

Last Updated: March 25, 2022

ONYX Fitness Solutions Inc. (“**ONYX**”, “**we**,” “**us**,” or “**our**”) is committed to protecting the privacy and confidentiality of personal information in our custody and control. This Privacy Policy describes how we collect, use, disclose and otherwise treat personal information in connection with the operation of our business and provision of related products and services, including our mobile applications that link to this Privacy Policy and our website located at www.onyxfitness.ca (the “**Website**”, and collectively the “**Services**”).

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Collection and Use of Personal Information

We collect personal information as necessary to provide our Services to you and to respond to your questions and inquiries. The type of personal information that we collect, and the purposes for which it is used, will depend on how you interact with us.

The personal information we collect includes:

- Name and contact information
- Age or date of birth and gender
- Information collected through health and safety screenings
- Information collected in connection with fitness assessments or personalized training programs, such as information about your fitness level and physical measurements.
- Member number or barcode, and ONYX club name and location
- Username and password for online accounts and access to online, digital or mobile Services
- Information we may collect through security systems at our clubs, such as access dates and times and video surveillance
- Payment information, such as credit card information

- Information related to your use of our Services, including the classes you attend, the content you access on our Website or mobile applications,
- Other information you may choose to provide to us, such as information about your preferences and goals, or information you include in inquiries or complaints.

We use this information to:

- Provide our Services, including to create and manage member accounts, provide and manage access to our online, digital and mobile Services, communicate with members in respect of their account, provide customer service and support, and process payments.
- Provide members with tailored communications about products, services, classes and events that may be of interest to them.
- Better understand how our members use our Services in order to improve the Services and develop new or enhanced products or services.
- Request feedback from members, such as through member-satisfaction surveys, administer contests and promotions.
- Respond to your requests and complaints.
- Manage our business including to maintain business records for reasonable periods, enforce our agreements, detect, investigate and prevent fraud or other activities that are unlawful or in violation of ONYX's policies and terms, maintain the safety and security of our premises, protect the health and safety of other members and staff, and collect amounts owing to us.
- For other purposes with your consent or as permitted or required by law.

Information We Collect Automatically

We use data collection tools to automatically collect information when individuals visit our Website or use our online, digital or mobile Services (collectively, our “**Online Properties**”), including:

Cookies and Other Tracking Technologies

We use cookies and similar technologies to collect information about your visit to our Online Properties, to remember your preferences and settings when you navigate through our Online Properties, and for security purposes. Cookies are small data files that are sent to an individual's browser and placed on their device's hard drive when they visit a website. The information a cookie contains is set by a website's server and can be used when the user visits or returns to the website. Cookies are designed to remember things that a user has done while on a website in the past, which can include logging in or clicking on links.

Most internet browsers accept cookies, but if you do not want us to collect your data in this way, you should decline cookies within your own internet browser. Similarly, you can delete cookies that have already been placed on your device through your internet

browser's settings. Please note that declining or deleting cookies may affect your use of our Website.

Log Files

When you use our Online Properties, our servers automatically record certain information in server logs. These server logs may include information such as your web request, Internet Protocol (“IP”) address, browser type, referring / exit pages and URLs, number of clicks and how you interact with links on our Online Properties, domain names, landing pages, pages viewed, mobile carrier, and other such information. Log files help us to monitor, analyze, improve and maintain the Online Properties and to diagnose and fix any service related issues.

Device Identifiers

When you access Online Properties using a mobile device, we collect specific device information contained in your mobile device's “device identifier.” This device identifier includes information such as the type of device you are using, its operating system, and mobile network information, which may include your mobile phone number. We may associate this device identifier with your ONYX account(s) and will use data associated with your device identifier to customize our Online Properties to your device and to analyze any device related issues.

Location Information

We may collect and process information about the location of the device from which you are accessing the Online Properties. You can disable location based services in settings associated with your device; however please be aware that some features of the Online Properties may not function properly if location services are turned off.

