

## Privacy statement

### **1. Introduction**

This privacy statement (“Statement”) applies to B2C Media Solutions Ltd. trading as Trim Down Club and its affiliates (together the "Company" "we" or "us") which operates this website (“Website”), develops and markets an online diet program based on a system allowing the user to build a personalized meal plan, as well as get dietary advice and other ancillary services (the “Website” and “System”).

As a routine part of our business conduct, we may receive personally identifiable information from you (“Personal Data”) such as, without any limitation, your name, address, email address, telephone number, email address, birth date, sex, weight and height, as well as information secured by our service providers such as your credit card number, telephone number and address.

The security and privacy of your information are very important to us. Whether you are using one of our services as a customer who has purchased a “Program” as defined in our terms of use, potential customer or just a visitor browsing our website, we want you to trust us with managing and protecting the information that you provide us with. We have prepared this statement to explain more about who we are and how we collect and manage your information.

This site is a general audience site which is neither designed nor intended to collect personal information from children and/or minors. **CHILDREN UNDER THE AGE OF 13 ARE NOT PERMITTED TO USE THE WEBSITE.** Children between the ages of 13 and 18 may use the Website only with the permission and active involvement of a parent or legal guardian. If you believe that a child has submitted Personal Data on or through the Website without the consent and supervision of a parent or guardian, please contact us. Please see the Terms of Use for additional information regarding this and other requirements regarding age eligibility.

By using our website and/or by agreeing to this Statement, e.g., in the context of registering for any of our services or by any other means, you understand and acknowledge that we might collect and use some of your Personal Data as described in this Statement. This Privacy Policy forms part of our Terms and Conditions and/or License Agreement.

**Please note that this Statement applies only to Personal Data collected by the Website or through purchase of a subscription to a Program or through purchase any of our products and services. We are not responsible for the privacy of any Personal Data you reveal or post in any public forum or Community Area (e.g., message board, blog, personal page, etc.) or through the “Public Profile” feature available on the Website, or for the privacy practices of other third parties with whom you interact through the Website.**

### **2. Who are we and how you can contact us**

B2C Media Solutions Ltd.

124 Broadkill Rd #514

Milton, DE 19968-1008

USA

or via email at [privacy@kendago.com](mailto:privacy@kendago.com)

The Data Protection Representative (DPR) under Article 27 to the GDPR is Prighter Maetzler Rechtsanwalts GmbH & Co KG, a company registered under FN 502860a with the companies register of the Vienna commercial court, 1010 Vienna, Austria. To verify, please see: <https://prighter.com/q/13930379989>

Questions, comments, requests and complaints regarding this Statement and the information we hold are welcome and should be addressed to us by using the contact details above. All requests will be dealt with promptly and efficiently.

### **3. Data Controller under the GDPR**

Under the European General Data Protection Regulation ("GDPR") which applies to European residents, we are the Data Controller of our Customers' and Website's visitors Personal Data (to the extent such data is being collected). With respect to such data, we assume the responsibilities of Data Controller (to the extent applicable under law), as set forth in this Statement. In such instances, our external suppliers processing such data will assume the role of "Data Processor".

#### **4. Collection of Personal Data**

We collect Personal Data from you voluntarily when you provide such Personal Data to us through any form, subscription process or via use of our services including the Website. In addition, Personal Data might be collected when you interact with our customer service or request us to provide you with dietary advice. We may also obtain such Personal Data about you as may be provided to us during our legitimate business activities.

You do not have to provide us with your information, but in some cases, if you do not, it may mean that you will not be able to use our services. For example, we cannot assist you with building your own customize dietary plan, unless you provide us with some information regarding your body and your eating habits. Similarly, we cannot provide you with any Customer's service and cannot treat any inquiry unless you will provide us with the relevant means of contact for responding to your inquiry.

