

## PRIVACY POLICY MOBILE APPLICATION PhysioStretch

### I. GENERAL PROVISIONS

1. The data controller is StretchMe Sp. z o.o., located in Krakow at Lubomirskiego Street 20, 31-509 Krakow, registered in the business register maintained by the District Court for Central Krakow in Krakow, XI Economic Division of the National Court Register under the number KRS 0000881960, VAT ID 5213919480, REGON 388143664, with a share capital of 10,000.00 PLN (hereinafter referred to as the "Administrator").
2. The personal data of users of the Administrator's application (hereinafter "Application") or services provided by the Administrator (hereinafter "Service") (hereinafter "Users") are processed in accordance with the principles set out in the Regulation of the European Parliament and the Council (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard 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 "GDPR"), as well as the Polish Act on the Protection of Personal Data, its implementing acts, and the Act on Providing Services by Electronic Means dated July 18, 2002 (Journal of Laws of 2002, No. 144, item 1204, as amended).
3. Personal data are all information about an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as name, email address, identification number, location data, online identifier, or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.
4. The processing of personal data encompasses any operation performed on personal data, whether or not by automated means, including, for example, collection, storage, recording, organization, modification, retrieval, use, disclosure by transmission, restriction, erasure, or destruction.
5. The Administrator kindly requests Users to carefully read the contents of this Privacy Policy before starting to use the Application or Services.
6. Downloading, installing, and using the Application implies the User's consent to the collection, use, and transfer of the User's personal data for processing as described in this Privacy Policy. If the User decides not to provide their personal data to the Administrator, then the User will not be able to fully utilize the Services.

### II. LEGAL BASIS FOR DATA PROCESSING

1. The legal basis for the processing of personal data by the Administrator includes:
  - 1) **For setting up a User account:** Article 6(1)(a) of GDPR, i.e., the User's consent to the processing of data;
  - 2) **For actions aimed at concluding and executing the Service:** Article 6(1)(b) of GDPR, i.e., undertaking activities necessary to enter into a contract whose subject is the provision of the Service and the necessity of its execution by the Administrator for the given User;
  - 3) **For the provision of the Service, in terms of biometric data (characteristics of activity and physical fitness and image) and health data:** Article 9(2)(a) of GDPR, i.e., the explicit

consent of the User to the processing of data, and Article 9(2)(f) of GDPR, i.e., processing is necessary for the establishment, exercise or defense of legal claims by the Administrator;

- 4) **For subscribing to the Administrator's newsletter:** Article 6(1)(a) of GDPR, i.e., the explicit consent of the User to the processing of data;
  - 5) **For consenting to the collection of location data using the functionalities of the User's mobile devices:** Article 6(1)(a) of GDPR, i.e., the User's consent to the processing of data;
  - 6) **Necessary to fulfill legal obligations incumbent on the Administrator:** Article 6(1)(c) of GDPR, i.e., fulfillment of the Administrator's obligations arising from legal provisions concerning the Administrator's activities, especially based on accounting and tax laws.
  - 7) Necessary to fulfill the legitimate interests of the Administrator, including conducting marketing activities and advertising campaigns for the Administrator's Services electronically or by telephone based on the separate consent expressed by the User as per Article 6(1)(a) of GDPR, i.e., the explicit consent of the User to the processing of these data;
  - 8) Necessary for the realization of legally justified interests of the Administrator or third parties, is Article 6(1)(f) of GDPR, i.e., due to the legally justified purposes pursued by the Administrator, especially for the purpose of establishing, pursuing, or defending claims, internal administrative purposes of the Administrator, including analyses, statistics, and internal reporting of the Administrator.
2. The Administrator processes personal data voluntarily provided by Users and data automatically collected from the use of the Application in accordance with Article 6(1)(a) of GDPR, i.e., the User's consent to data processing, and Article 6(1)(f) of GDPR, i.e., due to the legally justified purposes pursued by the Administrator, particularly for direct marketing of the Administrator's Services, as well as for optimizing, improving, and personalizing the functionalities of the Application and for creating statistics. The Administrator ensures that such processing will not infringe on the rights and freedoms of the data subjects.
  3. Personal data voluntarily provided by the User are not combined with automatically collected data on how the User uses the Application. The Administrator informs that for technical reasons such a combination may occur; however, in such a case, the combined data will be processed by the Administrator solely due to the legally justified purposes pursued by the Administrator, particularly for optimizing, improving, and personalizing the functionalities of the Application and for creating statistics for the internal needs of the Administrator.
  4. With the User's separate consents, their personal data may be processed for the purpose of sending them electronic commercial information about the Administrator's Services. The User has the right at any time to request the cessation of the sending of commercial information electronically or to stop using their phone number for direct marketing purposes.
  5. Users' personal data will be processed for the period necessary to achieve the processing purposes indicated above:
    - 1) **When consent is given by the User** - until the consent is withdrawn;
    - 2) **For actions aimed at concluding and providing the Service upon User's request** - until the completion of their provision, and thereafter for the purpose of establishing, pursuing, or defending claims related to these actions - until the expiry of the limitation period for these claims as specified by law;

