or country.

If you purchase a **subscription** from us that requires fulfillment, we will also collect **fulfillment information** such as your name, phone number, billing address, so that we can fulfill your order and contact you about fulfillment issues.

We will also use your **email** or other **contact information** that you provide to us if you contact us about support issues or sales inquiries.

Fitness and Wellness Data

Fitness and wellness data includes **data that you provide to us** about your fitness habits, fitness and wellness goals, steps and sleeping time.

We collect this data in order to provide the Services to you including reporting and analytics, habit recommendations, and product and feature recommendations.

Data from Devices and Third-Party Accounts & Services.

If you access the Services with Third-Party Account Logins such as Apple or Google, we will collect information that you have agreed to make available such as your name and email address. This information is provided to Pacer under the privacy policies of the Third-Party Account. You can control the information that Improve receives by adjusting the privacy controls in your Third-Party Account.

Note on Google Fit Data

Improve's use of information received from Google APIs will adhere to Google API Services User Data Policy, including the Limited Use requirements.

Note on Apple HealthKit Data

Your data collected from Apple Health will never be used for marketing or advertising purposes.

Location Data

We **don't collect and process location information** when you sign up for and use the Services.

Payment Information

When you make a payment to Improve, you may provide **payment information** such as your payment card or other payment details. We use Payment Card Industry compliant third-party payment services and we do not store your credit card information.

Technical Information and Logs

When you use our Services **we collect technical information** from your browser, computer, or mobile device. This technical information includes device information, cookies, log files and analytics information.

The Services use logs to protect and secure the Services and analyze aggregate usage trends for the purpose of product improvement.

The information stored in these logs includes IP addresses, browser type, internet service provider (ISP), referring/exit pages, platform type and version, timestamps with timezones, device screen size, system settings like preferred language/locale, technical performance metrics such as network, energy and memory usage, details about technical exceptions and crashes, and product usage data such as time spent on pages and button clicks or taps. Logs can be linked to session IDs, Pacer account IDs and device identifiers.

Other Information

We may collect information from you through third-parties, such as when we collect your feedback through surveys or market research.

Important Notice Regarding Children

You must be at least 16 years of age to use our Services. We do not knowingly collect any data from individuals under 16. If we become aware that an individual under 16 has provided us with Personal Data, we will remove that information and delete that individual's account.

How Do We Use Your Information?

Improve uses the information we collect as follows below.

To provide the Services

We use the information we collect and receive to provide the Services. This includes health and wellness data tracking, presentation of your **health and wellness** data in historical trends and relative to other users.

To provide recommendations

We use the information we collect about you, and your activities to make recommendations to you while you are using our services. For example, we may recommend new habits to enter.

To protect you and the Services

We use the information we collect to enforce our Terms of Service and Community Standards, and to protect you and the Services from malicious behavior.

To improve the Services

We use the information we collect to improve the Services. This includes a thorough analysis of product usage and technical logs.

To communicate with you by email

We use the information we collect to provide support in response to your customer support requests or sales inquiries.

We may also, with your consent, send you push notifications or emails that are promotional in nature. You must opt in to join our email list, and you can opt out at any time by clicking or tapping the unsubscribe button at the bottom of each email communication.

To communicate with you by push notification

We use the information we collect to send push notifications to your registered devices if you provide permission to do so. Notifications may be promotional in nature. You may revoke our permission to send you push notifications at any time from your device settings. The Improve settings also provide fine-tuned notification preferences if you wish to turn on or off only some types of notifications.

To process your subscription

We use the information we collect to process your subscription.

To create aggregated data for use in the Services

We use the information we collect to create aggregated and anonymized data for use in the Services.

This includes our “Benchmarks” feature which allows you to compare your daily activity levels to other users.

How Do We Share Your Information?

Improve shares the information we collect in the following ways.

For Troubleshooting and Diagnostics

Improve collects usage logs, crash logs and system information for the purposes of resolving customer support technical issues, identifying technical errors, and profiling our products' performance for things like battery, cpu, and network usage. Improve may use third-party providers to collect and analyze these data. You may opt out of sharing troubleshooting and diagnostic information from the Improve privacy settings.

For Improving Our Services

Improve collects product usage logs such as sessions, page views, entry/exit pages, time spent on pages, and button clicks and taps for the purpose of analyzing usage behavior and improving our services. Improve may utilize third-party providers to collect and analyze these data.

When You Connect to a Third-Party Service via API or other Integration

If you choose to connect your Improve account to a third-party service such as Apple Health, **Google Fit** or other third-party services or developers, Improve will share data with these parties. You will be asked for your consent when you connect to these services, and you may revoke that consent at any time by disconnecting from these services.

When You Join a Improve for Teams Organization

If you choose to join a Improve for Teams Organization, the administrator(s) of your organization **will not be able** to see your information such as display name, email address, and daily summaries. You may revoke this access by removing yourself from the organization in question.

In the Event of a Sale of Our Business

If Improve becomes involved in a business combination, securities offering, bankruptcy, reorganization, dissolution or other similar transaction, we may share or transfer your information in connection with such a transaction.

Legal Requirements

We share your information with law enforcement, public or governmental agencies, or private litigants, within or outside your country of residence, if we determine that such disclosure is allowed by the law and reasonably necessary to comply with legal or regulatory processes including to respond to court orders, warrants, or subpoenas.

