



## PHYXD, INC., D/B/A PHYPRIVACY NOTICE

This privacy notice describes and provides information how we, i.e. Phyx, Inc., 287 Park Avenue S., #525, NYC, NY 10010, USA, d/b/a Phy ( “Phy”, “We,” “Our,” or “Us”), collect, use, disclose and process your personal data as controller in the sense of the EU Regulation 2016/679 (“GDPR”) in connection with the provision and use of the Phy Solution and the Phy App by our customers (“You”) and when you access Our website [www.phy.health](http://www.phy.health) (“Website”). The Phy Solution is a three-dimensional volumetric computer vision technology, which assesses and analyzes postural patterns by body scanners and offers options for exercise programs to optimize human movement, performance and posture. The scan results, analyzed information and recommendations to optimize physical mobility, performance, and posture are provided to the User in the Phy App after registration.

Capitalized terms used but not defined in this Policy have the meaning given to them in the Phy Terms of Use <https://www.phy.health/phy-terms.html>.

Phy is not a licensed health care provider or a health plan. Rather, Phy offers the Phy Solution and Phy App to You, coaches, trainers or health care providers, (each a “User”), in some cases as a business associate, under the applicable provisions of relevant laws.

This privacy notice does not apply to the collection and use of information pertaining to job applicants, employees, owners, directors, officers, or contractors.

We may be contacted at:

Phyx, Inc d/b/a Phy  
287 Park Avenue S., #525, NYC  
NY 10012, USA  
Email: [privacy@phy.health](mailto:privacy@phy.health)

Our data protection officer may be contacted at:  
287 Park Avenue S., #525, NYC  
NY 10012, USA  
Email: [privacy@phy.health](mailto:privacy@phy.health)

We have appointed Protection Representative Limited (DataRep) as our EU representative pursuant to Art. 27 GDPR. Our EU representative may be contacted at:

3rd & 4th Floor, Altmarkt 10 B/D, Dresden 01067, Germany  
[datarequest@datarep.com](mailto:datarequest@datarep.com)

### **1. What personal data do we collect about you through the use of the Phy Solution and the Phy App?**

1.1. When you use the Phy App and register a user account, we collect and process certain

Technical Data that is mandatory for the use of the Phy App. This technical data, which is necessary for the use of the Phy App and is collected automatically, includes Your IP address, web browser, Your device ID (IMEI number = International Mobile Equipment Identity number), Your operating system and its current version, date and time of access, the unique number of the carrier (IMSI = International Mobile Subscriber Identity), mobile phone number (MSISDN), the MAC address for WLAN use and the name of Your mobile device ("**Technical Data**"). In addition, when You visit Our Website, we collect and process certain Website Technical Data, which is mandatory for the provision and functioning of our Website. This Website Technical Data is collected and processed automatically and includes Your IP-address, requested websites/data, referrer URL, operating system, browser type, language and version of Your browser, time and data of Your request, amount of data transferred, HTTP status code as well as the website from which You are coming ("**Website Technical Data**").

1.2. When You download our Phy App from Your App Store (e.g. Google Play Store or Apple App Store) certain required information is transmitted to the App Store You have selected. This information includes in particular Your user name, Your email address and Your customer number of the App Store user account, the time of the download of the Phy App, provided that the App requires payment, Your payment information (e.g. credit card data etc.) as well as the individual device identification number (Device ID) of the device on which You download and install the Phy APP. We have no influence on these data processing operations. It is conducted exclusively by the respective provider of the App Store and We are not responsible for this processing in the meaning of the data protection laws ("**App Store Data**").

1.3. During the registration process for making an appointment to use the Phy Solution and to set up a user account, We collect the following information from You ("**Account Data**"):

1.3.1. First name, last name, gender, date of birth,

1.3.2. Height and weight,

1.3.3. Email address and phone number,

1.3.4. Password.

If You are a minor, i.e. if you are under the age of 18, and want to register a user account with Us, we will also collect the following additional information regarding Your parents or legal guardians (collectively "**Representative Account Data**"):

1.3.5. First and last name of your parent or legal guardian

1.3.6. Email address of your parent or legal guardian

1.4. In the course of the registration process and making an appointment We may also collect certain payment data which You provide to Us for paying Our fees for the use of the Phy Solution (if any). This payment data includes credit card information or the names of other payment service providers and the associated information with these payment service providers (e.g. login information) (hereinafter referred to as "**Payment Data**").

