

PRIVACY POLICY

Last updated: July 04, 2023

This Privacy Policy ("Policy") describes Our policies and procedures on the collection, use and disclosure of Your information when You use the Services and tells You about Your privacy rights and how the law protects You. The Policy also describes your rights regarding your personal data and explains how you can contact us to learn more about our data practices or to exercise your rights.

We use Your Personal data to provide and improve the Service. By using the Service, You agree to the collection and use of information in accordance with this Privacy Policy.

Please read our Terms and Conditions and this Policy before accessing or using our APP. If you cannot agree with this Policy or the Terms and Conditions, please do not access or use our Services.

1. DATA CONTROLLER

- (1) In formal terms, XR First-Tech Investments, S.L. (hereinafter, "eXRciser" or the "Company"), a company of Spanish nationality, with Tax Identification Number B72536089, registered office at C/ Mar del Sur, 2, Majadahonda, Madrid, Spain, 28221, duly registered in the Companies Register of Madrid, Volume 44115, Sheet 1, Section 8, Page M-779013, acting in its own name, is responsible for the processing of the personal information that the User may send us.
- (2) By accessing this APP, and/or accepting the completion of any of the forms, the User declares and represents to have the necessary legal capacity to be able to consent to the processing of the data as provided herein.
- (3) For this purpose, eXRciser hereby informs that the personal information provided by the User, freely and voluntarily, will form part of a database that will be kept under the responsibility of the Company as the data controller. Acceptance of this Policy

implies the User's consent to the automated processing of said personal data in order to fulfill the purposes indicated herein.

(4) The data controller is also the person in charge of the treatment.

2. INTERPRETATION AND DEFINITION

2.1 Interpretation

(1) The words of which the initial letter is capitalized have meanings defined under the following conditions. The following definitions shall have the same meaning regardless of whether they appear in singular or in plural.

2.2 Definitions

(2) For the purposes of this Privacy Policy:

(a) **Account** means a unique account created for You to access our Service or parts of our Service.

(b) **Affiliate** means an entity that controls, is controlled by or is under common control with a party, where "control" means ownership of 50% or more of the shares, equity interest or other securities entitled to vote for election of directors or other managing authority.

(c) **Application** refers to eXRcise, the software program provided by the Company.

(d) **Company** (referred to as either "the Company", "We", "Us" or "Our" in this Agreement) refers to XR First-Tech Investments S.L., Calle Mar del Sur, 2 Majadahonda.

(f) **Country** refers to: Spain

(g) **Device** means any device that can access the Service such as a computer, a cellphone or a digital tablet.

(h) **Personal Data** is any information that relates to an identified or identifiable individual.

(i) **Service** refers to the Application.

(j) **Service Provider** means any natural or legal person who processes the data on behalf of the Company. It refers to third-party companies or individuals employed by the Company to facilitate the Service, to provide the Service on behalf of the Company, to perform services related to the Service or to assist the Company in analyzing how the Service is used.

(k) **Usage Data** refers to data collected automatically, either generated by the use of the Service or from the Service infrastructure itself (for example, the duration of a page visit).

(l) **You** means the individual accessing or using the Service, or the company, or other legal entity on behalf of which such individual is accessing or using the Service, as applicable.

3. COLLECTING AND USING YOUR PERSONAL DATA

3.1 Types of Data Collected

3.1.1 Personal Data

(1) While using Our Service, We may ask You to provide Us with certain personally identifiable information that can be used to contact or identify You. Personally identifiable information may include, but is not limited to:

Usage Data

3.1.2 *Usage Data*

- (1) Usage Data is collected automatically when using the Service.
- (2) Usage Data may include information such as Your Device's Internet Protocol address (e.g. IP address), browser type, browser version, the pages of our Service that You visit, the time and date of Your visit, the time spent on those pages, unique device identifiers and other diagnostic data.
- (3) Usage Data also may include information about the age, constitution (weight, height, body-mass index, etc), that data which is acquired with motion sensor, camera, microphone, etc.
- (4) When You access the Service by or through a mobile device, We may collect certain information automatically, including, but not limited to, the type of mobile device You use, Your mobile device unique ID, the IP address of Your mobile device, Your mobile operating system, the type of mobile Internet browser You use, unique device identifiers and other diagnostic data, and your geographic location.
- (5) We may also collect information that Your browser sends whenever You visit our Service or when You access the Service by or through a mobile device.
- (6) The Company warn that he could use the information for purposes outside the sports field.

