



PRIVACY POLICY

diPulse App

Privacy Policy for the diPulse App

(dated 08/16/2019)

1	Privacy Policy purpose.....	3
2	Privacy Policy acceptance.....	3
3	Privacy Policy modification.....	3
4	Data protection.....	3
5	Personal Data.....	4
6	Data Controller.....	4
7	Subcontractors and authorized partners.....	5
8	Use of your Personal Data.....	5
9	Data storage and transfer of your Personal Data.....	5
10	Data security and retention.....	5
11	User’s rights over his Personal Data.....	7
12	Data portability.....	7
13	Third-Party websites and Services.....	7
14	Data retention time.....	9
15	Data suppression and backup systems.....	9
16	Conformity with the laws and application of the laws.....	9
17	Applicable law and jurisdiction.....	9
18	This Privacy Policy, as well as all matters arising out from or in connection with it (including claims or non-contractual disputes and their interpretation) will be subject to Swiss law, excluding conflict of law rules.....	9
19	All disputes claims or non-contractual disputes between you and the Data Controller regarding any matter relating to this Privacy Policy fall exclusively within the jurisdiction of the ordinary courts of the Republic and Canton of Geneva, (surely this should be the same as what we have in our distribution contracts, Swedish law?). an appeal to the Federal Court being reserved.	9

In order to know what Personal Data will be collected and used, you take note of the current Privacy Policy and accept it as-is.

It is explicitly made reference to in the Terms of Use, which are an integral part of this Privacy Policy.

Privacy Policy purpose

The Privacy Policy details the conditions under which NMES can collect, process, use, store, save and erase Personal Data concerning a User.

Falls outside of the scope of this Privacy Policy any processing of Personal Data related to the sale of Garments (e.g. payment details, delivery address, data relating to invoicing).

Privacy Policy acceptance

By using the App, you accept that the Data Controller collects, processes, stores, saves and erases your Personal Data, as defined by the present Privacy Policy.

You acknowledge that you have read and understood the Privacy Policy and agree to be bound by it and to comply with all applicable laws and regulations.

Privacy Policy modification

The present Privacy Policy can be amended at any time. You will be informed of these changes by e-mail and/or when you connect to the App and will have to accept them explicitly. In case of a refusal of the modifications, you will no longer be able to use the App.

Data protection

The process of your data, collected and processed by NMES, is subject to the European General Data Protection Regulation (GDPR).

NMES respects the strict confidentiality of your data.

Also reserved are the cases where the law requires the transmission to third-parties or that NMES considers in good faith that a disclosure of this information is necessary for the purposes of protecting our rights, your safety or that of others or to analyse fraud cases.

Personal Data

We mean by "Personal Data" any information relating to an identified or identifiable natural person according to art. 4 (1) GDPR (L 119 ; GDPR).

By using the App, you consent that NMES collects and processes your Personal Data:

- name;
- profile photo;
- age;
- gender;
- country;
- telephone number;
- team;
- interests;
- goal;
- profession;
- a description of your activity on the App;
- other social media profiles (e.g. Instagram, Spotify);
- location;
- heart rate during the use of Garments.
- muscle usage

When you access and/or use the App, the server automatically records details concerning your access and actions. This includes:

- your type of device;
- your IP and IMEI address;
- the date and time of the connections;
- the place of connection;
- the links that you follow;
- the pages and the content that you consult and the duration of consultation.

Data Controller

The Data Controller is NMES. You can contact the Data Controller by using the following e-mail address: support@dipulse.com.

Subcontractors and authorized partners

All or part of your Personal Data can however be communicated to subcontractors and/or partners of NMES to the extent that these entities offer services that help carrying out the activities of the App. It is provided that the transferred information, however, can only be processed and used in the strict context of the relationship with NMES.

You explicitly accept that NMES may authorize the process and storage of some Personal Data to subcontractors and partners of NMES to the extent that these entities offer services that help carrying out the activities of the App. It is provided that the transferred Personal Data, however, can only be processed and used in the strict context of the relationship with NMES.

The subcontractors and/or partner of NMES are strictly bound by confidentiality obligations and comply with the Privacy Policy and all applicable laws and regulations.

Use of your Personal Data

You explicitly consent that NMES, as the Data Controller, uses your Personal Data to:

- apply the Terms;
- detect and prevent abuses and ensure the security of the App;
- for marketing purposes (with your prior and explicit consent);
- proceed, on request, with the erasing and/or rectification of your Personal Data;

- encourage connections within the diPulse Community;
- organise challenges and teams;

You agree that NMES or one of its subcontractors and/or partners collects, processes, stores, saves and erases your Personal Data, as defined by the present Privacy Policy, in accordance with the European General Data Protection Regulation (GDPR).

