

## **Data Protection Policy for Crane Fitness App / Active Touch App**

### **Preamble**

This service (hereinafter referred to as the “**app**”) is provided by aspiria | nonfood GmbH, Valvo Park, Shedhalle B15-17, Essener Straße 4, 22419 Hamburg, Germany, telephone: + 49 40 88 94 16-0, fax: + 49 40 88 94 16-491, email: [info@aspiria-nonfood.de](mailto:info@aspiria-nonfood.de) (hereinafter referred to as “**we**” or “**us**”) as the data controller pursuant to applicable data protection legislation.

Through the app, we make it possible for you to retrieve and display the following information: The app enables you to view product videos in which the display of the exercise equipment (ergometer, cross trainer, exercise bike or rowing machine) is explained; it offers access to the relevant user manual for the machine and allows you to document your training progress and present it in the form of diagrams.

When you use the app, personal data about you is also processed. Personal data refers to any information relating to an identified or identifiable natural person. As the protection of your privacy when using the app is important to us, we would like to take this opportunity to provide you with information about the personal data that we process when you use the app and how we handle those data. We also provide you with information about the legal basis for processing your data and about our legitimate interests, insofar as the data is required to pursue our legitimate interests.

You can retrieve this Data Protection Policy at any time under the item “Service & Data Protection” in the app.

### **1. Information about processing your data**

Certain information is processed automatically as soon as you use the app. The precise personal data that are processed in this way are listed below:

#### **1.1 Information that is collected on download**

When you download the app, certain essential information is transferred to the app store you choose (e.g. Google Play or the Apple App Store); in particular, your username, email address, the customer number of your account, the time of the download, the payment information and the individual device ID may be processed. Processing of these data is carried out exclusively by the respective app store and is out of our control.

#### **1.2 Information that is collected automatically**

In the context of your use of the app, we automatically collect certain data required to use the app. This includes: internal device ID, version of your operating system, time of access.

These data are transferred to us automatically, but are not stored, (1) to make the service and the associated functions available to you; (2) to improve the functions and performance features of the app and (3) to prevent and rectify misuse and defective functions. This data processing is justified on the grounds that (1) the processing is required to fulfil the contract between you as the data subject and us in accordance with Art. 6 (1) point (b) GDPR in order to use the app, or (2) we have a legitimate interest in ensuring the functionality and fault-free operation of the app and in being able to offer a service suitable for the market and our interests which here overrides your rights and interests in protecting your personal data pursuant to Art. 6 (1) point (f) GDPR.

#### **1.3 Creation of a profile**

The app gives the user the opportunity to create a profile. Within this profile, users can provide information about themselves (e.g. a free choice of username, height, weight, date of birth and gender). Both the creation of a profile and the entry of data are entirely voluntary and are not required to use the app.

This voluntary information is used exclusively within the app in order to display assessments prepared for the user, such as calculation of the body mass index and calorie consumption.

This data processing is justified on the grounds that (1) the processing is required to fulfil the contract between you as the data subject and us in accordance with Art. 6 (1) point (b) GDPR in order to use the app, or (2) we have a legitimate interest in ensuring the functionality and fault-free operation of the app which here overrides your rights and interests in protecting your personal data pursuant to Art. 6 (1) point (f) GDPR.

#### **1.4 Use of the app**

Within the app, you can enter, manage and process various types of information, tasks and activities. This information includes, in particular, your name, date of birth, height, weight and gender. You can also enter training results achieved. This involves the date and time of the training session, period of training, intensity selected and distance covered.

The app requires Internet access to load and display product videos and training guides.

The usage data is processed and used to provide the service. This data processing is justified on the grounds that the processing is required to fulfil the contract between you as the data subject and us in accordance with Art. 6 (1) point (b) GDPR in order to use the app.

### **2. Passing on and transferring data**

Apart from the cases specified explicitly in this Data Protection Policy, your personal data are passed on without your express prior consent only if this is permitted or required by law. This may be the case if, for example, processing is required to protect vital interests of the user or another natural person.

