



ZARNASH FITNESS PRIVACY POLICY

Date of placement on March 17th, 2023.

Updated: March 17th, 2023

This Privacy Policy describes the types of Personal Data we collect on the ZARNASH FITNESS websites (<https://www.zarnashfitness.com>, <https://www.zarnashfitness.co.ke> and <https://www.zarnashfitness.app>), (the "Websites"), Zarnash Fitness mobile application ("Zarnash Fitness App"), blog, forum (available online at <https://forum.zarnashfitness.com> and via the Zarnash fitness, "Forum"), social media pages, online shop or one of our other products or services, all of which are part of Zarnash Fitness platform (the "Platform")

By transmitting to the Company personal and other data through the Application, the User confirms his consent to use the data specified on the terms set forth in this Privacy Policy.

If the User does not agree to the terms of this Privacy Policy, he must stop using the Application.

An unconditional acceptance of this Privacy Policy is the beginning of the use of the Application by the User.

1. TERMS

1. **The application** is an application located in the Apple AppStore and Google Play online store called Zarnash Fitness and available for download on the official website at <http://www.zarnashfitness.com>.

All exclusive rights to the Application and its individual elements (including software, design) belong to the Company in full. The transfer of exclusive rights to the User is not subject to this Privacy Policy.

2. **User** is the person using the Application.

3. **Client** is the category of the User who has his personal profile in the Application and uses the Application to communicate with other Users, exchange information, maintain a log of his training with the opportunity to use the paid services provided by the Trainer.



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4. **Trainer** is a category of User that specializes in Providing Fitness and Meal Plan Content, he or she uses the application to contact with other Users, engage in information sharing, and potentially offer paid services after creating a personal profile.
5. **Paid service(s)** — services provided by Trainers on the basis of the User Agreement.
6. **Law** is current law of the Republic of Kenya, Data protection act of 2019
7. **Personal data** is personal data of the User, which the User provides about himself on Registration or in the process of using the Application functionality.
8. **Data** is other data about the User (not included in the concept of Personal Data).
9. **The Registration** is a creating of a new User account in the Application by entering the information required for registration in the registration form or logging in using the available social networks.
10. **The registration form** is a form located in the Application, which the User must complete for the Registration in the Application.

2. COLLECTION AND PROCESSING OF PERSONAL DATA

We may ask for and collect your Personal Data (either directly through your use of the Platform or when you communicate with us in any other way, or indirectly through our third party partners or providers) in a number of ways to provide you with the products or services that you request – please refer to Section 3 below for more information on how we use your Personal Data. We may also collect information from you automatically when you visit our Platform – for more information, please refer to our Cookie Policy available at the following webpage: www.zarnashfitness.com/pages/cookie-policy.

"Personal Data" has the meaning given in the Data Privacy Law applicable to you, and includes any information or opinion relating to you which allows us to identify you, such as your name, phone number, social media name or 'handle', postal address, email address, details of products or services you have purchased, payment details and information about your access to our Websites.

1. The company collects and stores only those Personal Data that are necessary to provide the opportunity to use the paid services of the Trainer and for full interaction with other Users.



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2.2 Personal data can be used for the following purposes:

1. To fulfil any orders for products that you place on the Platform, including to communicate with you about the orders and to process information for our internal accounting, billing and audit purposes;
2. To create and set up your User Account;
3. Interaction with the User;
4. Direction to the User of promotional materials, information and inquiries;
5. If you use the Platform to track your fitness activity, we will collect and store this information so that you can review it on the Platform and track your progress. We may also use this information to calculate further information about your activity so that this can be provided to you as part of the functionality of the Platform;
6. Processing of the user payments;
7. To offer you personalized workout recommendations based on your previous interactions with the Platform.
8. Communicate information about our products and services and for other promotional purposes:

With your consent, or as otherwise permitted by applicable Data Protection Act, we will use your Personal Data to provide information and recommendations that we believe is of interest to you, prior to, during, and after your interactions with us, including marketing communications and news concerning our products, services, events and other promotions. You can opt-out at any time after you have given your consent to such communications. In providing tailored promotional materials to you, Zarnash Fitness may use the personal information collected through your use of the Platform, such as the user preferences you set and profile data you submit, any fitness activity data generated through your use of the Platform, and any medical conditions or dietary preferences that you have identified to us.

9. Customer service communications:

We use your data to manage our relationship with you as our customer and to improve our services and enhance your experience with us (e.g. to respond to your inquiries when you reach out to us). From



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Time to time, we may also conduct customer surveys to gauge satisfaction with our Platform and the services and products that we provide.