- 3) **For the execution of the Service upon User's request** - until the completion of their provision, and thereafter for the purpose of establishing, pursuing, or defending claims related to these actions - until the expiry of the limitation period for these claims as specified by law;
- 4) **For fulfilling legal obligations incumbent on the Administrator in connection with conducting business and providing Services** - for periods indicated in the relevant legal provisions concerning the Administrator's operations, particularly:
  - a) For tax documentation - for a period of 5 years from the end of the calendar year in which the tax payment deadline expired,
  - b) For accounting documentation - for a period of 5 years from the end of the calendar year in which operations, transactions, and proceedings were finally completed, paid, settled, or expired;
- 5) **When processing occurs for purposes arising from the legally justified interests pursued by the Administrator or third parties** - until their realization, or until the User objects to such processing, unless there are legally justified grounds for further processing of the User's data by the Administrator;
- 6) **When processing occurs for marketing purposes of the Administrator electronically or via telephone** - until any relevant consents are possibly withdrawn;
- 7) **For information necessary to handle complaints** - they will be processed until the rights from such complaints expire;
- 8) **For processing for archival purposes** - they will be processed for 3 years after the end of the provision of Services.

### III. PURPOSE AND SCOPE OF PERSONAL DATA COLLECTION AND RECIPIENTS

1. The purpose of processing, the scope of personal data, and potential recipients of the User's personal data, which are provided for processing to the Administrator, are determined by the User's consent or by law. Additionally, data may be specified as a result of actions taken by the User within the Application or through other communication channels with the User.
2. The Administrator takes special care to protect the rights and freedoms of individuals whose data it processes, and specifically ensures that the data collected are processed:
  - 1) Lawfully, fairly, and in a transparent manner in relation to the data subject (lawfulness, fairness, and transparency);
  - 2) For specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes (purpose limitation);
  - 3) Adequately, relevantly, and limited to what is necessary for the purposes for which they are processed (data minimization);
  - 4) Accurately, and where necessary, kept up to date (accuracy);
  - 5) In a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data are processed (storage limitation);
  - 6) In a manner that ensures appropriate security of personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organizational measures (integrity and confidentiality).

3. Based on the purposes of processing personal data, the User provides the following information:
  - 1) **Identity data** – first name, last name, gender;
  - 2) **Contact data** – email address, delivery address, billing address, phone number;
  - 3) **Financial data** – details regarding bank accounts and payment cards;
  - 4) **Transactional data** – details concerning payments made to and from the User and other details regarding products and Services purchased from the Administrator;
  - 5) **Technical data** – internet protocol (IP) address, login data, browser type and version, time zone setting and location, browser plugin types and versions, operating system and platform, and other technologies on the devices used by the User to access the Application;
  - 6) **Profile data** – username and password, purchases or orders made by the User, preferences, feedback, and survey responses;
  - 7) **Usage data** – information about how the Application, products, and Services are used;
  - 8) **Marketing and communication data** – preferences for receiving marketing from the Administrator.
4. The Administrator also processes special categories of personal data provided with the explicit consent of the User:
  - 1) **Biometric data** - characteristics of activity and physical fitness, as well as the image;
  - 2) **Health data**..
5. The Administrator's application and services may provide the Administrator with device identifiers and location data. Device identifiers include identifiers associated with mobile device carriers, such as the IMEI number, platform-specific identifiers like Apple's IDFA; as well as identifiers that are part of the device hardware, such as the WiFi MAC address and serial number. The specific device identifiers transmitted can depend on your mobile platform and operating system version. Location data, meanwhile, can be obtained from GPS services, based on cell tower triangulation, or the known locations of nearby WiFi access points. The Administrator may use identifiers for strictly necessary purposes outlined in Section II, points 1 and 2 above..
6. The application is not intended for individuals under the age of 16. The Administrator does not knowingly collect information about individuals under the age of 16. If the User believes that the Administrator has unintentionally collected such information, they should notify the Administrator at the email address:: [kontakt@stretchme.pl](mailto:kontakt@stretchme.pl) to enable the Administrator to remove this information.
7. The transfer of personal data by the User is voluntary. Users may choose not to provide their personal data, however, in such cases, the Administrator may not be able to provide Services to the User. Due to the nature of some Services, Users may be requested to provide additional personal data. The scope of additional personal data will be indicated by the Administrator.
8. The purposes for collecting User's personal data by the Administrator have been specified in Section II, points 1 and 2 above.
9. In connection with the processing of data for the purposes indicated in Section II, points 1 and 2, the personal data of Users may be made available to other recipients of personal data. The recipients of Users' personal data may particularly include:
  - 1) Employees, associates of the Administrator;
  - 2) Other entities authorized to receive Users' personal data under relevant legal provisions;