Analytics

We may use third party service providers like Google Analytics to collect information about your use of the Website, such as the features used and time spent on the Online Properties, to help us better understand our users and improve our Online Properties. The information we gather is used in an aggregate, non-identifiable form. For information about information is processed in connection with Google Analytics please read the Google Analytics Policy [here](#).

Advertising

We or our service providers or advertising networks may use cookies and similar tools to track your behaviour on our Online Properties and across other online properties in order to serve you with advertising that is tailored to your inferred interests. To learn more about targeted advertising based on information about your online activities or to

learn how to opt out of having your data used for online behavioral advertising, visit www.youradchoices.ca or www.networkadvertising.org/choices.

De-identified Data

We use the information we collect, including data collected automatically through tools such as cookies, to create de-identified data that cannot be associated with, or used to identify a member or user of our Online Properties. We may use and share de-identified data with third parties in order to analyze and improve products or services, create new products or services, and for research and marketing purposes.

Disclosure of Personal Information

We disclose personal information in the following circumstances:

- **Service Providers:** We may transfer personal information to service providers that provide certain services on our behalf, such as data hosting and processing, marketing, analytics, information technology services, payment processing, and debt collection. Some of these service providers may be located outside of Canada, including in the United States. While outside of Canada, personal information will be subject to applicable foreign laws, which may permit government and national security agencies to access your information in certain circumstances.
- **Business Transactions:** We may disclose personal information in connection with the proposed or actual financing, securitization, insuring, sale, assignment or other disposal of all or part of ONYX or our business or assets, for the purposes of evaluating and/or performing the proposed transaction. Assignees or successors of ONYX or our business or assets may use and disclose your personal information for similar purposes as those described in this privacy policy.
- **Legal:** We may disclose personal information where permitted or required by law, including to comply with a subpoena or warrant, to law enforcement in connection with an investigation, to protect our rights and the safety and security of our employees, and to enforce our agreements and collect debts owed to us.
- **With Your Consent:** We may disclose your personal information in other circumstances with your consent.

Third Party Links

Our Online Properties may contain links to other websites that ONYX does not own or operate. We provide links to third party websites as a convenience to the user. These links are not intended as an endorsement of or referral to the linked websites. The linked websites have separate and independent privacy policies, notices and terms of use. We do not have any control over such websites, and therefore we have no responsibility or liability for the manner in which the organizations that operate such

linked websites may collect, use or disclose, secure and otherwise treat personal information. We encourage you to read the privacy policy of every website that you visit.

Safeguards

We protect personal information using safeguards that are appropriate to the sensitivity of the information. These safeguards may include measures to protect against unauthorized access, alteration, disclosure or destruction of personal information. We limit access to personal information to our employees and service providers who require access in connection with their role or function. Despite these measures, since no system or security measure is completely secure, it is possible that personal information may be lost, stolen or accessed without authorization.

Retention of Personal Information

Personal information is maintained on our servers or those of our service providers and is retained as long as necessary for the fulfilment of the purposes for which it was collected, in accordance with prudent business practices on general document retention, or as otherwise required by law.

Your Choices

You may (subject to contractual and legal restrictions) refuse to provide your consent, or choose to withdraw your consent, to our processing of your personal information by contacting our Privacy Officer (see “**Contact Us**” below). Note that if you refuse to consent, or withdraw your consent, to certain processing of your personal information, we may not be able to provide certain Services.

You may unsubscribe from our promotional email communications at any time by using the unsubscribe feature included in those messages. Please note that if you unsubscribe from our promotional email communications you may still receive transactional or business-related communications from us.

Your Rights

You may request access, updating or correction of your personal information (subject to limited exceptions prescribed by law) by submitting a written request to our Privacy Officer (see “**Contact Us**” below). We may take steps to verify your identity before providing access or making corrections.

Changes to Our Privacy Policy

We may revise or update this Privacy Policy from time to time. The current version of our Privacy Policy will be available on our Website. Changes to this Privacy Policy are effective when they are posted.

Contact Us

For more information about ONYX's privacy practices, to update, correct or obtain access to your personal information, to withdraw your consent, or if you have privacy-related questions or concerns, please contact us at:

ONYX Privacy Office

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