10. Administrative or legal purposes:

We use your Personal Data to operate our business, including for statistical and marketing analysis, systems testing and to diagnose technical and service problems, maintenance and development of our Platform, or in order to deal with a dispute or claim. We may also perform data analysis based on the Data we collect from you for statistical and marketing analysis purposes – for example, we may use information about how users of our Platform search for and find specific workouts to better understand the best ways to organize and present the content that we offer.

11. Security, health, administrative, crime prevention/detection and legal purposes:

We may use your Personal Data to verify your information and identity, and to protect against, identify and prevent fraud and other unlawful activities. We may also share your Personal Data with government authorities or enforcement bodies for compliance with legal requirements, or as otherwise required or permitted by applicable Data Protection Act.

Other purposes:

We may also use your Personal Data in other ways, and where we do so, we will provide specific notice at the time of collection and obtain your consent unless otherwise permitted by applicable Data Protection Act.

We will only process your personal data where we have a legal basis to do so, which will depend on the reasons for which we have collected and need to use your personal data. In most cases we will need to process your personal data so that we can enter into contracts with you under our terms of use (when orders for products are made), and to fulfil the provision or delivery of goods or services to you on the Platform (including subscriptions to the Platform).

Our processing of your Personal Data for the above purposes is done pursuant to the following legal basis:

1. To comply with a legal obligation;
2. The processing is necessary for the performance of a contract with you, such as providing you with our services on the Platform;



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3. If it is in our legitimate interests to do so as a business (e.g., for administrative purposes or to improve the functionality of our Platform);
4. Where you have consented to our using your personal data (e.g., for the collection of data pertaining to your health status, pregnancy, or marketing related uses);
5. Where you have made such information public; and to protect your vital interests or those of another person (e.g. in case of a medical emergency).
6. Where we receive your Personal Data as part of providing our services to you based on a contract, we require such Personal Data to be able to carry out the contract. Without that necessary Personal Data, we will not be able to provide our services to you.

Personal details including about your nationality or physical or mental health are considered “sensitive” Personal Data under applicable Data Protection Act. We will process any such data only if you have given your explicit consent, or it is necessary (for instance, if you request special assistance), or if the sensitive Personal Data has been manifestly made public by you (e.g., by posting information about your health/fitness status in the Zarnash Fitness Forum), or otherwise in compliance with applicable Data Protection Act.

The Platform may require information about your physical health to provide certain functions or services, including when you use or interact with a Linked Device that integrates with the Platform. If you choose not to provide certain health information, some functions or services within the Platform may be unavailable or not function properly.



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2.3 The company also processes the following data:

1. Country of residence and gender, home address and telephone number
2. Date of Birth;
3. E-mail address;
4. A surname and other name;
5. Weight;
6. Height;
7. Allergies;
8. Injuries;
- 9 . Health information (as described further below) including health information generated by the devices (e.g. smart watches, heart monitors) that you connect to the Zarnash Fitness App and Underlying Health Condition
10. Your facial features, and information related to your pregnancy status;
11. Internet or other similar network activity: information about your use of the Platform and your IP address, including information collected automatically through cookies;
12. Geo-location data: where the IP address of your computer or device is used to determine your geographic location so that we can customize your experience on the Platform (e.g. language settings);
13. Fitness/lifestyle activity data provided by you on the Platform or generated through your use of the Zarnash fitness App (e.g. workouts completed, duration, meals, water intake), including activity data generated by the devices (e.g. smart watches, heart monitors) that you connect to the Zarnash fitness App;
14. Information about yourself which you choose to post or share in the Forum;



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15. information you provide about yourself which you choose to share with us via a free text field, for example, when completing workout reviews, giving feedback to us about your experience in the Platform, completing member surveys, etc.;

16. Information about your purchases of products and services from us or our third party partners who may provide or promote their own products or services through the Platform;

17. Information about your use of the Platform;

18. Communications with us or directed to us via letters, emails, chat services, calls, and social media;

19. where you have selected particular services or features on the Platform (e.g. scheduling your workouts, sharing your fitness activities with friends through social media platforms), your photos, audio, contacts and calendar information, as well as your social network information (including credentials and any information from your public posts about Zarnash Fitness or your communications with us);

20. When you have sent a referral link to a friend, colleague, or family member or been referred to Zarnash Fitness by a friend, we may be able to identify the identity of the person who referred you or who you referred;

21. Any information you share in a social media post where you tag, use a hashtag, link, or otherwise direct the post to our attention;

22. when you have elected to sign up and log into the Platform using a third-party account you created (e.g. through Facebook or Apple), information you have agreed to make available to us (e.g. name, email address, profile information, preferences);

Linked Devices– Users may choose to connect a third-party device (like an Apple Watch or fitness tracker) and enable that device to share your fitness activity or health information (e.g., heart rate, steps, water intake) it collects with Zarnash Fitness. You can manage what data your device shares with Zarnash Fitness at any time within the Apple Health or Google Fit application on your device.