When you use our Website or System and choose voluntarily to provide us with your information, we might also collect and process the following information:

- **Identity Data** - including full name, username or any similar identifier, title, date of birth and gender and any other information provided by you upon your sole discretion.
- **Dietary Data** - sex, weight and height, eating habits, information regarding daily workout, etc.
- **Contact Data** - including email address and telephone numbers.
- **Usage Data** - includes information about how you use our website, System and services.
- **Technical Data** - includes internet protocol (IP) address, the device you are using, browser type and version, screen resolution, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Job application data** - include name, email, phone and a resume file, just if you have decided to voluntarily provide us with your data as part of being recruited by us;
- **Marketing and Communications Data** - includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use, and share Aggregated Data such as statistical or demographic data for any purpose. Also, we may use your information to create anonymous data, which can no longer be associated with you, and use such data for any purpose upon our sole discretion. Aggregated Data may be derived from your Personal Data but does not reveal your identity.

#### **5. How is your Personal Data is being Collected?**

We use different methods to collect data from and about you, including through:

- **Direct interactions** - You may give us your Identity, Contact and other Personal Data by filling in forms or registering to the System (e.g. "Contact Us" or "Newsletter Subscription", "Registration Form" etc.) or by corresponding with us by phone, email or otherwise.
- **Dietary advice** – In case you purchase one-on-one dietary sessions from us, the data provided to our consultants during each session will be collected and processed by us.
- **Automated technologies or interactions** - As you interact with our Website or System, we may automatically collect Personal Data through the use of our System features and tools or Cookies (please refer to the description below, under "Cookies Usage").

- **Third parties or publicly available sources** – In our Website we may receive Personal Data about you from various third parties and public sources, e.g.: advertising and social networks, analytics providers, search information providers.

## 6. Cookies Usage

Like many other websites, the Website and parts of our System uses cookies to improve your experience while you navigate through the website. We may use various types of Cookies:

**Essential Cookies** – which are necessary for the site to work properly (usually appears under our cookie tag);

**Functional Cookies** – designated to save your settings on the site - your language preference or other view preferences (also, under our Cookie tag);

**Session Cookies** – used to support the functionality of the website – such Cookies are stored only temporarily during a browsing session and are deleted from your device when you close the browser.

**Targeting Cookies** - these cookies are used to collect information from you to help us to improve our products and services as well as serve you with targeted advertisements that we believe will be relevant to you (e.g. Google's Cookies). To learn more about how Google's Ads uses cookies please see <https://support.google.com/adsense/answer/7549925?hl=en>.

**Social networks Cookies** - Social Plug-In Cookies (e.g. Facebook, Twitter, LinkedIn Cookies or pixels etc.) enabling the sharing of your usage information with your social network's accounts.

Site Tracking Cookies – providing us with insight into what is any Website visitor doing on the Website, and allows us to automatically create personalized experiences for each of the visitors and users of the Website, as they interact with the Website (e.g. Active Campaign). To learn more about Active Campaign and how it uses your information, please see <https://help.activecampaign.com/hc/en-us/articles/221542267-An-overview-of-Site-Tracking>.

**Analytics Cookies** - give us aggregated information which enables us to improve the way our website works, e.g. Google analytics. If you want to learn more about the manner through which Google is using the information collected through its services, please read: <https://policies.google.com/technologies/partner-sites>.

**Third party services used by us** – for example, an external service supporting our career and recruiting options through the website (e.g. Comeet or Workday), or an external service which allows us to screen short videos in our website (e.g. YouTube or Vimeo).

Please note that the data collected by use of Cookies may be linked to and combined with any other data, including Personal Data.

**Managing cookies and opting out:** aside from the Essential Cookies described above, you can always configure your browser or use the “cookies bar” to reject all cookies or notify you when a cookie is set, but sometimes in that case, certain services, features, and functionality in our website may not be available to you.

## 7. The purposes of the processing

We might use your data in order to: enable you to use our Website and Services in the most effective way, including the personalization of your experience by presenting content tailored to your interests; Provide you with Services and Systems which you have purchased from us; Provide you with offers, including third-parties offers, which might be relevant to you; meet or comply with any applicable rules, laws, regulations, codes of practice or guidelines issued by any legal or regulatory body; assess or evaluate the effectiveness of our services, as well as any technical and organizational measures designated for the protection of your Personal Data; Improve and secure our services and systems; protect our rights and legitimate

interests, as well as defend against any lawsuit, legal claim or complaint; to conduct any other activities that are required to provide our services.

