

Last updated: October 3, 2018

This Privacy Policy explains the information that iTOVi, LLC (“iTOVi” “we,” or “us”) collects about users of the iTOVi nutrition scanner device (“Device”), mobile application (“App”), related website (“Site”) and software embedded in the Device (collectively, the “Service”), how we use that information, and with whom we share it, as well as your options regarding such uses and disclosures.

PLEASE READ THIS PRIVACY POLICY CAREFULLY BEFORE USING THE SERVICE. It describes how we use your Personal Information (defined below) when you use the Service. This Privacy Policy is not a contract with you, and does not create any legal rights or obligations between us.

IF YOU DO NOT ACCEPT THIS PRIVACY POLICY, DO NOT USE THE SERVICE.

OUR PRIVACY POLICY EXPLAINS THE FOLLOWING:

1. What Information We Collect
2. Information you Provide
3. Information Collected Automatically
4. Information Collected by Third Parties
5. How we use your Information
6. Disclosure of your Information
7. How Long we Retain your Information
8. Information about Children
9. Your Options
10. How to Update your Information
11. Security
12. International Users
13. Business Transfers
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1. WHAT INFORMATION WE COLLECT

We collect and retain information that you provide to us, including Personal Information. For purposes of this Privacy Policy, “Personal Information” means information that can be used to identify a person, including names, physical addresses, email addresses, telephone numbers, and social security numbers. Even if you do not provide any Personal Information, we may still collect limited information from you as you use the Service.

2. INFORMATION YOU PROVIDE

You provide information to us through the following activities:

When you Create an iTOVi Account

In order for you to use certain features of the Service, we may ask you to register for an account (“Account”) by providing your name and age, a password, and a valid email address. As part of your profile, we may also ask other Personal Information about you such as your height, weight, gender, and date of birth (collectively with your name, password, age, and email address, the “Registration Information”). We treat Registration Information as Personal Information in accordance with this Privacy Policy. *You are responsible for maintaining the security of your user Account. If you believe your account or password has been compromised, you should immediately change your password and email us at support@itovi.com. We are not responsible if someone else accesses your Account through Registration Information obtained from you or through a violation by you of this Privacy Policy or the Terms and Conditions.*

When You Respond to Surveys and Questionnaires

We may ask you to provide Information in response to questionnaires or surveys regarding your experience with the Service. We may use such Information to improve the Service. Participation in such questionnaires or surveys is strictly voluntary and not required for use of the Service.

When You Make Purchases from Our Store

We store your shipping address so we can process your order through our fulfillment partner. We do not, however, view or store your credit card information. This is handled by our third-party payment processor. However, we save shipping data so that we can provide customer service related to the purchase.

When You Participate in Contests and Giveaways

Any Personal Information you submit in connection with contests, giveaways, and other promotions sponsored by iTOVi will be treated in accordance with this Privacy Policy.

When You Contact Us

If you contact iTOVi to request help or for any other purpose, we collect your name and email address along with any additional information you provide in your request and store it on our servers in order to provide you with customer service and to improve the Service. You can also contact iTOVi through public forums such as Twitter or Facebook; however, we cannot maintain the privacy of communications through these channels.

When You Use the Device or the App

When you use the Device or the App, we will collect certain physiological data (“Biometric Information”). To the extent such Biometric Information is subject to the European Union’s General Data Protection Regulation (“GDPR”), we will obtain your explicit consent to collect and process your Biometric Information. We will obtain your explicit consent prior to collecting your Biometric Information, for example, when you create an iTOVi Account or when you pair your Device with your Account. You may log into your Account and withdraw your consent at any time using the Account settings.

Personal Information and Biometric Information that we collect according to the terms of this Privacy Policy are referred to collectively as “Information.”

3. INFORMATION COLLECTED AUTOMATICALLY

Access and Usage Information

We may collect information about your usage of the Device; for example, when you plug in or unplug the Device, when you connect or disconnect the Device over Bluetooth, which screens you look at most often, when you press buttons on the Device, and location data associated with your usage. When you access the Service through the Site, regardless of whether you have an Account, we may collect certain information automatically and store it on our servers. This information includes internet protocol (IP) addresses.

Cookies

We use cookies and other technologies like pixel tags to improve the Site and the Service. Cookies are text files that are sent by servers to web browsers and stored on your computer. They tell us which parts of the Site and Service you have visited so we can figure out which promotions you may like to see or to alert you to software compatibility issues. If you delete cookies or block them from being stored, you may not get the full iTOVi experience.

When You Sync Your Device

When you sync your Device, data about your wellness is transferred from your Device to our servers. This data is stored and used to provide the Service. Each time a sync occurs, we also log data about the transmission. Some examples of the log data are the sync time and date, device battery level, and the IP address used when syncing.