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3. PROCEDURE FOR PROCESSING PERSONAL AND OTHER DATA

1. The Company undertakes to use Personal Data in accordance with the **DATA PROTECTION ACT 2019** and the Company's internal documents.

2. With respect to the Personal Data and other User Data, their confidentiality is preserved, except when these data are publicly available.

3. The Company has the right to maintain an archival copy of Personal Data and Data, including after the deletion of the User's account.

4. The Company has the right to transfer Personal Data and User Data without the User's consent to the following persons:

- state institutions, including those of inquiry and investigation, and local self-government bodies on their reasoned request;
- staff of the Company;
- In other cases, expressly provided by the current laws of Kenya.

5. The Company has the right to transfer Personal Data and Data to third parties not specified in item 3.4 of this Privacy Policy, in the following cases:

1. The transfer takes place within the framework of the sale or other transfer of the business (in whole or in part), while to the acquire assumes all obligations to comply with the terms of this Policy.

2. The transfer is necessary within the User's use of the Application or the assistance of the Paid Services to the User;

3. The user expressed his consent to such actions;



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4. THE CHANGING OF THE PERSONAL DATA

1. The User may at any time modify (update, supplement) Personal Data by editing his profile in the Application, or by sending a written application to the Company.
2. The user has the right to delete Personal Data at any time.
3. The User guarantees that all Personal Data is current and does not apply to the third parties.

5. THE PROTECTION OF THE PERSONAL DATA

1. The Company properly protects Personal Data and other data in accordance with the Laws and takes necessary and sufficient organizational and technical measures to protect Personal Data.
2. The applied protection measures, among other things, allow to protect Personal Data from unauthorized or accidental access, destruction, modification, blocking, copying, distribution, as well as from other illegal actions of the third parties with them.
3. We follow strict security procedures in the storage and disclosure of your Personal Data, which are designed to protect it against misuse, unauthorized access, modification or disclosure and accidental loss, destruction or damage. The data you provide to us is protected using SSL (Secure Socket Layer) technology. SSL is the industry standard method of encrypting Personal Data and credit card details so that they can be securely transferred over the internet

6. INTERNATIONAL TRANSFER OF YOUR PERSONAL DATA

When transferring Personal Data to a third party service provider, or outside of your home country, we take measures to protect your Personal Data as described in this Privacy Policy and in compliance with applicable Data Privacy Law. Using contractual and other means, we also require all third party data recipients (including our service providers) to process your information in a secure manner and in accordance with the applicable Data Privacy Law in your country of residence. However, when stored or processed in another country, your Personal Data will be subject to the applicable Data Privacy Law of that country, which may not provide the same protections as the applicable Data Privacy Law in your country of residence. If you have further questions about this or would like to request to view copies of the applicable safeguards (where required), please contact us at the details in Section 9.



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Zarnash fitness operates businesses in multiple jurisdictions, some of which are not located in the Africa. The Personal Data that Zarnash Fitness collects from users will be stored in Kenya and/or the United States of America and might also be shared with third party data recipients (e.g., Cloud Storage companies, Bulk SMS Providers and Artificial intelligence services providers and customer support providers such as Zen desk) that are not located in Kenya. Therefore, the Personal Data that you provide to Zarnash Fitness may be transferred internationally to countries other than the country in which you initially provided your data.

While countries outside the EU, US and the UK do not always have strong data privacy laws, we take measures to protect your Personal Data as described in this Privacy Policy and in compliance with applicable Data Privacy Law. We also require all third party data recipients (including our service providers) to process your information in a secure manner and in accordance with the Kenya Data protection act and other applicable Data Privacy Law (e.g., through the signing of our Data protection contract. If you have further questions about this or would like to request to view copies of the applicable safeguards (where required), please contact us at the details in Section 9 below.

7. RETENTION OF PERSONAL DATA

We will not retain your data for longer than is necessary to fulfil the purposes for which it is being processed. To determine the appropriate retention period, we consider the amount, nature and sensitivity of the personal data, the purposes for which we process it, and whether we can achieve those purposes through other means.

We also consider the periods for which we might need to retain personal data in order to meet our legal obligations, or to deal with complaints and queries, and to protect our legal rights in the event of a claim being made.

