

Privacy Policy

Last updated: 29 January 2024

Welcome to the New Day Fitness by Gabi website (including all subdomains, the "Site"), which is operated by NDF, LLC. (dba New Day Fitness by Gabi) and its affiliates (collectively, "New Day," "we", "us" and/or "our"). You can navigate portions of the Site without giving us any personally identifiable data ("Personal Data"). At times we need additional information about you in order to provide you with information or services you want to receive from us. This Privacy Policy sets forth New Day's policy with respect to Personal Data and certain other information that is collected from users of the Site and apps. By using our services (the "Services"), you hereby warrant and represent that you have read, understand and agree to this Privacy Policy and the Terms of Service available at <https://www.newdayfitnessbygabi.com/terms>. PLEASE DO NOT USE, INSTALL OR ACCESS THE SERVICES IF YOU DO NOT AGREE TO THIS PRIVACY POLICY.

While we allow children and young teenagers to use our Services, only parents, legal guardians, or other adults are allowed to make purchases through our Services and children under 13 are not authorized to make use of our Services.

Information We Collect: When you interact with us through the Site and, we may collect Personal Data and other information from you, as further described below: **Personal Data That You Provide Through the Site or apps:** We collect Personal Data from you when you voluntarily provide information, such as when you contact us with inquiries, register an account with us, or participate in activities on the Site or apps.

By voluntarily providing us with Personal Data, you are consenting to our use of it in accordance with this Privacy Policy. If you provide Personal Data to us, you acknowledge and agree that such Personal Data may be transferred from your current location to the offices and servers of New Day and certain third parties located in the United States.

Other Information:

Non-Identifiable Data: When you interact with New Day through the Site or apps, we automatically receive and store certain information. This information does not reveal your specific identity (like your name or contact information), but may include device and usage information, such as your IP address, browser and device characteristics, operating system, referring URLs, device name, country location, information about how and when you use the Site and other technical information. New Day may store such information itself or such information may be included in databases owned and maintained by New Day affiliates, agents, or service providers. We may use such information and pool it with other information to track, for example, the characteristics of clients that register for or use New Day, and we may publish or otherwise disclose such aggregated information.

Aggregated Personal Data: In an ongoing effort to better understand and serve the users of the Site, New Day may conduct research on the characteristics of such users, including but not limited to user demographics, interests and behavior based on the Personal Data and other information provided to us. This research may be compiled and analyzed on an aggregate basis, and New Day may publish or otherwise disclose such aggregated information.

Analytics and Tracking Technologies: We may, and we may allow third party service providers to, use cookies or similar technologies to collect information about your browsing activities over time and across different websites following your use of the Site. For example, we use GoogleAnalytics, a web analytics service provided by Google, Inc. ("Google"). GoogleAnalytics uses cookies to help us analyze how users use the Site and enhance your experience when you use the Site. For more information on how Google uses this data, go to www.google.com/policies/privacy/partners/.

On most web browsers, you will find a "help" section on the toolbar. Please refer to this section for information on how to receive notification when you are receiving a new cookie and how to turn cookies off. We recommend that you leave cookies turned on because they allow you to take advantage of some of the Site's features.

No uniform technology standard for recognizing and implementing "Do Not Track"(DNT) signals has been finalized. As such, the Site currently does not respond to DNT signals and operates as described in this Privacy Policy whether or not a DNT signal is received. If we do so in the future, we will describe how we do so in this Privacy Policy.

California Residents: California Civil Code Section 1798.83 requires certain businesses that share customer Personal Information with third parties for the third parties' direct marketing purposes to respond to requests from California customers asking about the businesses' practices related to such information-sharing. We currently do not share or disclose your Personal Information to third parties for the third parties' direct marketing purposes. If we change our practices in the future, we will implement an opt-out policy as required under California laws. Furthermore, subject to certain exemptions, California residents have the following rights with respect to Personal Information we may have collected about them:

Requests to Know: You have the right to request that we disclose:

- The categories of Personal Information we have collected about you;
- The categories of Personal Information about you we have sold or disclosed for a business purpose;
- The categories of sources from which we have collected Personal Information about you;
- The business or commercial purposes for selling or collecting Personal Information about you;
- The categories of Personal Information sold or shared, if any, about you, as well as the categories of third parties to whom the Personal Information was sold, by category of Personal Information for each party to whom Personal Information was sold; and
- The specific pieces of Personal Information collected.

You may submit a request to know via newdayfitnessbygabi@gmail.com. The delivery of our response may take place electronically or by mail. We are not required to respond to requests to know more than twice in a 12-month period. We do not sell, and have not in the prior 12 months sold, Personal Information about California residents. Therefore, we have not included a "Do Not Sell My Personal Info" link on our Site. If our practices change, we will update this Privacy Policy and take any other necessary action to comply with applicable law. We do, however, disclose Personal Information for business purposes as described in the "Our Disclosure of Your Personal Data and Other Information" section below.

Requests to Delete: You have the right to request that we delete any Personal Information about you that we have collected. Upon receiving a verified request to delete Personal Information, we will do so unless otherwise required or authorized by law. You may submit a request to delete Personal Information via an email message to newdayfitnessbygabi@gmail.com.

Authorized Agents: You may designate an authorized agent to make requests on your behalf. You must provide an authorized agent written permission to submit a request on your behalf, and we may require that you verify your identity directly with us. Alternatively, an authorized agent that has been provided power of attorney pursuant to Probate Code sections 4000-4465 may submit a request on your behalf.

Methods for Submitting Client Requests and Our Response to Requests: You may submit a request for access and requests to delete Personal Information about you via:

- email at newdayfitnessbygabi@gmail.com, or
- <https://www.newdayfitnessbygabi.com>

Upon receipt of a request, we may ask you for additional information to verify your identity. Any additional information you provide will be used only to verify your identity and not for any other purpose.