1.5. When you use the Phy Solution, we collect information about you by means of a body scan which constitute special categories of personal data in the form of health data within the

meaning of Art. 9 GDPR. Such information collected through body scans include body measurements, physical dimensions, characteristics of Your musculature and posture. This information may also include other information of Your health and medical history, which you decide to share with us. In addition, We may collect and process pictures of Your body, which You share with Us, when You decide to perform a new scan of Your body without using our body scanners but Your mobile phone (collectively "**Body Scan Data**").

- 1.6. Should you decide to contact Us via Our Website in order to get a demo of the PhySolution, to discuss a partnership or if You have general inquiries about the PhySolution or Our services, You may use the contact details populated on our Website and contact Us via email. When You contact Us, We collect and process Your email address, Your name, Your phone number (if provided), and any other information You deem necessary and relevant to share with Us in relation to Your inquiry ("**Inquiry Contact Data**").

## **2. For what purposes do we process Your personal data?**

- 2.1. We process Technical Data and Website Technical Data solely for the purpose of providing you with Our Phy App and the Website, to ensure the security and functionality of the Phy App and Our Website, and to evaluate the utilization of Our Phy App and the Website (Art. 6 (1) lit. f) GDPR).
- 2.2. Your Account Data will only be processed and used to fulfil the contract concluded with you for the use of Our Phy Solution and Our Phy App (Art. 6 (1) lit. b) GDPR). This includes, in particular, using your email address for administrative purposes such as customer outreach, to send reminders, or to respond to Your questions and inquiries regarding the performance of the contract and the use of the Phy App and Phy Solution and to provide You with customer support.
- 2.3. To the extent that You provide us with Representative Account Data when You make an appointment with Us and register a user account with us, we process such Representative Account Data to enable You and to ensure that You are permitted to conclude the Contract regarding the use of the Phy Solution and the Phy App with us, i.e. to take steps at Your request prior to entering into the contract. Furthermore, Representative Account Data is used and processed by Us to ensure that we can fulfill our contractual obligations towards You (Art. 6 (1) lit. b) GDPR).
- 2.4. We process Your Payment Data for the performance of the contract concluded with You regarding the use of the Phy Solution (Art. 6 (1) lit. b) GDPR).
- 2.5. The Body Scan Data is collected, used and processed to provide You with the results of Your Body Scans and to provide you with informational and educational information regarding potential optimizations of your physical mobility, performance and posture and to update these results and information when You share updated pictures of Your body with Us. To achieve this aim and purpose, we use the Phy Solution to collect and analyze the results of Your body scan(s) by analyzing over 1 million data points of Your body which helps Us to deliver a better understanding of Your musculoskeletal and corresponding imbalances. The Body Scan Data will then be used and analyzed by machine learning technologies to provide You with personalized movement and training plans addressing Your individual needs based on such analysis. Moreover, it may be necessary to use and process Your Body Scan Data to provide

You with Our customer Service. The legal basis for processing Your Body Scan Data for these purposes is your express consent pursuant to Art. 9 (2) lit. a) GDPR. Please note that without Your express consent, You cannot use the Phy Solution and the Phy App to receive the results of your body scans and informational and educational content regarding potential optimizations of your physical mobility, performance and posture as well as individualized movement and exercising plans.