- 3) Entities that process Users' personal data on behalf of the Administrator based on a data processing agreement concluded with the Administrator (so-called processors), e.g., providing IT services, payment services, accounting services, legal services, and other services supporting the operation of the Administrator's business.
10. Entities entrusted with the processing of personal data are obligated to adhere to the principles of confidentiality and security of personal data, particularly not disclosing personal data to unauthorized persons, and to apply physical and technical security measures appropriate to the method of data processing. The Administrator assures the User, upon request, detailed information about the entity to which the data processing has been entrusted, the scope of the personal data entrusted for processing, and the date of their transfer. Additionally, in this manner, the Administrator also provides access to current and detailed information about the technical means used or made available by the Administrator to prevent the unauthorized acquisition and modification of personal data transmitted electronically by the User.
11. In managing the Application, the Administrator uses tools provided by third parties. User data may be transferred outside the European Economic Area (EEA). Personal data may only be transferred to third countries (countries outside the EEA) or entities in third countries if the European Commission has decided that they ensure an adequate level of data protection, standard data protection clauses have been implemented in contracts with these entities, or other appropriate safeguards have been applied as referred to in generally applicable legal provisions. In connection with the transfer of data outside the EEA, the User may request further information about the safeguards applied in this regard, obtain a copy of these safeguards, or information about where they are available by contacting the Administrator.
12. User personal data will not be sold or otherwise transferred to third parties for purposes other than those described above.

#### IV. USER RIGHTS

1. Every User whose personal data is processed by the Administrator has the following rights:
  - 1) The right of access to data content includes obtaining from the Administrator confirmation of whether personal data concerning the User are being processed and accessing those data (including obtaining copies). Specifically, this right entails access to the following information:
    - a) **The purposes of processing the User's personal data:** Understanding the reasons behind the data processing activities.
    - b) **The categories of personal data being processed:** Information about the types of data (e.g., name, email, contact details) being handled.
    - c) **Information about the recipients or categories of recipients:** Details on who the personal data has been disclosed to or will be disclosed to in the future.
    - d) **The right to exercise data protection rights and how to execute these rights:** Guidance on how to use rights such as data correction, deletion, or restriction of processing.
    - e) **The right to lodge a complaint with a supervisory authority:** Information on how to contact and file a complaint with the relevant data protection authority.

- f) **Automated decision-making, including profiling, and its consequences for the User:** Explanation of any processes involving automated decision-making, including the profiling and the potential effects on the User, except when it pertains to data processing for preventing money laundering and terrorist financing or other criminal activities.
- 2) **Right to Rectification:** This is the right for Users to request that the Administrator promptly correct any inaccurate personal data concerning them and to request the completion of incomplete personal data.
- 3) **Right to Erasure ("Right to be Forgotten"):** This is the right for Users to request that the Administrator promptly delete personal data concerning them. The Administrator is obligated to delete the User's personal data provided one of the following conditions is met:
  - a) The personal data are no longer necessary in relation to the purposes for which they were collected.
  - b) The User has withdrawn consent on which the processing is based, and there is no other legal ground for processing.
  - c) The personal data have been unlawfully processed.
  - d) The personal data must be erased to comply with a legal obligation.

The right to erasure cannot be fulfilled if the Administrator is required by law to continue processing personal data for purposes specified by relevant legal provisions or necessary for the establishment, exercise, or defense of legal claims.

- 4) **Right to Restriction of Processing:** This right allows Users to request that the Administrator limit the processing of their personal data under certain conditions:
  - a) The User contests the accuracy of the personal data, during a period enabling the Administrator to verify the accuracy of the personal data,
  - b) The processing is unlawful, and the User opposes the erasure of the personal data and requests the restriction of their use instead.
  - c) The Administrator no longer needs the personal data for the purposes of processing, but they are required by the User for the establishment, exercise, or defense of legal claims.