In general, this means that we will likely keep your Personal Data for as long as your User Account is open. Following closure of your User Account, however, we may still retain a limited portion of your Personal Data so that we can maintain a continuous relationship with you if and when we are in contact with you again, and to comply with our internal processes and any legal obligations.

When we no longer need your personal data, we will securely delete or destroy it. We will also consider if and how we can minimize over time the personal data that we use, and if we can fully anonymise your



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personal data so that it can no longer be associated with you or identify you, in which case we may use that information without further notice to you.

Information that you have shared in the Forum will remain public even after you have closed your Forum account. Where you choose to delete content that you have posted to the Forum, the information will not be deleted from third party websites, apps or internet search engine indexes instantly as removal of the content depends on third party policies.

We will only process your personal data where required to operate the Platform, provide you with products and services, and to operate our business, including for the purposes outlined in this Privacy Policy. In most cases, we will need to process your personal data so that we can enter into contracts under our terms of use (when orders for products are made), and to fulfil the provision or delivery of goods or services to you on the Platform (including subscriptions to the Platform).

Who do we share your Personal Data with?

We may share your Personal Data with the following people for the purposes described in this Privacy Policy:

1. Zarnash Fitness Trainers and staff
2. Where you have selected particular services or features on the Platform (e.g. scheduling your workouts, sharing your fitness activities with friends through social media platforms), other Users of the Platform;
3. Our trusted CRM providers for SMS and Email Marketing,
4. Our Payment Services Providers like MPESA, Visa and MasterCard. If you choose to purchase our digital products offered from these providers, you may be a customer of both Zarnash Fitness and the provider, and the provider may collect and share information about you, such as your contact details and your billing information. We are not responsible for third parties' use of your personal data where such use is permitted for their own purposes. You should consult their privacy policies for further information;
5. if you joined Zarnash Fitness via a referral link sent to you by one of your contacts (like a friend, family member, or colleague), we may let that contact know you've created a Zarnash fitness account, and provide them a referral bonus as a result;
6. Third party social media platforms in various circumstances, including where:



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You are able to access third party social media services through our Platform or before coming to our Platform;

You connect your User Account to your social media account, in which case we will receive from the social media platform the Personal Data you choose to share, based on the preferences and settings on your social media account. We will use this information in order to improve and personalize your use of our Platform;

Third party social media sites have placed cookies or pixels on our website;

You post or otherwise participate in competitions, events, or direct your social media posts to us via a hashtag, tag, link, etc.; and

we use social media plugins on our Platform (e.g., a “share” or “like” button), and your use of these plugins, may result in the disclosure of certain of your information to the social media platform in question, and possibly presented on your social media profile, to be shared with others in your network – however, we will only share your Personal Data with these social media platforms if you have provided your express consent for us to do so.

Please refer to the privacy policy of those third-party social media platforms to find out more about these practices;

7. Other companies, contractors or agents that assist us in providing services to you, including our meal plan delivery partners
8. Other companies, contractors or agents in connection with our marketing efforts, or marketing platform providers;
9. Other companies in connection with providing personalized recommendations to you in your use of the Platform;
10. Government authorities, law enforcement bodies and regulators for compliance with legal requirements, or where otherwise required by Data Protection Act 2019;
11. Our legal and other professional advisers in order to enforce our legal rights in relation to our contract with you; and



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Where you choose to post information in the Forum, the information that you share will be public information which can be viewed by anyone (whether or not they are a part of our community). Information posted in the Forum will be indexed to third party internet search engines (such as Google), websites and apps. For further information about how information posted in the Forum is used, please refer to our Forum Community Guidelines.

We may also transfer your Personal Data to potential buyers in the event that we sell or transfer all of a part of our business or assets (including in the event of a reorganization or dissolution / liquidation), under strict non-disclosure restrictions, and solely in order to allow a buyer to determine whether to proceed with the transaction, or where such a determination is made, to complete it.

In addition to the purposes set out elsewhere in the policy, Zarnash Fitness may collect, use and disclose your Personal Data for marketing and analytics purposes, including to display targeted advertising, based on your interests as inferred from web activity, when you visit other sites around the web or as you use various social media platforms. Please see our Cookie Policy for further details, including how you can control the use of your Personal Data for targeted advertising purposes.

By using the Platform or otherwise providing us with your Personal Data, you agree to the collection, use and disclosure of your Personal Data as set out in this Privacy Policy.

Your Rights and Choices

Under certain circumstances, by applicable Data Privacy Law you may have the right to:

Transparency

You have the right to request information about whether we hold Personal Data about you, and, if so, what that information is and why we are holding/using it.