- 2.1 We rely on YouTube LLC as an external service provider to deliver a part of our service, namely the provision of product and training videos. Training videos can be accessed within the app. For this purpose, we have integrated components of YouTube. YouTube is an Internet video portal that makes it possible for video publishers to create video clips free of charge and other users to watch, rate and comment on them, also free of charge. The operating company of YouTube is YouTube LLC, 901 Cherry Ave., San Bruno, CA 94066, USA. YouTube LLC is a subsidiary of Google Inc., 1600 Amphitheatre Pkwy, Mountain View, CA 94043-1351, USA.

Every time an individual training video is accessed within this app, a display of the corresponding YouTube components is downloaded to the user's end device from YouTube. Further information about YouTube can be found at <https://www.youtube.com/yt/about>. In the course of this technical process, YouTube and Google gain knowledge of which specific training video is being accessed by the user within our app. This information is combined with the user's end device by Google to create a unique ID, if the user is not logged into YouTube or Google at the same time.

If the user is logged into YouTube or Google at the same time, YouTube and Google recognize, when a training video is accessed, that the user is using our app for this purpose. The aforementioned information and data are then collected by YouTube and Google and associated with the user's YouTube account.

YouTube's published privacy policy, accessible at <https://policies.google.com/privacy?hl=en>, provides information about collection, processing and use of personal data by YouTube and Google.

Passing on personal data is justified on the grounds that (1) we have a legitimate interest in passing on the data for administrative purposes within our corporate group and your rights and interests in protecting your personal data within the meaning of Art. 6 (1) point (f) GDPR are not overriding, and (2) we have carefully selected our external companies and service

providers as commissioned data processors within the framework of Art. 28 (1) GDPR and that we audit them regularly and oblige them by contract to process all personal data exclusively in accordance with our instructions.

- 2.2 No processing of personal data beyond that described in section 2.1 is carried out by us. In particular, all of the data that you enter in the app as a user remain exclusively on your end device and are not transferred to us. Users therefore remain entirely responsible for the data they enter.

### **3. Data transfers to third countries**

Data may be transferred in the context of section 2.1 to countries outside the European Economic Area (EEA). This applies, in particular to:

YouTube LLC, based at 901 Cherry Ave, San Bruno, CA 94066, USA, represented by: Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA.

In its decision of 12.7.2016, the European Commission decided that an adequate level of data protection is provided for the USA by the regulations of the EU-US Privacy Shield (Adequacy decision, Art. 45 GDPR). Google LLC, including its subsidiary YouTube LLC, is a company certified in accordance with the EU-US Privacy Shield.

### **4. Changes of purpose**

No processing of your personal data for purposes other than those described is planned, and such processing will be carried out only if permitted by legal regulation or if you have consented to the change of purpose of data processing.

### **5. Period of data storage**

We ourselves do not store any personal data of the app user.

You can erase the profile that you have created in the app yourself at any time. When you erase the profile, all of the personal data entered by you and associated with your profile are erased from our app and therefore from your end device.

### **6. Your rights as a data subject**

You have the following rights, provided that the conditions specified in the respective articles of the GDPR are met: the right to information (Art. 15 GDPR), the right to rectification of incorrect data (Art. 16 GDPR), the right to erasure (Art. 17 GDPR), the right to restriction of processing (Art. 18 GDPR), the right to data portability (Art. 20 GDPR) and the right to object (Art. 21 GDPR).

If you wish to assert your rights, please contact us at one of the addresses given below.

### **7. Right to lodge a complaint**

You also have the right to lodge a complaint with the relevant supervisory authority. The relevant supervisory authority is: The Hamburg Data Protection and Freedom of Information Officer, Kurt-Schumacher-Allee 4, 20097 Hamburg, Germany.

### **8. Contact**

If you have any questions or comments about our handling of your personal data or if you wish to exercise any of your rights under section 6 as a data subject, please contact us at: [info@aspiria-nonfood.de](mailto:info@aspiria-nonfood.de). Our data protection officer can be contacted at: [datenschutz@aspiria-nonfood.de](mailto:datenschutz@aspiria-nonfood.de).

### **9. Changes to this Data Protection Policy**

We always keep this Data Protection Policy up-to-date. We therefore reserve the right to modify it from time to time and to modify our collection, processing and use of your data accordingly. The current version of the Data Protection Policy is always accessible under "Data protection" in the app.