



AI Fit Ltd

Company Number 14330655,
Twelve Quays House,
Egerton Wharf,
Wirral,
CH41 1LD,
United Kingdom

29/09/2024

App and Website Privacy Policy

1. INTRODUCTION

1.1. Important information and who we are

Welcome to AI Fit Ltd's Privacy and Data Protection Policy ("**Privacy Policy**").

At AI Fit Ltd ("**we**", "**us**", or "**our**") we are committed to protecting and respecting your privacy and Personal Data in compliance with the United Kingdom General Data Protection Regulation ("**GDPR**"), the Data Protection Act 2018 and all other mandatory laws and regulations of the United Kingdom.

This Privacy Policy explains how we collect, process and keep your data safe. The Privacy Policy will tell you about your privacy rights, how the law protects you, and inform our employees and staff members of all their obligations and protocols when processing data.

The individuals from which we may gather and use data can include:

- Customers

and any other people that we may need to contact in the course of the Customer using our service.

This Privacy Policy applies to all our employees and staff members and all Personal Data processed at any time by us.

1.2. **Your Data Controller and Data Protection Officer**

AI Fit Ltd is your data controller and responsible for your Personal Data. (**"Data Controller"**)

We have appointed a data protection officer ("**DPO**") who is responsible for overseeing questions in relation to this Privacy Policy. If you have any questions about this Privacy Policy, including any requests to exercise your legal rights surrounding your Personal Data please contact the DPO using the details set out below:

Name: Adam Allen-Rogers

Email: hello@aifit.co

Postal address: Twelve Quays House, Egerton Wharf, Wirral, CH41 1LD, United Kingdom

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

1.3. **Processing data on behalf of a Controller and processors' responsibility to you**

In discharging our responsibilities as a Data Controller we have employees who will deal with your data on our behalf (known as "**Processor(s)**"). The responsibilities below may be assigned to an individual or may be taken to apply to the organisation as a whole. The Data Controller and our Processors have the following responsibilities:

- Ensure that all processing of Personal Data is governed by one of the legal bases laid out in the GDPR (see section 3.1 below for more information);
- Ensure that Processors authorised to process Personal Data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality;
- Implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk associated with the processing of Personal Data;
- Obtain the prior specific or general authorisation of the Data Controller before engaging another Processor;
- Assist the Data Controller in the fulfilment of the Data Controller's obligation to respond to requests for exercising the data subject's rights;
- Make available to the Data Controller all information necessary to demonstrate compliance with the obligations laid down in the GDPR and allow for and contribute to audits, including inspections, conducted by the Data Controller or another auditor mandated by the Data Controller;
- Maintain a record of all categories of processing activities carried out on behalf of a Data Controller;
- Cooperate, on request, with the supervisory authority in the performance of its tasks;
- Designate a data protection officer where required by the GDPR, publish their details and communicate them to the supervisory authority;
- Support the data protection officer in performing their tasks by providing resources necessary to carry out those tasks and access to Personal Data and processing operations and to maintain their expert knowledge;
- Ensure that any person acting under the authority of the Processor who has

access to Personal Data does not process Personal Data except on instructions from the Data Controller; and

- Notify the Data Controller without undue delay after becoming aware of a Personal Data Breach (as defined in the GDPR).

2. DATA WE COLLECT ABOUT YOU

2.1. Types of data / Privacy policy scope

“**Personal Data**” means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of Personal Data about you which we have grouped together below. Not all of the following types of data will necessarily be collected from you but this is the full scope of data that we collect and when we collect it from you:

- **Profile/Identity Data:** This is data relating to your first name, last name, gender, date of birth.
- **Sizing Data:** This is the photograph(s), that may include TrueDepth data, uploaded as part of the scanning process and the data we derive from the photograph/scan about the dimensions of your feet.
- **Contact Data:** This is data relating to your phone number, addresses, email addresses.
- **Marketing and Communications Data:** This is your preferences in receiving marketing information and other information from us.
- **Technical Data:** This is your IP address, browser type and version, time zone setting and location, operating system and platform, and other technology on the devices you use to engage with us.
- **Customer Support Data:** This includes feedback and survey responses.
- **Usage Data:** This includes information about how you use our website, products and services.

We also collect, use and share Aggregated Data such as foot sizing data which may be used to share average foot sizes, or other information regarding foot size and shape. Aggregated Data could be derived from your Personal Data, but it is not considered Personal Data in law as this data will not directly or indirectly reveal your identity. However, if we combine or connect Aggregated Data with your Personal Data we hold about you, so that it can directly or indirectly identify you, we treat the combined data as Personal Data which will be used in accordance with this Privacy Policy.