4. PERSONAL INFORMATION COLLECTED BY THIRD PARTIES ON THE SITE AND THROUGH THE SERVICE

We use third-party service providers to help us analyze online activity and improve the Service. We permit these providers to use cookies and similar technologies to perform these services for us. Additionally, we send Personal

Information to third party analytics providers whose tools help us understand how you and other iTOVi users use the Service. The Service allows you to use social media tools, like widgets and plug-ins, to share information from iTOVi on other sites such as Facebook and Twitter. These tools may collect information and set cookies. Your interactions with these tools are governed by the privacy policies of the companies provide the tools and not by this Privacy Policy. We use Google Analytics cookies, which allow us to see how you use the Service so we can improve your experience. Google's ability to use and share information collected by Google Analytics about your visits to this site is restricted by the Google Analytics Terms of Use and the Google Privacy Policy. If you prefer to not have data reported by Google Analytics, you can install the Google Analytics Opt-out Browser Add-on available here <https://tools.google.com/dlpage/gaoptout>. We, or third party service providers acting on our behalf, may use web beacons and pixel tags to help us analyze usage and improve our functionality. Web beacons and pixel tags are images embedded in a webpage or email for the purpose of measuring and analyzing usage and activity. In addition to allowing third-parties to collect information from you while using the Service, we may collect information regarding your use of third-party sites and services. Currently, we use pixel tags on Facebook and Twitter to help us understand how effective our marketing is on those sites.

5. HOW WE USE YOUR INFORMATION

To the extent GDPR applies, we rely on the pursuit of our legitimate interests to collect and process your Personal Information and we rely on your explicit consent to collect and process your Biometric Information.

We collect, use, store, and protect Information in accordance with this Privacy Policy. We use Information to provide you with the Service; to improve the Service and our other products and services; to customize the Service for you; to conduct research about your use of the Service; to better understand our users; to communicate with you about the Service and our other products and services that we think may interest you; to inform you about events; to invite you to participate in new initiatives or feature and product upgrades; to contact you to obtain testimonials or for other promotional purposes; to perform quality control activities; and to diagnose and fix problems with the Service. Without limiting the previous paragraph, we will use your Registration Information to enable your access to the Service, provide you with customer service, manage the Service, and authenticate your visits and usage. We may also use your Registration Information to contact you from time to time to inform you of changes to this Privacy Policy or other important information, as well as for the other purposes set forth in the next paragraph.

6. DISCLOSURE OF YOUR INFORMATION

We do not sell, lease, rent or otherwise disclose or transfer your Personal Information or Biometric Information to any third party, except as set forth in this Privacy Policy. We may disclose your Information as follows:

Third-party service providers

We may, from time to time, outsource some or all of the operations of our business to third-party service providers or partner with third parties for special projects or initiatives, including the development of new products or services (including, for example, companies that provide us with technical support and assistance with respect to the Site and the App, financial institutions who process payment for orders placed by you, our suppliers and other third parties who facilitate delivery of the products and services you have ordered, and third parties who assist us with research to help us improve the Site and the App and our product offerings). We may also share biometric information with research partners solely for research purposes. We aim to provide such third parties with the minimum amount of Information needed for the purpose of accomplishing their tasks.

Legal Investigations and requests

We may disclose your Information to law enforcement agencies or other governmental agencies when required to do so or when, in good faith, we believe it is necessary in order to comply with legal obligations.

Protection of iTOVi and others

We may disclose your Information when we believe disclosure is appropriate to enforce or apply our policies and other agreements, or protect the rights, property or safety of iTOVi, our employees, or others. This does not include selling, renting, sharing or otherwise disclosing your Information for commercial purposes in violation of the commitments made in this Privacy Policy.

Anonymous Information

We may also share aggregated or de-identified information, which cannot be used to identify you, with third parties for purposes including marketing and research or to sell to interested parties.

7. HOW LONG WE RETAIN INFORMATION

We retain your Information for as long as you remain a customer and thereafter only for the period necessary to fulfil the purposes outlined in this Privacy Policy, unless a longer retention period is required or allowed by law, including to fulfil a legal obligation.

8. INFORMATION ABOUT CHILDREN

The Service is not directed to children under the age of 16 and iTOVi does not knowingly collect personal information from children under 16 without parental consent. If you are under 16 years of age, you should not use the Service or send information about yourself to us. If we learn we have collected or received personal information from a child under 16 without verification of parental consent, we will delete that information. If you believe we might have information from or about a child under 16, please contact us as described below.

9. YOUR OPTIONS

Push Notifications

Should you wish not to receive any push notifications from the Service, you can turn off such notifications by adjusting your mobile device preferences.

Location Data

Through the settings on your mobile device, you can elect not to transmit location data to iTOVi.

