

Fitatu Application Privacy Policy

1. The Personal Data Controller for the mobile application Fitatu and the web domain www.fitatu.com, hereinafter collectively referred to as the **Application**, is Fitatu Sp. z o.o., with its registered office at 10/4 Wyspiańskiego St., Poznań 60-749, entered into the Register of Entrepreneurs kept by the District Court for Poznań - Nowe Miasto and Wilda in Poznań, 8th Commercial Division of the National Court Register, under KRS number (National Court Register no.): 0000635344, NIP (taxpayer identification no.): 7792444235, REGON: 364839278.
2. Respecting your rights as personal data owners (persons whom the data concerns), as well as the applicable rule of law, including, in particular, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regards to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), hereinafter referred to as **GDPR**, the Personal Data Protection Act of 10th May 2018, on personal data protection (Polish Journal of Laws, item 1000, hereinafter referred to as the **Act**), and other appropriate provisions on the protection of personal data, we commit to maintain the security and confidentiality of your personal data that we have obtained. All of our employees have been appropriately trained in regards to the processing of personal data, and our company, acting as the Personal Data Controller, has implemented adequate safeguards, as well as technical and organisational measures to ensure the highest level of security of your personal data. We have implemented policies and procedures on the protection of personal data in accordance with GDPR, through which we are able to ensure the legality and integrity of data processing, as well as the enforceability of any rights to which you, the data subjects, are entitled. In addition, where necessary, we cooperate with the supervisory authority of the territory of the Republic of Poland, i.e. with the President of the Office for Personal Data Protection (hereinafter referred to as **PODP**).
3. Our company, acting as the Personal Data Controller, has appointed Jakub Szajdziński as Data Protection Officer. If you have any questions, requests or complaints regarding the processing of personal data by our company (the Personal Data Controller), hereinafter referred to as the **Reports**, please forward them to the following email address of the Data Protection Officer: iod@fitatu.com, or submit them in written form at the address of the Personal Data Controller, i.e. Fitatu Sp. z o.o., Wyspiańskiego 10/4, 60-749 Poznań.
4. The content of the Report should clearly indicate:
 - a) the data of the person or persons whom the Report concerns,
 - b) the event being the reason for submitting the Report,
 - c) your request and the legal basis for the request,
 - d) the expected form of settlement.
5. In our Application, we collect the following information, including the personal data:
 - a) email address,

- b) your name is optional, if it follows from the email address,
 - c) IP address of the device,
 - d) the shared data from your Facebook account - if you log in through your account on Facebook,
 - e) your height,
 - f) your date of birth,
 - g) your weight,
 - h) your gender,
 - i) information about your physical activity,
 - j) your language.
6. In accordance with the principles of data minimisation, we process only those categories of personal data which are necessary to achieve the objectives referred to in paragraph 8 below.
7. The IP address of the device referred to in paragraph 5, point c above, includes information resulting from the general rules of Internet connections, such as the IP address (and other information contained in the system logs), used by the Application administrator for technical purposes. IP addresses can also be used for statistical purposes, including, in particular, collection of general demographic information (e.g. about the region from which the connection is made).
8. Providing the data referred to in paragraph 5 above, is necessary in the following cases:
- in order to benefit from the services available in our Application, including for the purpose of implementing the agreement concluded between you and the Controller, as well as adjusting, analysing and improving the services, and ensuring the security of their provision,
 - in order to register you in our database by creating an account, which is voluntary, but at the same time necessary to provide services; in this case, we store the data you provide in our database to facilitate the use of services within our Application,
 - in order to allow contact in connection with the services provided.
9. Our application uses Cookies technology in order to adjust its operation to your individual needs. Therefore, you can consent to have the data and information you submit stored, so that it will be possible for you to use them the next time you visit our Application, without the need to re-enter them. The owners of other websites shall not have access to such data and information. However, if you do not consent to personalising the Application, we recommend disabling cookies in your web browser's options.
10. Each of you, as the Users of our Application, can choose whether and to what extent you want to benefit from our services and share your information and data, within the scope set forth in this Privacy Policy.