When the right to restriction of processing is exercised, the Administrator may process the personal data, apart from storing them, only with the User's consent or for the establishment, exercise, or defense of legal claims, or for the protection of the rights of another natural or legal person, or for reasons of important public interest.

- 5) **Right to Data Portability:** This right entitles Users to receive their personal data, which they have provided to the Administrator, in a structured, commonly used, and machine-readable format. It also includes the right to request that their personal data be transferred to another data controller, provided that such transfer is technically feasible. This right applies under the following conditions:
  - a) The processing is carried out by automated means.
  - b) The processing is based on the User's consent or on a contract.

However, if the data requested to be transferred include the Administrator's trade secrets, the Administrator has the right to refuse the User's request to transfer such data, and the User will be informed of this decision.

- 6) **Right to Object to Processing:** The User has the right to object at any time, for reasons related to their particular situation, to the processing of their personal data based on the legitimate interests of the Administrator (under Article 6(1)(f) of the GDPR), including profiling based on these provisions. In such cases, the Administrator may no longer process the personal data for these purposes unless it can demonstrate compelling legitimate grounds for the processing that override the interests, rights, and freedoms of the User, or for the establishment, exercise, or defense of legal claims. Additionally, if the User's personal data is processed for direct marketing purposes, the User has the right at any time to object to processing of their personal data for such marketing, including profiling to the extent that it is related to such direct marketing. If the User objects, the Administrator must cease processing the personal data for direct marketing purposes. This gives Users significant control over the use of their data in activities that directly impact them, such as targeted advertising and behavioral profiling.
2. In cases where the processing of a User's personal data is based on the User's consent (Article 6(1)(a) of the GDPR), the User has the right to withdraw their consent at any time. Withdrawing consent does not affect the lawfulness of processing based on consent before its withdrawal. This means that any processing of personal data that took place before the consent was withdrawn remains lawful and valid, but the processing must cease going forward once the consent is officially retracted.
  3. Providing data by the User is voluntary, but the consequence of not providing necessary data will be the inability to undertake actions that involve the Administrator contacting the User or aiming to conclude and provide Services at the User's request. This means that while Users can choose whether or not to provide their personal data, failure to provide certain data may prevent them from fully engaging with and benefiting from the Administrator's services.
  4. The processing of the User's personal data may occur in an automated manner, which can involve profiling. Profiling consists of creating a User profile using computer algorithms, based on the information held by the Administrator, to identify possible characteristics and preferences of the User. These actions serve to prepare and present offers or marketing information that are best tailored to the User's needs. This method allows for more personalized and relevant interactions between the User and the Administrator's services.
  5. Cofnięcie zgody lub sprzeciw co do przetwarzania danych osobowych następuje poprzez wysłanie wiadomości na adres poczty elektronicznej Administratora: [kontakt@stretchme.pl](mailto:kontakt@stretchme.pl)
  6. Withdrawing consent or objecting to the processing of personal data can be done by sending a message to the Administrator's email address: [kontakt@stretchme.pl](mailto:kontakt@stretchme.pl) This provides a direct and accessible means for Users to manage their privacy preferences and assert their rights under data protection regulations.
  7. In cases where a User believes that the Administrator's processing of their personal data violates the provisions of the GDPR, the User has the right to lodge a complaint with a supervisory authority. In Poland, this authority is the President of the Personal Data Protection Office (Prezes Urzędu Ochrony Danych Osobowych). This right ensures that Users have a means to seek recourse and ensure compliance with data protection laws.

8. Contact with the person supervising the processing of personal data within the Administrator's organization can be made electronically via email at: [kontakt@stretchme.pl](mailto:kontakt@stretchme.pl) This provides a direct line of communication for inquiries or concerns related to personal data management.

## V. CONTACT WITH THE ADMINISTRATOR

1. Users can contact the Administrator at any time by sending a message either in writing or via email to the Administrator's address, specifically:
  - 1) in writing to the address: Młocarni 69, Warsaw
  - 2) Electronically to the email address: kontakt@stretchme.pl
2. The Administrator stores correspondence with Users for statistical purposes and to ensure the best and quickest response to incoming inquiries, as well as to resolve complaints and make decisions on administrative interventions based on the reports concerning specified data. Addresses and data collected in this manner will not be used for communication with the User for purposes other than addressing the reported issues. This practice helps maintain the efficiency of service management and ensures that user communications are handled appropriately and confidentially.
3. All requests from Users for the Administrator to perform actions related to personal data will be executed after prior verification of the User. To this end, the Administrator reserves the right to ask the User to confirm their details, including personal data such as first name, last name, email address, etc. This applies to the same data, including personal data, that were previously provided by the User and for which the User has given consent for processing. Providing this information is not mandatory but may be necessary to carry out the actions or obtain the information requested by the User. This step ensures the security and accuracy of the data handling process, protecting both the User's personal information and the integrity of the Administrator's operations.