3.2 **Use of Your Personal Data**

- (1) The Company may use Personal Data for the following purposes:
 - (a) **To provide and maintain** our Service, including to monitor the usage of our Service.

- (b) **To manage Your Account:** to manage Your registration as a user of the Service. The Personal Data You provide can give You access to different functionalities of the Service that are available to You as a registered user.
- (c) **For the performance of a contract:** the development, compliance and undertaking of the purchase contract for the products, items or services You have purchased or of any other contract with Us through the Service.
- (d) **To contact You:** To contact You by email, telephone calls, SMS, or other equivalent forms of electronic communication, such as a mobile application's notifications regarding updates or informative communications related to the functionalities, products or contracted services, including the security updates, when necessary or reasonable for their implementation.
- (e) **To provide You** with news, special offers and general information about other goods, services and events which we offer that are similar to those that you have already purchased or enquired about unless You have opted not to receive such information.
- (f) **To manage Your requests:** To attend and manage Your requests to Us.
- (g) **For business transfers:** We may use Your information to evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Data held by Us about our Service users is among the assets transferred.
- (h) **For other purposes:** We may use Your information for other purposes, such as data analysis, identifying usage trends, determining the effectiveness of our promotional campaigns and to evaluate and improve our Service, products, services, marketing and your experience.

(2) We may share Your personal information in the following situations:

- (a) **With Service Providers:** We may share Your personal information with Service Providers to monitor and analyze the use of our Service, to contact You.

- (b) **For business transfers:** We may share or transfer Your personal information in connection with, or during negotiations of, any merger, sale of Company assets, financing, or acquisition of all or a portion of Our business to another company.
- (c) **With Affiliates:** We may share Your information with Our affiliates, in which case we will require those affiliates to honor this Privacy Policy. Affiliates include Our parent company and any other subsidiaries, joint venture partners or other companies that We control or that are under common control with Us.
- (d) **With business partners:** We may share Your information with Our business partners to offer You certain products, services or promotions.
- (c) **With other users:** when You share personal information or otherwise interact in the public areas with other users, for example through using your Oculus avatar or by participating in the different Service events, such information may be viewed by all users and may be publicly distributed outside.
- (e) **With Your consent:** We may disclose Your personal information for any other purpose with Your consent.

4. COOKIES AND OTHER TRACKING TECHNOLOGIES

- (1) We may use cookies, tags, web pixels, and similar technologies to automatically collect information on our Services. Cookies or tags are bits of code that allow our technology partners to collect information that usually does not directly identify you. If it would be required by law, we will request your consent before using cookies or other tracking technologies.
- (2) We will not use cookies or similar tracking technologies that process your personal data, unless they are Strictly Necessary Cookies, or you opt-in, with your consent, by using the cookie banner or consent manager found on our Site. You may withdraw your consent or update your preferences at any time you wish, directly on your Account.

(3) You have the right to access, correct, delete, cancel your account and withdraw your consent to our processing your personal information, at any time you wish, so that you have the full ability to protect your privacy and security. To exercise your rights, you may contact us at our dedicated Privacy Center.

(4) For more information, please see our Cookie Policy.

5. YOUR RIGHTS

5.1 Access, Rectification, Portability, and Deletion of your Personal Information.

(1) You have the right to correct or update your personal data, object to the processing of your personal data, ask us to restrict processing your personal data or to request portability of your personal data. To protect the privacy and the security of your personal data, we may request some data from you, to enable us to confirm your identity and your right to access such data, as well as to search for and provide you with the personal data we maintain upon your request. There are instances where applicable laws or regulatory requirements allow or require us to refuse to provide or delete some or all of the personal information what we maintain.

(2) To exercise your rights, you may make updates within your customer account on the Web Site or APP, or you may contact us at our dedicated Privacy Center.

5.1.2 Delete Your Personal Data

(1) You have the right to delete or request that We assist in deleting the Personal Data that We have collected about You.

