

PRIVACY POLICY

ErgFit Limited is committed to protecting your privacy. We have robust systems in place to provide you with services and information tailored to your individual needs while complying with our obligations under the Privacy Act 2020 (**Privacy Act**).

The Services are intended for use by people located in New Zealand and are not intended for use by anyone located outside of New Zealand.

References to “ErgFit Limited”, “we” or “us” in this Privacy Policy means ErgFit Limited and, where relevant, any of its related companies, including ErgHire Limited Sport6 Limited, Concept Ergo Limited.

We may change this Privacy Policy from time to time and we will tell you about a change in the Privacy Policy by updating the “last updated” date on our website. Unless otherwise stated, any changes to the Privacy Policy will take effect immediately upon being placed on the website and your continued use of the Services will represent an agreement by you to be bound the Privacy Policy as amended.

1. APPLICATION OF THIS PRIVACY POLICY

This Privacy Policy applies to any personal information that we collect when you interact with us, including when you:

- visit ErgFit Limited stores;
- use ErgFit Limited’s online shop where you can search for and purchase items through the ErgFit Limited Online website (www.Concept2.co.nz);
- use any of ErgFit Limited’s websites and mobile applications;
- register to receive regular marketing communications; and/or
- any other services we provide now or in the future,

(together, the **Services**).

In the event of any inconsistency between this Privacy Policy and other policies or terms and conditions that may apply to your use of any of the Services, the terms of this Privacy Policy will prevail.

2. COLLECTION OF PERSONAL INFORMATION AND YOUR PRIVACY

From time to time we may collect or request personal information from you in the course of providing you, or by you accessing and using, the Services. Personal information is any information about you that identifies you, or by which your identity can reasonably be ascertained.

3. WHAT INFORMATION MIGHT WE COLLECT?

The type of personal information we may collect when you access and use the Services includes your name, postal and delivery address, email address, phone number and any other information that we request.

In addition, in the course of using some of the Services (for example, ErgFit Limited Online (www.concept2.co.nz)), we may collect various other information from you, including demographic information (e.g. age, gender), mobile location data, order information (e.g. your preferences, purchases and returns history) and other information that we request.

You may register with ErgFit Limited to receive regular marketing communications from us, for example via email or text message. If you choose to register to receive regular marketing communications or to use any of the Services, you will need to provide us with certain personal information to create an account, which may include your name, age, postal address, email address, phone number and other requested information.

If you do not provide us with some of this information then you may not be able to access some or all of the Services, including the marketing communications available after registration.

From time to time we may also collect from you in the course of providing you, or by you using and using, the Services, information that is not personal information at the time of collection (**Non-identifiable Information**), for example payment card information. However, by choosing to register to use any of the Services, you agree that we may combine the Non-identifiable Information with your personal information that we collect, or that is otherwise held by ErgFit Limited, its partners or service providers, in a manner that will change the nature of the Non-identifiable Information such that it becomes personal information. You agree that we may use this Non-identifiable Information in accordance with this Privacy Policy.

4. WHY DO WE COLLECT PERSONAL INFORMATION?

We collect personal information in order to provide you with, and allow you to access and use, the Services.

By accessing and using the Services, or by registering to receive marketing communications, you agree that we may collect, store and use any of your personal information including to do any of the following:

- To allow you to access and view your account created to receive the Services or marketing communications;
- To assist in providing the Services that you request, including to contact you about your use of the Services and process and deliver any orders placed through the Services. For example, if you made a purchase through ErgFit Limited Online, we may contact you about your order;
- To allow you to participate in competitions and promotions which may be available to ErgFit Limited's customers from time to time;
- To contact you for other ErgFit Limited' marketing and promotional purposes;
- To take actions required to keep your information secure;
- To enhance your overall experience of the Services;
- To provide or send you targeted marketing (or allow a third party to provide you) via

email, online (including social media) or physical mail, with details of special offers, discounts, prize draws, loyalty programmes, competitions and information about products or services offered by ErgFit Limited, or other third party providers, or other information that may be of interest to you, your family or household;

- Identify and determine the benefits, offers or promotions that may be of interest to you, your family or household based on your use of the Services;
- To undertake data analytics, insights or data mining (including the anonymisation or aggregation of your personal information with other data to identify patterns and trends, and use the full benefit of that analysis);
- To build a view of you as a customer by collating all personal information that ErgFit Limited, and our partners and service providers, hold about you, including collected via any ErgFit Limited' managed platforms or services, in a single profile, so that we can analyse and improve your experience and the services provided to you by ErgFit Limited;
- To conduct research related to your use of the Services;
- Such other purpose we make known to you at the time of collection.