We may also use Aggregated Data to enable research or analysis so that we can better understand and serve you and others. For example, we may conduct research on your demographics and usage. Although this Aggregated Data may be based in part on Personal Data, it does not identify you personally. We may share this type of anonymous data with others, including service providers, our affiliates, agents and current and prospective business partners.

We do not collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic

and biometric data). Nor do we collect any information about criminal convictions and offences.

- 2.2. We use cookies and/or other tracking technologies to distinguish you from other users of the app and website and to remember your preferences. This helps us to provide you with a good experience when you use the app or browse our website and also allows us to improve the app. For detailed information on the cookies we use, the purposes for which we use them and how you can exercise your choices regarding our use of your cookies, see our cookie policy: aifit.co/legal.

3. HOW WE USE YOUR PERSONAL DATA

3.1. Our data uses

We will only use your Personal Data when the law allows us to. Most commonly we will use your Personal Data in the following circumstances:

- Where you have consented before the processing;
- Where we need to perform a contract we are about to enter or have entered with you;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests; or
- Where we need to comply with a legal or regulatory obligation.

- 3.2. The key purposes for which we will use your Personal Data will be:

Purpose/ Activity	Type of data	Lawful basis for processing including basis of legitimate interest
<p>To manage our relationship with you which will include:</p> <p>(a) Notifying you about changes to our terms, privacy policy or our app</p> <p>(b) Asking you to leave a review or take a survey</p>	<p>(a) Identity (b) Contact (c) Marketing and Communications (d) Customer Support Data</p>	<p>(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our services)</p>
<p>To process the data provided by you to suggest shoe sizes</p>	<p>(a) Identity (b) Contact (c) Sizing (d) Technical (e) Usage (f) Marketing and Communications (g) Customer Support Data</p>	<p>Performance of a contract with you</p>

To provide third party retailers with your data to recommend products	(a) Identity (b) Contact (c) Sizing (d) Technical (e) Usage (f) Marketing and Communications (g) Customer Support Data	Performance of a contract with you
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant content and advertisements to you via our website and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how customers use our services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To send your communications to make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Marketing and Communications	Consent

3.3. Marketing and content updates

You will receive marketing and new content communications from us if you have created an account and chosen to opt into receiving those communications. From time to time we may make suggestions and recommendations to you about goods or services that may be of interest to you.

3.4. Change of purpose

We will only use your Personal Data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact

our DPO.

If we need to use your Personal Data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your Personal Data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

4. **YOUR RIGHTS AND HOW YOU ARE PROTECTED BY US**

4.1. **Your legal rights**

Under certain circumstances, you have the following rights under data protection laws in relation to your Personal Data:

- **Right to be informed.** You have a right to be informed about our purposes for processing your Personal Data, how long we store it for, and who it will be shared with. We have provided this information to you in this policy.
- **Right of access.** This enables you to receive a copy of the Personal Data we hold about you and to check that we are lawfully processing it (also known as a "data subject access request"). See section 4.4 below for more details on how you can make a data subject access request.
- **Right to rectification.** You have a right to request correction of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Right to erasure.** You have the right to ask us to delete or remove Personal Data where there is no good reason for us continuing to process it, where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your Personal Data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Right to object.** You can object to the processing of Personal Data we hold about you. This effectively allows you to stop or prevent us from processing your Personal Data. Note that this is not an absolute right and it only applies in certain circumstances, for example:
 - (i) Where we are processing your Personal Data for direct marketing purposes.
 - (ii) Where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms.
 - (iii) In some cases, we may continue processing your data if we can demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Right to restrict processing.** You have the right to request the restriction or suppression of your Personal Data. Note that this is not an absolute right and it only applies in certain circumstances:
 - (i) If you want us to establish the data's accuracy.
 - (ii) Where our use of the data is unlawful but you do not want us to erase it.
 - (iii) Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.

- (iv) You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Right to data portability.** You have the right to request the transfer of your Personal Data to you or to a third party. If you make such a request, we will provide to you, or a third party you have chosen, your Personal Data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time where we are relying on consent to process your Personal Data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.
- If you wish to make a request under any of these rights, please contact us at hello@aifit.co.

4.2. **How AI Fit Ltd protects customers' Personal Data**

We are concerned with keeping your data secure and protecting it from inappropriate disclosure. Any Personal Data collected by us is only accessible by a limited number of employees who have special access rights to such systems and are bound by obligations of confidentiality. If and when we use subcontractors to store your data, we will not relinquish control of your Personal Data or expose it to security risks that would not have arisen had the data remained in our possession.