Access

You may request access to your Personal Data (commonly known as a "data subject access request"). This enables you to receive a copy of the Personal Data we hold about you and to check that we are lawfully processing it.

Correction

You have the right to request correction of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.



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Erasure

You can request erasure of your Personal Data. This enables you to ask us to delete or remove Personal Data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Data where you have exercised your right to object to processing.

Object

You may object to processing of your Personal Data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation that makes you want to object to processing on this ground. You also have the right to object where we are processing your Personal Data for direct marketing purposes.

Automated Decision Making and Profiling

You may also object to automated decision-making including profiling, that is not to be subject of any automated decision-making by us using your Personal Data or profiling of you.

Restriction of Processing

You have the right to request the restriction of processing of your Personal Data. This enables you to ask us to suspend the processing of Personal Data about you, for example if you want us to establish its accuracy or the reason for processing it.

Transfer

Request transfer of your Personal Data in an electronic and structured form to you or to another party (commonly known as a right to “data portability”). This enables you to take your data from us in an electronically useable format and to be able to transfer your data to another party in an electronically useable format.

Withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your Personal Data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time by contacting us using the details in Section 9 below. You can also withdraw your consent for the processing of your health information within the Profile Menu of the Zarnash Fitness App. Once we have received notification that you have withdrawn your consent, we will



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no longer process your information for the purpose or purposes to which you originally agreed, unless we have another proper and legitimate basis for doing so.

If you wish to exercise your rights related to your Personal Data (including the rights set out above), please contact the Zarnash fitness team using the details in Section 9.

While you will generally not be required to pay a fee to access your Personal Data or to exercise any of your other statutory rights, we may charge a reasonable fee if your request for access is clearly completely unfounded, excessive or decline to comply with such requests where permitted by applicable Data Privacy Law.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it and to prevent unauthorized modification of your Personal Data.

Cookies

A "cookie" is a small file stored on your device that contains information about your device. You have certain options with respect to the use of cookies and other tracking technologies on our site, including for the purposes of online interest-based advertising. For more information about the cookies we use, please refer to our Cookie Policy which forms part of this Privacy Policy.

You may also set your browser to send a Do Not Track (DNT) signal. Please note that our Websites do not have the capability to respond to DNT signals received from web browsers at this time.

Links to other websites

Our Platform may provide links to other websites for your convenience and information. These websites may operate independently from us. If you visit any website linked to our Platform, you are subject to that website's own privacy policies. Linked websites may have their own privacy notices or policies, which we strongly suggest you review. To the extent any linked websites are not owned or controlled by us, we are not responsible for their content, any use of the websites, or the privacy practices of the websites.

Children

Users must be of legal age in their respective countries and not under 16 years old. Individuals are not allowed to sign up for a User Account on the Platform without verifying that they are 16 years of age or



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older. To the extent we identify any User that appears to be below the age of 16 years, we will reach out to that User to verify their age.

Updates to this Privacy Policy

Zarnash fitness may revise and update this Privacy Policy at any time in its sole discretion by posting an updated Privacy Policy on the Platform. All such changes to the Privacy Policy are effective immediately when posted to the Platform and apply to all access to and use of the Platform thereafter.

8. OTHER PROVISIONS

1. All possible disputes arising from this Agreement shall be resolved in accordance with applicable law at the place of registration of the Company.

2. If, for one reason or another, one or more of the provisions of the Privacy Policy are found to be invalid or unenforceable, this does not affect the validity or applicability of the remaining provisions of the Privacy Policy.

3. The Company has the right to change the Privacy Policy at any time (in whole or in part) unilaterally without prior consent of the User. All changes come into force from the moment of their publication on the website at <https://zarnashfitness.com/> and in the Application.

6. The User undertakes to independently monitor the changes in the Privacy Policy by reviewing the current version.

9. CONTACT INFORMATION OF THE COMPANY

How to contact us?

We welcome questions and comments about this Privacy Policy and our privacy practices. If we receive a complaint from you about how we have handled your Personal Data, we will investigate and determine what action we should take to resolve the complaint. We will contact you within a reasonable



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time and may request more information to assist us with our investigation. We aim to resolve all complaints in a timely manner.

If you wish to provide feedback or if you have questions or concerns or wish to exercise your rights related to your Personal Data, please contact the Zarnash Fitness team at the following email address: info@zarnashfitness.com. Alternatively, you can contact the Zarnash Fitness by completing a contact form (available at this webpage: <http://support.zarnashfitness.com/he/en-us/requests/new>) or through the chat function on the Zarnash Fitness Websites.

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