We will acknowledge the receipt of your request within 10 days of receipt. Subject to our ability to verify your identity, we will respond to your request within 45 days of receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing. In order to protect your privacy and the security of Personal Information about you, we may need to verify your identity before processing your request. In some cases, we may need to collect additional information to verify your identity, such as a government issued ID. Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

The Right to Non-Discrimination: You have the right not to be discriminated against for the exercise of your California privacy rights described above. Unless permitted by the CCPA, we will not:

- Deny you goods or services;
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties;
- Provide you a different level or quality of goods or services; or
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Our Use of Your Personal Data and Other Information:

We use the Personal Data you provide for a variety of purposes. If you provide Personal Data for a certain reason, we may use the Personal Data in connection with the reason for which it was provided as well as for other purposes, including legitimate business interests. For instance, but without limitation:

-To facilitate account creation and Site/ app usage. Your account information, including Personal Data, will be used to provide you with access to such components of the Site that require an account and to monitor your usage of the Site (including whether and how frequently you complete workouts). If you choose to link your account with us to a third party account (such as your Google or Facebook account), we use the information you allowed us to collect from those third parties to facilitate account creation and usage.

-To provide services to you. We use your Personal Data to render services to you such as sending daily workouts, exercises, nutrition tips, and reminders.

-To respond to inquiries. We use your Personal Data to respond to your inquiries, questions, and feedback. -To request feedback. We may use your Personal Data to request feedback and to contact you about your use of the Site and apps. -To send administrative information to you. We may use your Personal Data to send you product, service, and new feature information and/or information about changes to our terms, conditions, and policies. -To protect the Site and apps. We may use your information as part of our efforts to keep the Site safe and secure (for example, for fraud monitoring and prevention).

-To enforce our terms, conditions, and policies.

-For other business purposes. We may use your Personal Data for other business purposes, such as data analysis, identifying usage trends, determining the effectiveness of our promotional campaigns, and to evaluate and improve the Site and our products, services, marketing, and your experience.

Our Disclosure of Your Personal Data and Other Information:

We share your personal information and non-personal information with other parties for a variety of purposes. In addition to the disclosures described above, there are certain circumstances in which we may share your Personal Data with certain third parties without further notice to you. For instance, but without limitation:

Legal Requirements: New Day may disclose your Personal Data if required to do so by law or in the good faith belief that such action is necessary to (i) comply with a legal obligation, (ii) protect and defend the rights or property of New Day or individuals associated with New Day, (iii) act in urgent circumstances to protect the personal safety of users of the Site or the public, or (iv) protect against legal liability.

Affiliates: We may share your Personal Data with our affiliates. Some of our affiliates may include our parent company and any subsidiaries, joint venture partners, or other companies that we control or that are under common control with us.

Vendors, Consultants, Business Partners, and Other Third Parties: We may share your Personal Data with third party vendors, service providers, contractors, or agents who perform services for us or on our behalf. Examples include: payment processing, data analysis, email delivery, text message delivery, hosting services, and marketing efforts. We may allow certain third parties to use tracking technology on the Site or apps, which will enable them to collect data about how you interact with the Site and apps over time. This information may be used to, among other things, analyze and track data, determine the popularity of certain content, and better understand online activity. We may share or transfer your Personal Data in order to improve our business.

Business Transfers: We may share or transfer your Personal Data in connection with, or during negotiations of, any merger, sale of company assets, sale of data that we collect, financing, acquisition of all or a portion of our business to another company, reorganization, dissolution or similar event.

Your Choices: You can visit the Site without providing any Personal Data. If you choose not to provide any Personal Data, you may not be able to use certain components of the Site and apps.

Exclusions: This Privacy Policy does not apply to any data collected by New Day other than data collected through the Site or apps. In addition, this Privacy Policy shall not apply to any information that we do not directly solicit from you that you provide to New Day through the Site or through any other means. This includes, but is not limited to, information provided to New Day or any New Day personnel by text or online message, phone or online call, email, through forms on the Site, or other such communication, information provided through social media platforms, information that you otherwise provide in connection with the Site outside of our registration process, and other unsolicited submissions (collectively, "Unsolicited Information").

Links to Other Websites: This Privacy Policy applies only to the Site and apps. The Site may contain links to other web sites not operated or controlled by New Day (the “Third Party Sites”). The policies and procedures we describe here do not apply to the Third Party Sites. The links from the Site do not imply that New Day endorses or has reviewed the Third Party Sites. We suggest contacting those sites directly for information on their privacy policies.

Security: Information security is important to New Day and we take reasonable steps to protect the Personal Data provided via the Site from loss, misuse, and unauthorized access, disclosure, alteration, or destruction. However, no Internet website or transmission is ever fully secure or error free. We cannot guarantee the security of our database, nor can we guarantee that information you supply will not be intercepted while being transmitted to us through electronic means. We ask that you do your part by maintaining your Internet and Site passwords and access codes strictly confidential. Please keep this in mind when disclosing any Personal Data to New Day via the Internet.

Changes to New Day's Privacy Policy: The Site and our operations may change from time to time. As a result, at times it may be necessary for New Day to make changes to this Privacy Policy. New Day reserves the right to update or modify this Privacy Policy at any time and from time to time without prior notice. Please review this policy periodically, and especially before you provide any Personal Data. This Privacy Policy was last updated on the date indicated above. Your continued use of the Site after any changes or revisions to this Privacy Policy shall indicate your agreement with the terms of such revised Privacy Policy.

Contacting Us: If you have any concerns or questions about this Privacy Policy, please contact us at newdayfitnessbygabi@gmail.com.