11. We process the personal data for the time necessary to achieve the objectives listed in paragraph 8 above. Personal data may be processed for a period longer than indicated in the preceding sentence, in cases where such permission or obligation imposed on the Personal Data Controller results from specific provisions of the law, or when the provision of our services is a continuous process.
12. The sources of personal data processed by the Personal Data Controller are the data subjects.
13. The basis for the processing of your personal data is:
 - art. 6, paragraph 1, point b of GDPR i.e.. the necessity for the performance of the contract to which you are one of the Parties, taking into account paragraph 8 above,
 - art. 6, paragraph 1, point f of GDPR i.e. legitimate interest of the Controller, which is to create statistical data, with particular focus on the IP addresses of the devices referred to in paragraph 7 above, and to establish, defend or make claims until their expiry period,
 - art. 6, paragraph 1, point a of GDPR, i.e. your consent to the processing of personal data for specified purposes - in the case of the provision of the newsletter.
14. Some of your personal information (including your height, weight and information about your physical activity) referred to in paragraph 5 above, can be qualified as special categories of personal data (so-called sensitive data). In the situation referred to in the preceding sentence, the basis for the processing of sensitive data is art. 9, paragraph 2, point a, of GDPR, i.e. Your explicit consent to the processing of such data for the purposes referred to in paragraph 8 above.
15. Your personal data shall not be transferred to any third country within the meaning of GDPR.
16. We do not share personal data with third parties without explicit consent obtained from the data subject. Personal data may be made available without the consent of the data subjects only to the body governed by the public law, i.e. legal and public authorities (e.g. tax authorities, law enforcement authorities, and other entities authorised by generally applicable provisions of law).
17. Personal data may be transferred for processing to other entities that process such data on behalf of our company as the Personal Data Controller. In such cases, we, as the Personal Data Controller, conclude an agreement on outsourcing the processing of personal data with such entities. The processing entity processes the entrusted personal data, but only to the extent and for the purposes indicated in the agreement referred to in the preceding sentence. Without entrusting your personal data for processing purposes, we could not provide the services within the Application. As the Personal Data Controller, we entrust personal data for processing purposes to the following entities:
 - a) entities providing hosting services for the website on which our Application operates,
 - b) entities providing other services on behalf of the Personal Data Controller, necessary for ensuring our Application's day-to-day functioning.
18. Personal data may be subject to profiling by the Personal Data Controller, within the meaning of GDPR. In this situation, the following article shall apply: art. 22, paragraph 2 of GDPR, taking into

account the basis of processing, referred to in paragraph 13 above; in the case of the sensitive data referred to in point 14 above, the basis for processing is your explicit consent.

19. In accordance with the provisions of GDPR, any person whose personal data we process as the Personal Data Controller, has the right to:

- a) **be notified about the processing of his or her personal data**, pursuant to article 12 of GDPR - the Controller shall provide you (as the data subjects) with the following information specified in GDPR: your data, the contact details of the Data Protection Officer, the purposes and legal basis for the processing of your personal data, the recipients or categories of recipients of your personal data (if any), and the period during which your data shall be processed, or the criteria for determining this period; this obligation shall be fulfilled at the time of obtaining the data (for example when the client places an order in the online store), and if the data is not obtained from the data subject, but from another source – within a reasonable period of time, depending on the circumstances; the Controller may opt not to provide such information if the data subject already has such information at his or her disposal;
- b) **access his or her personal data** pursuant to article 15 of GDPR; by providing us with your personal data, you obtain the right to access said data; however this does not mean that you have the right to access all the documents in which your data is included, as such documents may contain confidential information; you do however have the right to be informed which of your data we process and for what purpose, as well as the right to obtain a copy of your personal data, whereby the first copy shall be issued free of charge, and each subsequent copy shall be charged an administrative fee, corresponding to the costs of making this copy, in accordance with the provision of GDPR;
- c) **correct, make amendments, update, rectify the personal data**, pursuant to article 16 of GDPR; if your personal data has changed, please notify us, as your Personal Data Controller, so that the data we store is consistent with the actual state and up to date; the same holds for data that has not been changed, but for whatever reason is incorrect or has been entered in an incorrect manner (eg. due to a typographical error); please notify us in order for us to correct or rectify such data,
- d) **deletion of data (the right to be forgotten)**, pursuant to art. 17 of GDPR – in other words, you have the right to request the "*deletion*" of the data stored by us as the Personal Data Controller, and the right to request from us, as the Personal Data Controller, that we notify other controllers to whom we have enclosed the information, about the need to delete them. You can request the deletion of your personal data in particular in the following cases:
 - the purposes for which your personal data have been collected has been achieved, for example we have fully implemented the sales agreement concluded with you,
 - the basis for the processing of your personal data was your consent alone, which was later withdrawn, and there are no other legal bases for further processing of your personal data, for example if you opt out from the newsletter, and otherwise do not benefit from our company's offer,