However, unfortunately no transmission of data over the internet is guaranteed to be completely secure. It may be possible for third parties not under the control of AI Fit Ltd to intercept or access transmissions or private communications unlawfully. While we strive to protect your Personal Data, we cannot ensure or warrant the security of any Personal Data you transmit to us. Any such transmission is done at your own risk. If you believe that your interaction with us is no longer secure, please contact us.

4.3. **Opting out of marketing promotions**

You can ask us to stop sending marketing communications at any time by using the opt-out button at the bottom of marketing emails, or by emailing us at hello@aifit.co.

Where you opt out of receiving these marketing messages, we will continue to retain other Personal Data provided to us as a result of interactions with us not related to your marketing preferences.

4.4. **How to request your data and the process for obtaining it**

You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights outlined in section 4.1). However, if your request is clearly unfounded, we could refuse to comply with your request.

We may need to request specific information from you to help us confirm your identity and ensure you have the right to access your Personal Data (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. We may also contact you to ask you for further information in relation to your request to speed up our response.

5. **YOUR DATA AND THIRD PARTIES**

5.1. **Sharing your data with third parties**

We may share Personal Data with our third-party service providers who process Personal Data on our behalf as subprocessors, including Amazon Web Services (AWS) and third-party retailers in order to provide the user with the best possible service.

We require all third parties to respect the security of your Personal Data and to treat it in accordance with the law. We do not allow our third-party service providers to use your Personal Data for their own purposes and only permit them to process your Personal Data for specified purposes and in accordance with our instructions.

We may also share Personal Data with interested parties in the event that AI Fit Ltd anticipates a change in control or the acquisition of all or part of our business or assets or with interested parties in connection with the licensing of our technology.

If AI Fit Ltd is sold or makes a sale or transfer, we may, in our sole discretion, transfer, sell or assign your Personal Data to a third party as part of or in connection with that transaction. Upon such transfer, the Privacy Policy of the acquiring entity may govern the further use of your Personal Data. In all other situations your Personal Data will still remain protected in accordance with this Privacy Policy (as amended from time to time). We may share your Personal Data at any time if required for legal reasons or in order to enforce our terms or this Privacy Policy.

5.2. **Third-Party Links**

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

6. **HOW LONG WE RETAIN YOUR DATA**

We will only retain your Personal Data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements.

If your account is deleted or terminated for any reason, we will delete the Personal Data we hold about you by no later than six months after the date on which your account is deleted. If we detect that your account has been inactive for at least two consecutive years, we will delete the Personal Data we hold about you and close your account.

We may retain your Personal Data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for Personal Data, we consider the amount, nature and sensitivity of the Personal Data, the potential risk of harm from unauthorised use or disclosure of your Personal Data, the purposes for which we process your Personal Data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

In some circumstances you can ask us to delete your data: see your legal rights under section 4.1 for further information.

In some circumstances we will anonymise your Personal Data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

7. **INTERNATIONAL TRANSFER OF DATA**

Some of our external third parties are based outside the UK so their processing of your Personal Data will involve a transfer of data outside the UK.

Whenever we transfer your Personal Data out of the UK, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- (a) We will only transfer your Personal Data to countries that have been deemed to provide an adequate level of protection for Personal Data;
- (b) Where we use certain service providers, we may use specific contracts approved by the ICO which give Personal Data the same protection it has in the UK.

Please contact us if you want further information on the specific mechanism used by us when transferring your Personal Data out of the UK.

8. **NOTIFICATION OF CHANGES AND ACCEPTANCE OF POLICY**

We keep our Privacy Policy under review and will place any updates here. This version is dated [INSERT DATE].

By using our app, , you consent to the collection and use of data by us as set out in this Privacy Policy. Continued access or use of our app will constitute your express acceptance of any modifications to this Privacy Policy.

9. **INTERPRETATION**

All uses of the word "including" mean "including but not limited to" and the enumerated examples are not intended to in any way limit the term which they serve to illustrate. Any email addresses set out in this Privacy Policy may be used solely for the purpose for which they are stated to be provided, and any unrelated correspondence will be ignored.

Unless otherwise required by law, we reserve the right to not respond to emails, even if they relate to a legitimate subject matter for which we have provided an email address. You are more likely to get a reply if your request or question is polite, reasonable and there is no relatively obvious other way to deal with or answer your concern or question (e.g. FAQs, other areas of our website, etc.).

Our staff are not authorised to contract on behalf of AI Fit Ltd, waive rights or make representations (whether contractual or otherwise). If anything contained in an email from an AI Fit Ltd address contradicts anything in this Privacy Policy, our terms or any official public announcement on our website, or is inconsistent with or amounts to a waiver of any AI Fit Ltd rights, the email content will be read down to grant precedence to the latter. The only exception to this is genuine correspondence expressed to be from the AI Fit Ltd legal department.