- 2.6. We may also use anonymized Body Scan Data to maintain, improve and enhance the Phy Solution as well as to analyze the usage, trends and preferences of our customers and in order to develop new products, services, features and functionalities. The legal basis to process your personal data, in particular your Body Scan Data, is your express consent pursuant to Art. 9 (2) lit. a) GDPR.
- 2.7. With Your prior express consent, We share Your Body Scan Data with physicians, health coaches, medical and health care professionals, and movement coaches, whom You designate to Us and process this data for this purpose and to enable these recipients of Your Body Scan Data to provide their services to you (e.g. health care services) (Art. 9 (2) lit. a) GDPR). Please note and understand that all data shared with Your physicians, health coaches, medical and health care professionals, and movement coaches is subject to their professional and legal duties and that they are the controller of Your personal data. We are therefore not in the position to assess and ensure the lawfulness of the processing and to control the security of Your personal data.
- 2.8. Your Body Scan Data may be also de-identified and anonymized to run or authorize third parties to run statistical or other research on individual or aggregate health or medical trends. For this purpose, We will only use anonymous data that cannot be tied back to you. The legal basis for anonymizing your Body Scan Data is your express prior consent pursuant to Art. 9 (2) lit. a) GDPR.
- 2.9. With Your prior consent We may also use Your first and last name and Your email address from Your Account Data to send communications, including updates on promotions and events, relating to products and Phy Solutions offered by us and by third parties we work with (Art. 6 (1) lit. a) GDPR).
- 2.10. Your Account Data, particularly Your first and last name and Your email address will be used to address the infringement of third party rights, intellectual property rights infringements, violations of the right to privacy, defamation, for fraud prevention purposes, to investigate and defend ourselves against any third party claims and allegations, to protect the integrity and security of the Phy Solution and the Phy App, to protect our property and other legal rights (e.g. intellectual property rights or agreements) and issues related to user content posted on the Phy Solution or the Phy App. We will process this personal data based on our legitimate interest to protect Our company, our assets and the legitimate interest of third parties in the protection of their intellectual property and privacy rights (Art. 6 (1) lit. f) GDPR).
- 2.11. We use and process Your Inquiry Contact Data for the purpose of responding to Your inquiry and to provide You with the requested information. The processing is necessary to either fulfill a contract concluded with You, if We can link Your inquiry to an existing contract, or to carry out precontractual measures in accordance with Art. 6 (1) lit. b) GDPR.

2.12. We may also use and disclose Your personal data, in particular Your Account Data, in the context of mergers and acquisitions or when we assign our assets to a third party. This data may be disclosed and transferred to an acquirer, successor or assignee as part of any merger, acquisition, debt financing, sale of assets, or similar transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which information is transferred to one or more third parties as one of our business assets. The legal basis for processing Your Account Data for this purpose is our legitimate interest pursuant to Art. 6 (1) lit. f) GDPR. Should we share Your Body Scan Data in this context, the legal basis for doing so is your prior express consent pursuant to Art. 9 (2) lit. a) GDPR.

2.13. We process Your personal data exclusively for the aforementioned purposes. To the extent that we intend to process Your personal data for other purposes than these purposes, we will only do so to the extent required and permitted by law or if you have given us your consent to process Your personal data for the different purposes. Prior to any further processing for different purposes than originally collected, we will inform you accordingly and provide you with all necessary information.

**3. Is the provision of personal data a statutory or contractual requirement or a requirement necessary to enter into the contract with Us and are You obliged to provide Your personal data?**

3.1. The provision of personal data is not subject to a statutory or contractual requirement and You are not obliged to provide Your personal data to Us.

3.2. However, without the provision of the requested personal data, we are not able to offer and provide Our services to You and to provide You with the Phy Solution and the Phy App. We will also be not able to perform the underlying contract, if You decide not to share Your personal data with Us.

**4. With whom do We share Your personal data?**

4.1. In addition to the cases explicitly mentioned in this privacy notice, we will not share your personal data with any third party without your prior express consent, unless such processing and data sharing is permitted and required by law.

4.2. We may share Technical Data, Website Technical Data, Account Data, Representative Account Data, Inquiry Contact Data and Payment Data with persons engaged in the conduct of Our business to the extent necessary (auditors, financial institutions, insurance companies, legal advisors, regulators, parties involved in acquisitions of our company or the establishment of joint ventures) based on our legitimate business interest (Art. 6 (1) lit. f GDPR).

