



Last Updated: July 31, 2019

Virgin Pulse, including its subsidiaries Preventure, ShapeUp, participates in, and has certified its compliance with, the EU-U.S. Privacy Shield and Swiss-U.S. Privacy Shield Frameworks, as set forth by the U.S. Department of Commerce, regarding the collection, use and retention of Personal Information from the European Economic Area, the United Kingdom, and Switzerland to the United States. Virgin Pulse is committed to subjecting all personal data received from European Economic Area (EEA) member countries, the United Kingdom and Switzerland to applicable Privacy Shield Framework Principles. If there is any conflict between the terms of this Statement and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield Framework, visit the U.S. Department of Commerce's Privacy Shield website at <https://www.privacyshield.gov/list>. To view and learn more about our certification please visit <https://www.privacyshield.gov/participant?id=a2zt0000000TOtTAAW&status=Active>.

**Accountability for Onward Transfer.** Virgin Pulse is responsible for the processing of personal data it receives and subsequently transfers to a third party acting as an agent on its behalf, under the Privacy Shield Framework. Virgin Pulse complies with the Privacy Shield Principles for all onward transfers of personal data from the EEA, the United Kingdom and Switzerland, including the onward transfer liability provisions.

With respect to personal data received or transferred pursuant to the Privacy Shield Framework, Virgin Pulse is subject to the regulatory enforcement powers of the U.S. Federal Trade Commission. The Federal Trade Commission may be contacted at the following address:

Federal Trade Commission.  
Attn: Consumer Response Center  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
Email: [Consumerline@ftc.gov](mailto:Consumerline@ftc.gov)  
[www.ftc.gov](http://www.ftc.gov)

In certain situations, Virgin Pulse may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

**Recourse and Enforcement.** In compliance with the Privacy Shield Principles, Virgin Pulse commits to resolve complaints about its collection or use of Member personal information. Any Member within the European Economic Area, United Kingdom or Switzerland with questions or concerns regarding the use or disclosure of personal information or who wishes to file a complaint are directed to contact us via the mechanism indicated herein. We will respond to any reasonable and valid complaint within 45 days of receipt of such complaint. We will



investigate and attempt to resolve complaints and disputes regarding use and disclosure of personal information in accordance with the principles contained in this Statement.

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) at <https://feedback-form.truste.com/watchdog/request>.

Under certain conditions, more fully described on the Privacy Shield website [<https://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint>], you may be entitled to invoke binding arbitration when other dispute resolution procedures have been exhausted.

**Choice.** A Member's knowledge of and consent to our collection, use and disclosure of Personal Data is important. We rely on the following actions by the Member as indications of consent to our existing and future Personal Data handling:

- A Member's voluntary provision of Personal Data to us directly;
- A Member's express consent or acknowledgement contained within a written, verbal or electronic application process; and
- A Member's verbal consent solicited by us (or our agent) for a specified purpose.

Where We rely on consent for the fair and lawful processing of Personal Data, the opportunity to consent will be provided when the Personal Data in question is collected. A Member's consent may be given through an authorized representative such as a legal guardian, agent or holder of a power of attorney.

Subject to certain legal or contractual restrictions and reasonable notice, consent may be withdrawn at any time. We will inform the Member of the consequences of withdrawing consent. In some cases, refusing to provide certain Personal Data or withdrawing consent for Us to collect, use or disclose your Personal Data could mean that We cannot provide the requested services or information for you.

If you wish to withdraw consent, please refer to the Contact information section below. However, there are a number of instances where We do not require your consent to engage in the processing or disclosure of Personal Data. We may not solicit your consent for the processing or transfer of Personal information for those purposes, which have a statutory basis, such as:

- The transfer or processing is necessary for the performance of a contract between you and Virgin Pulse (or one of Our affiliates);
- The transfer or processing is necessary for the performance of a contract, concluded in your interest, between Us (or one of our affiliates) and a third party;



- The transfer or processing is necessary, or legally required, on important public interest grounds, for the establishment, exercise, or defense of legal claims, or to protect your vital interests; or
- The transfer or processing is required by applicable law.

**Data Integrity and Purpose Limitation.** In addition to employing reasonable Data Security safeguards, We take reasonable steps to ensure that Personal Data is reliable for its intended use; as well as being current, accurate, and complete. We only collect, use, and disclose Personal Data for the purposes specified in this Statement. As part of maintaining current, accurate, and complete Personal Data, We need your help. Should you know that the Personal Data you've provided to Us is inaccurate or incomplete, please contact Us via the point of contact as specified herein.

We will normally retain Personal Data for as long as necessary for the fulfillment of the Identified Purposes. However, some Personal Data may be retained for longer purposes as required by law, contract, or auditing requirements.

**Contact Information.** You may contact Us via email at [privacyofficer@virginpulse.com](mailto:privacyofficer@virginpulse.com) or via the "Contact Us" section of the Virgin Pulse web-based platform and mobile application.

Alternatively you can contact Us by writing to:

The Virgin Pulse Data Protection Officer  
Virgin Pulse, Inc.

75 Fountain Street, Providence, Rhode Island 02902, United States.