We may also disclose your information if we determine that this is reasonably necessary or appropriate to prevent any person from death or serious bodily injury, to address issues of national security or other issues of public importance, to prevent or detect violations of our Terms of Service or fraud or abuse of Improve or its members, or to protect our operations or our property or other legal rights, including by disclosure to our legal counsel and other consultants and third parties in connection with actual or potential litigation.

Legal Basis for Processing

This section addresses the legal basis for processing your data if you reside outside the United States (within the United States, you typically provide consent when you receive notice of this Privacy Policy in a website link or mobile app). Some processing is addressed in multiple sections because more than one legal basis may apply depending on the circumstances or service.

For the purposes of applicable data protection laws, Improve, LLC. is the controller of the Personal Data you provide to us (“**Data Controller**”). As a Data Controller, we process the Personal Data we maintain about you in accordance with this Privacy Policy. If you have any questions or concerns regarding the processing of your

Personal Data, or if you have questions regarding this Privacy Policy, please see how to contact us at the end of this document.

We collect and process your Personal Data for a variety of purposes outlined in this Privacy Policy. In certain cases, separate consent is not required, including:

For the Performance of a Contract

To perform our contractual obligations to you in connection with the Services, including but not limited to account registration, fulfilling purchases you have made via the Services (including the processing of payment), contacting you in relation to any issues with the Services, where we need to collect Personal Data from third-party sources and when you access third-party products and services, where we collect data from third parties or publicly-available sources, or to aggregate and centralize data for the performance of the Services.

To Meet Legal Obligations

To comply with laws, regulations, court orders, or other legal obligations or to assist in an investigation.

For Legitimate Interests

To operate our business and provide the Services, other than in performing our contractual obligations to you for Improve's "legitimate interests" for the purposes of applicable law - except where overridden by the interests or fundamental rights and freedoms that require protection of Personal Data.

For example, the following areas include processing covered by Legitimate Interests, subject to applicable law:

Communication. To communicate with you regarding the Services, including to provide you important notices regarding changes to our Terms and also to address your requests, inquiries, and complaints.

Respond to Your Requests. To respond to your requests for technical support, online services, product information or to any other communication you initiate. This includes accessing your account to address technical support requests.

Surveys. To send you surveys in connection with our Services.

Compliance with Law and Public Safety. To assist in the investigation of suspected illegal or wrongful activity, including sharing information with other entities for fraud, loss, and crime prevention purposes. To protect and defend our rights and property, or the rights or safety of third parties.

Improvement and Development. To develop, provide, enhance, and improve our Services and your experience. For internal purposes related to certain research, analytics, innovation, testing, monitoring, customer communication, risk management, and administrative purposes.

Enforcing Terms and Notice. To enforce our Terms or this Privacy Policy, or agreements with third parties.

Merger or Acquisition. To support a contemplated reorganization or an actual reorganization of our business, in connection with financing, a sale, or other transaction involving the disposal of all or part of our business or assets, including for the purpose of permitting the due diligence required to decide whether to proceed with a transaction.

Consent as a Basis for Processing

In some cases, we will ask for your consent to process your Personal Data. You may indicate your consent in a number of ways, including, as permitted by law, ticking a box (or equivalent action) to indicate your consent when (i) providing us with your Personal Data through our Services or a form (including enrolling in Promotions); or (ii) registering or creating an account with us. Due to different countries' laws governing consent for the

collection and use of Personal Data, the requirements for consent will differ across regions. We may request your consent for a number of activities including:

Marketing and Communication

We may ask for your consent to contact you by email or push notifications about other offers, products, Promotions, or services that we think may be of interest to you and for other marketing purposes.

Sharing with Third-Party Services

We may also ask for your consent to share your Personal Data with certain Third-Party business partners in order to offer certain goods, services, or programs. To withdraw consent, please go to the preferences of the specific third-party service or app.

Third-Party Marketing

We may ask for your consent to provide Personal Data to allow third parties to contact you regarding their products, services, Promotions, or offers. Typically this is in conjunction with a fitness challenge or race (your consent for third-party marketing is not required for participation). To withdraw consent, please go to the preferences of the specific third-party.

Collecting Mobile Device IDs, Advertising IDs, and Data from Sensors

When you use our Improve App we may ask for your consent to collect these (this consent may be captured at the operating system level). To change your consent status for this data,

please go to the preferences of the Improve App. If you choose not to provide this information, certain features of the Services may be unavailable or not function properly.

Research

We may request your consent to use your Personal Data for Research purposes. We may also request your consent to contact you to determine your interest to participate in certain Research initiatives and to share identifying results. For market research, we may ask questions on behalf of business partners and share your response with business partners.

Transfer of Data

We transfer data to the United States and to other countries/regions for processing. We may request your consent for this transfer or the transfer, in other cases, may be justified by a legal basis other than consent.

Data Security

We employ reasonable protections for your information that are appropriate to its sensitivity. The Services use industry-standard Secure Sockets Layer (SSL) technology to allow for the encryption of personal information.

Please be advised, however, that we cannot fully eliminate security risks associated with the storage and transmission of Personal Data.

Data Retention

We keep your account information, like your name, email address, and password, for as long as your account is in existence because we need it to operate your account. We keep other information, like your habits or activity data, until you use your account settings to delete the data or your account because we use this data to provide you with your personal statistics and other aspects of the Services. We also keep information about you and your use of the Services for as long as necessary for our legitimate business interests, for legal reasons, and to prevent harm.

Deleting Your Data

You have the right to delete your data. You may do so via the Improve app in the settings page. Deletion requests will be completed within 30 days of receiving confirmation.

Contacting Us

You may contact us with any questions regarding your information or this policy at support@improve-pro.com