NMES, its subcontractors and/or partners are subject to a strict duty of confidentiality. No Personal Data may be communicated to a third-party, except for subcontractors and/or partners, for any reason whatsoever, except with the prior express agreement of the User.

Data storage and transfer of your Personal Data

We process your Personal Data in different countries for the purposes set out in this Privacy Policy. When we transfer your Personal Data to other countries, we take adequate measures to ensure that all applicable laws and regulations are being followed.

Your Personal Data will be stored by Amazon, who guarantees an adequate level of protection, in accordance with all applicable laws and regulations.

Data security and retention

The Data Controller take every reasonable step to ensure that your Personal Data is processed and stored in a safe and secure manner and takes all reasonable measures in accordance with all applicable laws and regulations, to prevent unauthorized access, disclosure, modification, leakage or unauthorized destruction of such data.

Security technologies, rules and other procedures, as well as means to protect passwords respecting industry-standards are used to protect your Personal Data.

In the event that Personal Data has been unduly accessed by an unauthorized person or if there is reason to believe that it has been, the Data Controller agrees to promptly report to the User by e-mail.

You acknowledge, however, that the use of the Internet is by definition not secure and involves certain risks to Personal Data. It is your responsibility to make sure that the device you use is properly secured and protected against malicious software.

You understand that if you don't take the adequate security measures (including a secure web browser configuration and up-to-date anti-virus software) there is a risk that the data and passwords that you use to protect the access to your data could be disclosed to unauthorized third parties and/or that electronically transmitted data may be intercepted.

You acknowledge that you are responsible for your own use of the App.

User's rights over his Personal Data

Your Personal Data will only be processed for the purposes set out in our Privacy Policy, or any other further purposes notified to you before the processing begins.

You have the right, at any time, to:

- ask the Data Controller if he processes Personal Data about you;
- access your Personal Data collected by the Data Controller;
- receive a copy of your personal data processed by the Data Controller;
- ask the Data Controller to modify any incorrect Personal Data;
- have all your Personal Data deleted;
- withdraw your consent, at any time, concerning the processing of your Personal Data by the Data Controller;
- contact us to make a complaint, if you are concerned about a possible interference with your privacy or misuse of your Personal Data by us;
- file a complaint to the competent supervisory authority, if you consider that your rights have not been respected.

You can also opt-out of marketing communications by

- clicking on the "unsubscribe" link provided in each e-mail you might receive;
- changing preferences via your account or by contacting us.

To make use of any of these rights, please contact NMES using the following e-mail address: support@dipulse.com.

If you choose not to provide Personal Data when we ask you, this may limit the services that the App can offer you.

Data portability

The Data Controller guarantees you the portability of your Personal Data and agrees to transfer this data to any third-party service, in case of a written request from you, upon presentation of a copy of an official document proving your identity (identity card or passport).

Third-Party websites and Services

The App may provide links to other third-party websites which are outside the control of NMES. NMES rejects all and any liability relating to the contents of such websites. NMES proposes said links by way of information only, the insertion of said links does not in any manner whatsoever imply that NMES approves of the contents thereof.

The User can at any time reset their advertising ID from the Ads section of the Google Settings app on the android phone. From the same app the User can also opt-out of targeted advertising based on the advertising ID by setting the appropriate ad tracking preference.

We strongly advise you to check the Privacy Policies of any website you visit before sharing any Personal Data.

Visiting third-party websites is under the whole responsibility of the User, at his own risk and perils.

Data retention time

Unless the User explicitly asks us to erase his Personal Data, the Data will be stored for a period of 5 years from his last login in the App, after which it will be deleted.

Data suppression and backup systems

Personal Data may be retained and stored even after the closure of your Account or the App, at least temporarily, particularly in backup systems. You have the possibility, at any time, to ask the Data Controller to erase your Personal Data.

However, in the event of a legal obligation of the Data Controller to retain such Personal Data, the latter may retain Personal Data after the closure of your Account or the App.

Conformity with the laws and application of the laws

In case of a legal obligation, the Data Controller collaborates with government and justice officials to enforce and comply with all applicable laws and regulations.

In such case, Personal Data may be forwarded to government or justice officials if the Data Controller deems it necessary to comply with its legal obligations, to respond to lawsuits, to defend his rights, to protect public safety or any person, to prevent or preclude any activity that may be considered or is at risk of being unlawful or liable to prosecution.

Applicable law and jurisdiction

This Privacy Policy, as well as all matters arising out from or in connection with it (including claims or non-contractual disputes and their interpretation) will be subject to Swedish law, excluding conflict of law rules.

All disputes, claims or non-contractual disputes between you and the Data Controller regarding any matter relating to this Privacy Policy fall exclusively within the jurisdiction of the ordinary Swedish Courts.