(2) Our Service may give You the ability to delete certain information about You from within the Site.

(3) You may update, amend, or delete Your information at any time by signing in to Your Account, if you have one, and visiting the account settings section that allows you to

manage Your personal information. You may also contact Us to request access to, correct, or delete any personal information that You have provided to Us.

- (4) Please note, however, that We may need to retain certain information when we have a legal obligation or lawful basis to do so.
- (5) If you no longer wish to be our customer, or cease using or accessing our Services, you can request us to close your account and delete all personal information we hold about you via your Account or the Privacy Center, subject to certain legal requirements.

5.2 Withdrawal of consent.

- (1) You have the right to withdraw your consent to the processing of your personal data, as well as to access, correct, or delete the personal data we collect (see section 2.2.1).

6. DISCLOSURE OF YOUR PERSONAL DATA

6.1 Business Transactions

- (1) If the Company is involved in a merger, acquisition or asset sale, Your Personal Data may be transferred. We will provide notice before Your Personal Data is transferred and becomes subject to a different Privacy Policy.

6.2 Law enforcement

- (1) Under certain circumstances, the Company may be required to disclose Your Personal Data if required to do so by law or in response to valid requests by public authorities (e.g. a court or a government agency).

6.3 Other legal requirements

(1) The Company may disclose Your Personal Data in the good faith belief that such action is necessary to:

- a. Comply with a legal obligation.
- b. Protect and defend the rights or property of the Company.
- c. Prevent or investigate possible wrongdoing in connection with the Service.
- d. Protect the personal safety of Users of the Service or the public.
- e. Protect against legal liability.

(2) The security of Your Personal Data is important to Us, but remember that no method of transmission over the Internet, or method of electronic storage is 100% secure. While We strive to use commercially acceptable means to protect Your Personal Data, We cannot guarantee its absolute security.

7. TRANSFER OF YOUR PERSONAL DATA

(1) Your information, including Personal Data, is processed at the Company's operating offices and in any other places where the parties involved in the processing are located. It means that this information may be transferred to — and maintained on — computers located outside of Your state, province, country or other governmental jurisdiction where the data protection laws may differ than those from Your jurisdiction.

(2) Your consent to this Privacy Policy followed by Your submission of such information represents Your agreement to that transfer.

(3) The Company will take all steps reasonably necessary to ensure that Your data is treated securely and in accordance with this Privacy Policy and no transfer of Your Personal Data will take place to an organization or a country unless there are adequate controls in place including the security of Your data and other personal information.

8. PRESERVATION AND RETENTION OF YOUR PERSONAL DATA

- (1) The Company will preserve Your Personal Data on our data bases and system of the responsible of treatment as long as the user were using the application, meantime the user would not had exercise his right to erasure his personal Data.
- (2) The Company will retain Your Personal Data only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use Your Personal Data to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.
- (3) The Company will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of Our Service, or We are legally obligated to retain this data for longer time periods.

9. CHILDREN'S PRIVACY

- (1) Our Service does not address anyone under the age of 14. We do not knowingly collect personally identifiable information from anyone under the age of 14. If You are a parent or guardian and You are aware that Your child has provided Us with Personal Data, please contact Us. If We become aware that We have collected Personal Data from anyone under the age of 14 without verification of parental consent, We take steps to remove that information from Our servers.
- (2) If We need to rely on consent as a legal basis for processing Your information and Your country requires consent from a parent, We may require Your parent's consent before We collect and use that information.

10. LINKS TO OTHER WEBSITES

- (1) Our Service may not contain links to other websites that are not operated by Us.

11. CHANGES TO THIS PRIVACY POLICY

- (1) We may update Our Privacy Policy from time to time. We will notify You of any changes by posting the new Privacy Policy on this page.
- (2) We will let You know via email and/or a prominent notice on Our Service, prior to the change becoming effective and update the "Last updated" date at the top of this Privacy Policy.
- (3) You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on Website or our APP.

12. CONTACT US

- (1) If you have any questions about this Privacy Policy, please contact us at our dedicated Privacy Center.
- (2) Our Privacy Center can be contacted by email address (exciser-privacyinfo@exciser.com) or by visiting our website: <https://exciser.com/>.