4.3. To the extent necessary to investigate unlawful or abusive use of the Phy App or for legal defense or enforcement and to investigate criminal offenses, We may disclose Your Technical Data, Website Technical Data, Inquiry Contact Data and Account Data to law enforcement or other authorities and, if necessary, to harmed third parties and legal counsel. However, we will only forward Your data if there are indications of illegal or abusive behavior and upon binding request. We may also share it, particularly with our legal counsel, if necessary to enforce our T&Cs or other legal claims. In addition, We may be required by law to provide information about personal data at the request of certain public authorities. This typically includes requests from

law enforcement authorities, authorities that prosecute administrative offenses subject to fines, and tax authorities. We may also disclose Your data to authorized third parties if we are permitted to do so by law (e.g., in the case of (third-party) information claims for intellectual property rights infringement) or if We are required to provide information by an administrative or court order. The legal basis for the disclosure of Your personal data is either Our respective legal obligation to comply with binding disclosure requests (Art. 6 (1) lit. c GDPR) or Our legitimate interest pursuant to Art. 6 (1) lit. f GDPR. If there are indications of unlawful or abusive behavior, We have a legitimate interest in disclosing the data to enforce Our T&Cs, Our own legal claims or those of third parties, and Our interests outweigh Your interest in protecting your personal data. Should it be necessary to share Your Body Scanner Data with the aforementioned recipients, the legal basis for sharing and processing your Body Scanner Data is Art. 9 (2) lit. f) GDPR.

- 4.4. At Your request and with Your explicit consent we may share your Account Data and Body Scanner Data with physicians, health coaches, medical and health care professionals, and movement coaches in order to enable them to provide their services to You or with parties involved in acquisitions or the establishment of joint ventures (Art. 9 (2) lit. a) GDPR and Art. 6 (1) lit. a) GDPR.
- 4.5. Furthermore, We may share Your Technical Data, Website Technical Data, Account Data, Inquiry Contact Data and Body Scanner Data with Our service providers which help Us to perform the contracts concluded with You and to fulfill our contractual obligations towards You. These service providers include the following recipients:
  - 4.5.1. Amazon Web Services, Inc., Terry Avenue North, Seattle, WA 98109-5210 USA (“**Amazon**”). The data processing agreement concluded with Amazon is accessible at [https://aws.amazon.com/agreement/?nc1=h\\_ls](https://aws.amazon.com/agreement/?nc1=h_ls)). Amazon’s privacy notice can be accessed and reviewed at <https://aws.amazon.com/privacy/>.
  - 4.5.2. Tasman Technologies Inc. dba OnSched, 2275 Lakeshore Blvd West. Toronto, ON. M8V 3Y3 USA. The OnSched privacy notice can accessed and reviewed at <https://www.onsched.com/privacy-policy>.
  - 4.5.3. Zfort LLC, 845 Third Avenue, 6th Floor, Manhattan, 10022-6630, New York, United States. The Zfort Group privacy notice can be accessed and reviewed at <https://www.zfort.com/privacy-policy>.
  - 4.5.4. Emergent Data Strategies, LLC, 535 Dean Street, Brooklyn, NY 11217, United States. All information regarding the processing of personal data by Emergent may be requested at [info@emergentdata.ai](mailto:info@emergentdata.ai)
- 4.6. Any transfer of personal data to the above mentioned recipients in Section 4.4 is justified by the fact that You have previously given Us Your express consent to transfer this personal data within the meaning of Art. 6 (1) lit. a), Art. 9 (2) lit. a) GDPR. If we use any such external service providers, we have carefully selected them beforehand as processors and verified their reliability in accordance with Art. 28 (1) GDPR and contractually obligate them within the scope of Art. 28 (3) GDPR to process all personal data provided by Us exclusively in accordance with our instructions.

## **5. Do we transfer Your personal data to third countries?**

- 5.1.** The above mentioned recipients of your personal data may process your personal data outside the European Union. We take appropriate measures to provide guarantees that the recipients comply with the principles of GDPR. Unless there are other appropriate safeguards or transfer mechanisms (such as adequacy decisions of the EU Commission) in place, We use the standard contractual clauses approved by the EU Commission pursuant to Art. 46 (2) lit. c GDPR when drafting the contracts concluded with our service providers. The standard contractual clauses currently approved by the EU Commission are available on this [website](#). Furthermore, You can request further information on these measures taken at any time using the contact details above.