## VI. SECURITY MEASURES

1. The Administrator implements appropriate technical and organizational measures to ensure the security of the processed personal data, which are adequate to the risks and categories of data being protected. Specifically, these measures aim to protect data from being disclosed to unauthorized persons, from unauthorized access, acquisition, processing in violation of applicable laws, as well as from alteration, loss, damage, or destruction.
2. Taking into account the state of technological knowledge, the cost of implementation, and the nature, scope, context, and purposes of processing, as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the Administrator implements appropriate technical and organizational measures to ensure a level of security appropriate to the risk. These measures include, but are not limited to, the following, where appropriate:
  - 1) **Ensuring the ongoing confidentiality, integrity, availability, and resilience of processing systems and services:** This involves setting up systems that are robust against unauthorized access and ensuring they can continue to operate effectively under adverse conditions.
  - 2) **Ability to restore the availability and access to personal data promptly in the event of a physical or technical incident:** This involves having backup systems and processes in place to recover data quickly and efficiently to minimize downtime and data loss.



- 3) **Regular testing, assessing, and evaluating the effectiveness of technical and organizational measures to ensure the security of processing:** This includes conducting regular security audits, penetration testing, and vulnerability assessments to continually refine and improve security measures.

## VII. FINAL PROVISIONS

1. To make the Application more attractive to the User, the Administrator utilizes cookies. A "cookie" is a small file containing a string of characters sent to the User's computer when using the Application. Information collected automatically via cookies allows the Administrator to tailor services and content to the individual needs and preferences of the User, as well as to compile general statistics on the User's use of the Application. Thanks to the cookie, the User's browser can be recognized by the Administrator's websites. Most of the cookies used by the Administrator are removed from the User's hard drive at the end of the session ("session cookies"). Other cookies remain on the User's computer to enable recognition of the User's computer during subsequent visits ("persistent cookies"). Disabling the option to save cookies in the web browser may make it difficult or impossible to use the Application.
2. Given the fact that the market for teleinformatics network monitoring services is developing extremely dynamically, the Administrator strives to inform Users about the use of services from new entities in this field, and the User consents to the possibility that in the future, other companies may also be involved. At the same time, the Administrator informs that the User can withdraw their consent in this regard at any time by changing the settings of their browser. This flexibility allows Users to stay informed and maintain control over their personal data as the technology landscape evolves.
3. The Administrator provides detailed cookie policy rules to the public, available at [https://app-dev.physiostretch.app/pdfs/cookies-policy\\_eng.pdf](https://app-dev.physiostretch.app/pdfs/cookies-policy_eng.pdf)
4. In the Application, there may be links (e.g., in the form of third-party logos) that, when activated, redirect the User to an external website. The Administrator is not responsible for the consequences of such redirects and has no control over the content on those web pages. The Administrator also does not take responsibility for the privacy and security policies or cookies used on these external sites. Users are encouraged to familiarize themselves with the content of the relevant legal documents applicable on these pages. This approach helps ensure that Users are aware of and understand the different privacy practices they may encounter when leaving the main application.
5. Services and features within the Application may expand over time, which means the Administrator reserves the right to make changes to this Privacy Policy while still preserving the rights previously acquired by Users. This Privacy Policy applies to every User. Changes may occur for several important reasons, including:
  - 1) **Changes in applicable regulations**, particularly regarding personal data protection, telecommunications law, services provided electronically, and regulations governing consumer rights, which influence the rights and duties of the Administrator or the rights and duties of Users.

- 2) **Development of functionalities or Services** driven by advancements in internet technology, including the adoption/implementation of new technological or technical solutions, affecting the scope of the Privacy Policy.
6. These adjustments ensure that the Privacy Policy remains up-to-date with legal requirements and technological advancements, thereby safeguarding both the User's personal data and enhancing their experience with the Application [www.physiostretch.app/archiwum](http://www.physiostretch.app/archiwum)
7. In case of doubts or contradictions between the Privacy Policy and the consents provided by the User for the processing of personal data, regardless of the provisions of the Privacy Policy, the basis for the Administrator to undertake and determine the scope of actions will always be the consents voluntarily provided by the User or the applicable legal provisions. This ensures that the User's explicit choices and legal requirements take precedence in guiding how personal data is handled by the Administrator.