In doing so, your personal information may be combined with other personal information held by ErgFit Limited, our partners and service providers.

Where possible, ErgFit Limited will collect your personal information directly from you.

5. DO WE DISCLOSE PERSONAL INFORMATION TO ANYONE ELSE?

In providing you with, or by you accessing and using, the Services, including where you register for an account to use the Services, we may sometimes need to disclose your personal information to others. By using one or all of the Services you agree that we may disclose your personal information for any of the purposes listed in the above section to:

- a ErgFit Limited entity and its staff;
- a franchisee of ErgFit Limited;
- any relevant third party that offers goods or services that we think may be of interest to you;
- a third party outside of ErgFit Limited who is contracted to us, to provide a particular service to you on our behalf;
- a third party outside of ErgFit Limited who is contracted to us, to provide a particular service to us;
- to our appointed payment provider to process your payments for purchases; and
- third parties when we believe in good faith that we are required to do so by law.

You consent to the disclosure of your personal information to the parties listed above.

6. COOKIES AND TRACKING

When you access ErgFit Limited's websites, social media pages and/or mobile apps, we may use cookies to track your use of the Services so that we can provide you with the best possible shopping experience. A cookie is a small piece of data that a website sends to your browser that may be stored on your system. Some information/services may be unavailable if you chose to disable your browser from

accepting cookies.

We may use the information generated by cookies to:

- track traffic patterns to and from the relevant website;
- ensure any content (which may include any advertising) is being shown to the most appropriate person; and
- enable us to serve targeted advertising to you (on our Site and elsewhere).

By using the Services you consent to the storing and accessing of cookies or other information on your device in connection with your use of the Site.

7. ANALYSIS TOOLS

We use various app, web and/or email analytics tools to collect information about your activity when you use the Services through one of our websites or mobile applications (e.g. www.concept2.co.nz). The information we collect through the use of such analytics tools may be information about you (e.g. products, services, or specials that you engage with on the relevant website) or anonymous information (e.g. the number of visitors per day or the average amount of time spent on the relevant website). By accessing and using one of our websites, you consent to our use of such analytics tools to collect information about your access and use of the Services through that site.

8. DIRECT MARKETING AND CONSENT TO RECEIVING MESSAGES

When you register to receive marketing communications from us, your name and contact details will be added to our ErgFit Limited database (and/or a database of ErgHire Limited, and Sport6 Limited), and you consent to receiving messages from us by email, text message, or physical mail (depending on what information you provide us and your stated preferences).

All commercial electronic messages from us will contain an unsubscribe function if you no longer want to receive commercial electronic messages from us. You can unsubscribe from receiving emails from ErgFit Limited at any time by clicking the link in any email you receive from us through to your account and changing your account preferences, by unsubscribing from an email itself, or by contacting the specified ErgFit Limited email address (if applicable). To opt-out of receiving text messages from us, either reply 'STOP' to a text or update your account preference details. We will endeavour to update your account preferences as soon as possible. If you unsubscribe or cancel your registration we may not be able to provide you with all or some of the Services.

9. SECURITY OF PERSONAL INFORMATION

Security of personal information is very important to us and we will take all reasonable steps to protect your personal information from misuse, loss, unauthorised access, modification or disclosure. However, you acknowledge that security of the transmission of data over the internet can never be guaranteed, and it is your sole responsibility to protect access to any emails you receive from us that provide access to your account. To the maximum extent permitted by law, ErgFit Limited will not be liable for any direct or indirect damage or loss if any third party gains unauthorised access to your information.

10. ACCESSING, CORRECTING AND UPDATING PERSONAL INFORMATION

Your personal information will be held by ErgFit Limited and/or ErgHire Limited, Sport6 Limited, at 36a Tawa Street Mount Maunganui and/or by one or more of ErgFit Limited' trusted data service providers. Under the Privacy Act you have the right to access your personal information that we hold, and to have that information corrected and/or updated. You may be able to update some of your personal information online via your account. To otherwise access, correct or update information we hold about you please contact our customer support on 0800 374 348 or email info@ergfit.co.nz. We will rely on the information that you have provided us so please ensure that information is accurate and kept up-to-date.

If you find that information we hold about you is incorrect, please contact us immediately and we will correct it. Our contact details are above.

Last updated: 4 December 2020