## **6. Cookies and tracking technology Information**

- 6.1.** When You use the Phy App or visit Our Website, we may store one or more cookies (a small text file containing a string of alphanumeric characters) on Your device, use code, web beacons or clear gifs and access and use the information provided by these technologies. Some of these cookies and code may remain on your devices and may be used by Your browser or devices on subsequent visits to the Phy App or Our Website. This allows Us to "remember" what You have done on the Phy App or Our Website before and personalize the Phy App and Our services for You. Some of Our cookies and code are technically necessary for the Phy App or the Website to function and to provide You with Our services and some are optional. When accessing the Phy App or Our Website for the first time You will be informed in detail of the different cookies and codes We use, for what purposes they are used and on what legal basis. Please note that disabling or rejecting certain cookies or code may prevent You from accessing some of the functionality and offerings available via the Phy App or Our Website.
- 6.2.** Further information on the cookies, codes, web beacons and other tracking technologies We use and the purposes, storage duration and legal basis for the use of these technologies can be found in our cookie notice, which can be accessed on Our Website at: [Cookie-Notice-EU-en.pdf](#).
- 6.3.** We also may use these technologies to collect information regarding Your interaction with coaches or providers.
- 6.4.** We use email services from Klaviyo (Klaviyo, Inc., 125 Summer Street, Floor 6, Boston, MA, 02110, United States) in order to deliver necessary service emails such as for instance confirmation emails, password reset emails and informational emails about your finished reports to You and the User and to register technical events such as for example if the relevant email has been delivered, opened or clicked. In this regard, certain data such as the recipient's email address, the time of receipt, retrieval, and opening of the email, the IP address, the browser type, and the operating system are processed. We use this email service from Klaviyo to ensure proper fulfillment of the agreement and to provide the PhySolution and the PhyApp to You.

This service also serves the purpose to ensure that relevant and necessary emails and information have been delivered to You and to avoid sending duplicates. To achieve this purpose, the emails sent contain device and/or user identifiers, message and event IDs as well as web beacons and tracking pixel.

Klaviyo is based in the US and may therefore process your personal data in the USA. Klaviyo has certified to the U.S. Department of Commerce that it adheres to the EU-U.S. Data Privacy Framework with regard to the processing of personal data received from the European Union in reliance on the EU-U.S. Data Privacy Framework and the United Kingdom in reliance on the UK Extension to the EU-U.S. Data Privacy Framework. The EU Commission has adopted its adequacy decision for the EU-U.S. Data Privacy Framework, which permits the transfer of personal data from the EU to the U.S. without the necessity of additional safeguards.

The legal basis for processing Your personal data for these purposes is that the processing your personal data is necessary for the performance of the contract with you (Art. 6 (1) lit. b) GDPR.). To the extent that we use device and/or user identifiers, message and event IDs as well as web beacons and tracking pixel to ensure that the emails have been delivered, opened or clicked, the processing is justified by our legitimate interest in ensuring a proper functioning of our PhySolution and PhyApp, to avoid duplicates and to provide you with a reliable and secure communication (Art. 6 (1) lit. f) GDPR).

In addition, with your consent (Art. 6 (1) lit. a) GDPR), we may use Klaviyo's email services for sending you marketing emails and communications and to analyze the success of our marketing activities and to improve our marketing communications.

Further information on the processing operations and activities of Klaviyo can be found in Klaviyo's privacy notices, which is accessible at <https://privacy.klaviyo.com/policies/en/>.

- 6.5. Exclusively on Our Website, We are using the services of the video streaming platform Vimeo. Provider of these services is Vimeo.com Inc., 330 West 34th Street, 10th Floor, New York, New York 10001, USA.