#### **8. The Legal Basis for the processing of your Personal Data**

We will only process and use your Personal Data when the law allows us to, i.e. when we have a Lawful Basis for such usage. Such lawful and legal basis can be any of the following:

- Processing actions which we need to take as part of a contract we have between us and you, as our customer or user of the Website – any action required for the fulfillment of an order or completion of any purchase, or contacting you per "Contact" form filled by you;
- Our use of your information is necessary to meet responsibilities we have to our regulators, tax officials, law enforcement, or otherwise meet our legal responsibilities;
- Our use of your information is in our legitimate interest as a commercial organization. For example, to operate and improve our services and to keep people informed about our products and services. In these cases, we will look after your information at all times in a way that is proportionate and respects your privacy rights, making sure our legitimate interest is not overridden by your interests or fundamental rights and freedoms;

In general, and as detailed above, we do not rely on consent as a legal basis for processing your Personal Data. Yet, in any case in which you have provided your consent to our processing of your information, you can withdraw this consent at any time by contacting us through the contact details provided above.

#### **9. Your Warranties and Representations**

You hereby warrant and represent that with respect to any Personal Data that you submit to the Website, you have the right and authority to submit such Personal Data for all purposes set forth herein.

#### **10. Processing of anonymized or statistical data**

In some circumstances we may anonymize the Personal Data which is being collected and managed using our Services and Website, so that it can no longer be associated with any identified person. Such anonymized or aggregated data, might be used by us as for any purpose, including for commercial, research or statistical purposes, without further notice to you.

#### **11. Data Recipients**

We may disclose your Personal Data to third parties in a variety of circumstances in the ordinary course of operating our business, such as:

- Disclosure of Personal Data to persons authorized to process personal data, in our organization, with our affiliates or third-party service providers, qualified as data processors or sub-processors, providing us with services supporting our services and ordinary course of business, e.g. system, storage and computing services, as well as marketing efforts, in accordance with applicable law;
- Indirectly, and in connection with the use of Cookies through a third-party service as explained above;
- When we have a legal obligation to do so, or when we can do so under our legitimate interests.

In any such communication we will take steps to make sure such transfer is carefully managed to protect your privacy rights:

- transfers within our group and affiliates, will be subject to an agreement / policies and procedures made to ensure that your data receives an adequate and consistent level of protection as required by applicable law;

- transfers to any subcontractor or processor will be subject to contractual terms ensuring the security and protection of any Personal Data under any such sub-processor, in accordance with applicable law provisions;

any requests for information we receive from law enforcement or regulators will be carefully validated before the disclosure of any Personal Data.

We will NEVER share your credit card information with third parties unless you have given us explicit permission to do so, such as in order to fulfill a third party offer that you have accepted from us.

## **12. Data Processing Location**

Any transfer of data which originates in the European Union ("EU") to a country outside of the European Economic Area (EEA), shall be made in compliance with the provisions of chapter 5 of the GDPR. Such transfer can be made to countries which are recognized as providing an adequate level of legal protection or where we can be satisfied that alternative arrangements are in place to protect your privacy rights, e.g. signing a Standard Contractual Clauses which were published and authorized by the relevant EU authorities.

It is important to note that We are headquartered in Israel, a country which is considered by the European Data Protection Board to be offering adequate level of Personal Data protection regulation.

## **13. Links to other sites**

Our Website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

## **14. How do we secure your information**

We are committed to protecting the security of your Personal Data. We use a variety of security technologies and procedures to help protect your Personal Data from unauthorized access and use. However, the collection, transmission and storage of information can never be guaranteed to be completely secure. Yet, we take steps to ensure that appropriate security safeguards are in place to protect your information, and we will continue to revise our policies and implement additional security features.

## **15. Retention Periods for Storage of Personal data**

We will store your Personal Data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. As a user of our Website, we will retain your data until you will close you account in the Website or ask us to do so. Also, we may store and keep record of data which might be required for us for our legal protection. We have defined data retention periods for any data item in our systems, ensuring minimization of retention periods.