- you have objected to the processing of your data, under article 21 of GDPR, and you hold the belief that we have no overriding legal basis for further processing of your personal data,
 - your personal data has been processed unlawfully, i.e. for unlawful purposes or without any basis for the processing of personal data; please note that in this case, you need to have a basis for such a request,
 - the need for removal of your personal data arises from the provisions of law,
 - The personal data relates to a minor and was collected in connection with the provision of information society services,
- e) **limitations of processing**, pursuant to article 18 of GDPR; you can submit to our company a request to restrict the processing of your personal data (which means that until the agreements is reached, our company only stores your data), if:
- you question the correctness of your personal data, or
 - you believe that we are processing your personal data without a legal basis, but at the same time you do not want us to remove your personal data (that is, you do not exercise the right referred to in the preceding paragraph), or
 - you made the objection referred to in point (f) of this paragraph, or
 - your personal data is necessary for determining, investigating or defending claims, for example, before the court.
- f) **data transfer** pursuant to article 20 of GDPR – you have the right to obtain your data in a format that allows for accessing this data on a computer, and the right to send such data in such a format to another controller; this right is only granted to you if the basis for the processing of your data was your consent (e.g. to subscribe to the newsletter), or these data was processed automatically,
- g) **raising objections to the processing of personal data**, pursuant to art. 21 of GDPR; you have the right to raise an objection if you do not agree to the processing of your personal data, which were processed by us thus far for justified reasons in accordance with the provisions of law; in particular, the right to raise the objection is granted for the processing of your personal data for direct marketing purposes (e.g. a newsletter subscription),
- h) **to file a complaint with a supervisory authority** (i.e., to the President of the Office for Personal Data Protection), pursuant to article 77 of GDPR; if you believe that we are not processing your personal data in accordance with the provisions of the law, or that we in any way infringe the privileges of the generally applicable provisions of the law on the protection of personal data.

20. In regard to the right to remove your data (the right to be forgotten), please note that in accordance with the provisions of GDPR, you do not have the right to exercise this right if:

- a) the processing of your personal data is necessary for exercising the right to freedom of expression and information, e.g. if you have posted your details on a blog, in the comment section, etc.,
- b) the processing of your personal data is necessary for our company to fulfill legal obligations arising from the provisions of law – we cannot delete your personal data for the time necessary to discharge the responsibilities (e.g. tax-related) imposed on us by the provisions of law,
- c) processing of your data is conducted for the purposes of investigating, determining or defending claims.

21. If you wish to exercise your rights referred to in the preceding paragraph, please use the appropriate tabs in the Application that allow you to remove your account and the data collected in our application, or send a message to email address: iod@fitatu.com ,or submit it in written form to the address referred to in paragraph 3 above.
22. Each recognised security breach is documented, and if one of the situations referred to in the provisions of either GDPR or the Act occurs, data subjects and, if applicable, POPDP, shall be informed about such a breach.
23. All capitalised words shall have the meanings assigned to them in our Application Regulations, unless otherwise stated in this Privacy Policy.
24. In matters not regulated by this Privacy Policy, the relevant applicable provision of law shall apply. If the provisions of our Privacy Policy do not comply with the provisions mentioned above, the latter provisions shall apply.