When You visit Our Website with the Vimeo plugin enabled, a connection to the Vimeo servers is established and the server will be informed which of Our pages on Our Website have been visited. In this event, Vimeo receives, collects and process Your Website Technical Data for the purpose of providing the videos hosted on their video streaming platform and implemented on Our Website to You. This also applies if You are not logged in to Vimeo or do not have a Vimeo account. Vimeo may collect this information using cookies and similar technologies. For more information about how Vimeo collects and stores data, please visit their privacy notice under <https://vimeo.com/privacy>.

We use Vimeo on Our Website for providing you with a satisfying customer experience, displaying videos to You and to improve the user experience on Our Website.

The legal basis for the use of Vimeo is your consent pursuant to Art. 6 (1) lit. a) GDPR in terms of the processing of Your personal data and your consent pursuant to § 25 (1) TDDDG regarding the storage of cookies and information on your personal equipment and accessing such information.

- 6.6. Exclusively in the Phy App, We also use the Facebook SDK for App Events (Facebook Software Development Kit) (also Meta SDK) (hereinafter "**Facebook SDK**"), which is offered and operated by Meta Inc, 1 Meta Way, Menlo Park, CA 94025 USA and Meta Platforms Ireland Limited, Merrion Road, Dublin 4, D04 X2K5 Ireland (hereinafter "**Meta**") in the EU. The Facebook SDK supports Us in collecting certain information in connection with the use of the

Phy App in order to better understand and analyze Your interactions with the Phy App, to measure and analyze the success of our advertising campaigns and to improve our advertising campaigns on this basis. With Your consent, the Facebook SDK may collect, store and, where applicable, transmit to Meta information such as App ID, App version, Advertising ID, the information that You have installed and launched the Phy App on Your device, and so-called App Events, i.e. Your interactions with the Phy App (e.g. whether You make a purchase, which area of the App You are currently visiting, which in-app advertising may be displayed to You and whether You make clicks in the Phy App). With the help of this data, we can analyze and measure the success and reach of our advertising campaigns, create and analyze target audiences and optimize our advertising campaigns to display advertising to You that is actually relevant to You.

The data collected in this manner is transmitted to Meta and may be stored by Meta. Meta may connect this data with Your Facebook or Instagram account and also use it for its own advertising purposes in accordance with the Meta Privacy Policy. Further information on the collection and storage of Your data by Meta can be found in the Meta Privacy Policy, which You can access in the [Meta Privacy Center](#) or directly at the following link: [https://www.facebook.com/privacy/policy?section\\_id=0-WhatIsThePrivacy](https://www.facebook.com/privacy/policy?section_id=0-WhatIsThePrivacy).

When using the Facebook SDK, Your data may be transferred to and processed in another country. Please note that in this context Your data may also be transferred to and processed outside the European Union and the European Economic Area. This may also include transfers to third countries that do not have an adequate level of privacy. To the extent that data is transferred to the USA, there may be a risk that Your data could be accessed and processed by US authorities for control and surveillance purposes. Meta relies on corresponding adequacy decisions of the European Commission pursuant to Art. 45 GDPR for the lawfulness of the transfer of Your data to third countries, by which the European Commission has determined that the respective third country has an adequate level of data protection with regard to the processing of personal data. These are the adequacy decisions that can be accessed on the following website of the European Commission:

[https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions\\_en](https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en).

In particular, for the transfer of Your data to the USA, the EU-U.S. Data Privacy Framework applies (accessible at [https://commission.europa.eu/document/fa09cbad-dd7d-4684-ae60-be03fcb0fddf\\_en](https://commission.europa.eu/document/fa09cbad-dd7d-4684-ae60-be03fcb0fddf_en)). Meta Platforms, Inc., located at 1 Meta Way, Menlo Park, CA 94025, is certified under the EU-U.S. Data Privacy Framework. The certification can be viewed at the following link: <https://www.dataprivacyframework.gov/list>.

To the extent that no adequacy decision of the European Commission exists for the recipient country to which Your data is transferred, Meta bases the lawfulness of the transfer to companies located in such a country on the standard contractual clauses approved by the European Commission and agreed upon with the receiving companies, which can be accessed here: [https://eur-lex.europa.eu/eli/dec\\_impl/2021/914/oj?hl=de](https://eur-lex.europa.eu/eli/dec_impl/2021/914/oj?hl=de).