As explained before, in some circumstances we may anonymize your Personal Data, in which case we may save and use this anonymized information indefinitely and for any purpose upon our sole discretion.

## **16. Your rights under data protection laws**

Under EU law, EU residents and individuals, have certain rights to apply to us to provide information or make amendments to how we process data relating them. Similarly, California residents have such rights under the California Consumer Privacy Act (“CCPA”), to the extent the CCPA is applicable. Those rights might include:

- **right to access your Personal Data** - you can ask us to confirm whether or not we have and use your Personal Data, and if so, you can ask for a copy of your data;
- **right to correct your Personal Data** - you can ask us to correct any of your Personal Data, which is incorrect, after verifying the accuracy of the data first;
- **right to erase your Personal Data** - you can ask us to erase your Personal Data if you think we no longer need to use it for the purpose we collected it from you. you can also ask for such erasure in any case in which the process of your data was based on your consent, or where we have used it unlawfully or where we are subject to a legal obligation to erase your Personal Data. any request for such erasure will be subject to our obligations under the law (e.g. our obligation to keep some records for tax or customs purposes);
- **right to restrict our use in your Personal Data** - you can ask us to restrict our use of your Personal Data in certain circumstances;
- **right to object to how we use your Personal Data** - you can object to any use of your Personal Data which we have justified by our legitimate interest if you believe your fundamental rights and freedoms to data protection outweigh our legitimate interest in using the information;
- **you can always require us to refrain from using your data for direct marketing purposes;**
- **you can ask us to transfer your information to another organization and/or provide you with a copy of your Personal Data (Portability Right);**
- **You have the right to lodge a complaint at any time before the relevant supervisory authority for data protection issues. however, we will appreciate the chance to deal with your concerns before you approach the authorities, so please feel free to contact us in the first instance.**

We may not always be able to do what you have asked. In addition, not all of those rights apply in every jurisdiction. For example, if it would impact the duty of confidentiality we owe to others, or if we are otherwise legally entitled to deal with the request in a different way. In addition, the Portability Right doesn’t apply under the CCPA, and our activities in general are not always subjected to the CCPA. So not always we will be able or obliged to provide you with those rights. However, we encourage you to contact us with any such request, and we will be happy to assist you.

## **17. Public Forums and the Public Profile Feature.**

We feature public forums such as those contained in a Community Area where you and other Registered Users of the Website can communicate with one another (“Public Forum”). In addition, we offer the “Community Area” and “Account Settings” features of the Website to permit you to share information about yourself (including, if you elect, Personal Data) with others. THIS PRIVACY POLICY DOES NOT PROTECT YOU WHEN YOU USE THE PUBLIC FORUMS OR PROVIDE INFORMATION (INCLUDING PERSONAL DATA) ABOUT YOURSELF THROUGH THE PUBLIC PROFILE FEATURE OR THROUGH ANY COMMUNITY AREA AVAILABLE ON THE WEBSITE. You should be aware that any Personal Data shared in a Community Area, Public Forum or through the Public Profile feature is public information and may be seen or collected by third parties that do not adhere to these Statement, although the availability of personal pages or groups identified as “private” may be limited to certain permitted Registered Users. However, even information marked “private” may be viewed by us and our affiliates. You should think carefully before disclosing any

Personal Data in any Public Forum, or through the Public Profile feature, on the Website. For example, you should not select a username that includes Personal Data.

**18. Special Notification for California Residents**

We do not sell your personal information for the intents and purposes of the California Consumer Privacy Act (“CCPA”). We can use your personal data for our purposes, but only as described above or after the anonymization of such data, including aggregate data which can no longer associated to you.

**19. Changes to this Privacy Statement**

We reserve the right to change this statement from time to time at our sole discretion. If we make any changes, we will post those changes here so that you can see what information we gather, how we might use that information and in what circumstances we may disclose it. By continuing to use our site or our services or otherwise provide data after we post any such changes, you accept and agree to this statement as modified.

**Effective as for November 2020**