If neither an adequacy decision of the European Commission nor other appropriate safeguards for the transfer are in place for the transfer and processing of Your data in countries outside the

European Economic Area, Your express prior consent pursuant to Art. 49 (1) lit. a) GDPR constitutes the legal basis for the respective processing operations.

Further information on the security measures taken by Meta in the context of third-country transfers to protect Your personal data can be found on the following information page of Meta: <https://about.fb.com/news/2021/03/steps-we-take-to-transfer-data-securely/>.

Our legal basis for the use of the Facebook SDK as well as the collection and processing of Your personal data in connection with the use of this tool is Your prior consent pursuant to Art. 6 (1) lit. a) GDPR and Your consent pursuant to § 25 (1) TDDDG regarding the storage of cookies and information on Your personal device and accessing such information. To the extent that special categories of personal data are also collected and processed in this context, the legal basis is Your express consent pursuant to Art. 9 (2) lit. a) GDPR.

## **7. When do we delete Your personal data?**

- 7.1. We delete or anonymize Your personal data as soon as it is no longer necessary for the purpose we have collected and processed it for. In general, We store Your personal data for the duration of the contractual relationship regarding the Phy Solution and Phy App, i.e. until You delete Your account. Should You withdraw Your consent in accordance with the "What rights do you have?" section below, the respective data will be deleted by Us.
- 7.2. Your personal data collected and processed when You contact Our customer service will be stored where this is necessary to ensure product safety and to comply with applicable regulatory provisions. We will anonymize Your data to the extent permitted to comply with said regulatory provisions. The data stored on the device You use in connection with the use of the Phy App will be stored until You decide to delete the Phy App.
- 7.3. Legal requirements for the retention and deletion of personal data, in particular tax and commercial law requirements for retention, remain unaffected.

## **8. How do we process children's data?**

- 8.1. The Phy Solution and the Phy App are not directed to children under the age of 18, and we do not knowingly collect personal information from children under the age of 18 without obtaining consent of the holder of parental responsibility over the minor. If You are under 18 years of age then please do not use or access the Phy Solution or Phy App at any time or in any manner, except with the consent of Your parent or guardian holding the parental responsibility. If We learn that personal data has been collected on the Phy Solution or Phy App from persons under 18 years of age and without verifiable consent of the holder of parental responsibility, then We will take the appropriate steps to delete this information. If you are a parent or guardian and discover that your child under 18 years of age has obtained an account on the Phy Solution, then you may alert us at [privacy@phy.health](mailto:privacy@phy.health) and request that We delete that child's personal data from our systems.

## **9. What rights do You have?**

- 9.1. If You are a data subject located in the European Economic Area You have the right to request information about the data We have stored about You in accordance with Art. 15 GDPR, to

request the rectification of inaccurate data in accordance with Art. 16 GDPR and to request the erasure of data in accordance with Art. 17 GDPR or the restriction of data processing in accordance with Art. 18 GDPR. Under the conditions of Art. 20 GDPR, You may also request the transmission of personal data to You or a third party.

**9.2. In accordance with Art. 21 GDPR, You have the right to object to the processing of Your data, provided that the reason for the objection arises from Your particular situation and it concerns data that We process to protect one of Our interests worthy of protection or if it concerns the use of Your data for direct marketing.**

9.3. You also have a right to lodge a complaint with a competent supervisory authority pursuant to Article 77 GDPR if You consider that We are not processing your personal data in accordance with applicable law. This can be, for instance, the supervisory authority at the place of Your residence.

**9.4. If You have given Us consent to process Your personal data, You can withdraw this consent at any time without providing reasons and with effect for the future at the email address provided above under the contact details.**

## **10. Amendment of this privacy notice**

10.1. Please revisit this page periodically to stay aware of any changes to this privacy notice, which We may update from time to time. If We modify the privacy notice, We will make it available through the Phy App, and indicate the date of the latest revision. If We change this privacy notice, We will inform You about this via a corresponding banner in the Phy App or via email.

**Date of the privacy notice: Mai 2026**