Emails and Text Messages

If you are a registered user and want us to stop sending you emails or text messages that are not necessary to ensure the regular operation of your Account and/or availability of the Service, you can adjust your preferences on the Service. You can opt-out of receiving weekly summaries, achievement notifications and promotional emails by changing the notification preferences in your account settings or by unsubscribing via the "Unsubscribe" link in any iTOVi email. Opting-out of these emails will not end transmission of important service-related emails that are necessary to your Account maintenance.

Deleting Your Account

You can deactivate your Account by contacting Customer Support at support@iTOVi.com. When you do, your Personal Information will be removed from the Service. Backup copies of this data will be removed from our server based upon an automated schedule, which means it may persist in our archive for a short period. iTOVi may continue to use your de-identified data.

Do-Not-Track Settings

The Service does not acknowledge the "Do Not Track" setting in web browsers or any other mechanisms that allow the user to exercise choice regarding the collection of Personal Information.

Opt-Out

If you object to our disclosure of Information as set out in in this Privacy Policy, you may opt out by emailing us at support@itovi.com This may prevent you from being able to use the Device or the Service.

10. HOW TO UPDATE YOUR INFORMATION

You can update the content and accuracy of your Registration Information or Personal Information at any time by contacting us at support@itovi.com.

11. SECURITY

We implement appropriate security measures, including physical, technological and procedural measures to protect your Information. While we have implemented measures designed to protect against the unauthorized access, interception, loss, misuse and or alteration of the Information under our control, no security system is impenetrable and, in any case, our systems are generally not designed to protect highly confidential or sensitive information. We do not guarantee that events of unauthorized access, interception, loss, misuse and or alteration of the Information under our control will not occur, and we do not warrant, either expressly or impliedly, that the Information provided by any user or customer will be free from unauthorized access, interception or misuse. As a result, we cannot and do not guarantee the security of any Information you transmit on or through the Service, and you do so at your own risk. In accordance with the Terms of Use, you are required to always use the most recent version of the Service made available by iTOVi. New releases may contain important bug fixes or improved features to enhance the security and privacy of your Information.

12. INTERNATIONAL USERS

iTOVi is located in the United States and the Service is hosted and operated entirely in the United States. If you reside outside the U.S., your Information will be stored and processed in the United States. By voluntarily sharing your Personal Information with us, you understand that your Personal Information will be stored and processed in the United States.

Privacy Shield

If you are located in the European Economic Area (“EEA”) or in Switzerland, we may transfer your Information to countries outside of the EEA or Switzerland, as applicable, that may not provide a similar or adequate level of protection to that provided in the EEA or Switzerland (including the United States). To provide adequate protection for Information received in the United States from the EEA or Switzerland , iTOVi has self-certified its compliance with the EU-U.S. Privacy Shield Framework and Swiss–U.S. Privacy Shield Framework, as set forth by the U.S. Department of Commerce and adheres to the Privacy Shield Principles regarding the collection, use, and retention of Information transferred from the EEA or Switzerland to iTOVi in the United States. If there is any conflict between

the terms of this Privacy Policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield Framework, and to view our certification, please visit <https://www.privacyshield.gov/>.

iTOVi shall remain liable under the Privacy Shield Framework if a third party agent uses or discloses Information received from iTOVi in a manner inconsistent with the Privacy Shield Principles, unless iTOVi proves that it is not responsible for the event giving rise to the damage. If iTOVi has knowledge that a third party is using or disclosing Information in a manner contrary to this Privacy Policy, we will take reasonable steps to stop such use or disclosure.

With respect to Information received under the Privacy Shield Framework, iTOVi is subject to the investigatory and enforcement authority of the U.S. Federal Trade Commission. Under certain circumstances, we may be required to disclose Information in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

Under the Privacy Shield Framework, iTOVi will offer an individual the opportunity to choose (opt-out) whether Information about them will be disclosed to a third party or used for a purpose incompatible with the purpose for which it was originally collected or subsequently authorized by them, unless such choice is not required by law.

Where a complaint relates to Information transferred or received pursuant to the Privacy Shield Framework, you should first contact iTOVi using the contact information provided below. We will investigate and attempt to resolve any questions or complaints you may have within 30 days of receipt. If iTOVi is unable to resolve your complaint through its internal processes or you are unsatisfied with the response, you may file a complaint with JAMS, our U.S.-based third party dispute resolution provider, at no cost to you. Please visit <https://www.jamsadr.com/file-an-eu-us-privacy-shield-claim> for more information or to file a complaint.

Under certain circumstances, EEA individuals may invoke binding arbitration to resolve a Privacy Shield related dispute. In order to invoke arbitration, you must take the following steps prior to initiating an arbitration claim: (1) raise your complaint directly with iTOVi and provide us the opportunity to resolve the issue; (2) make use of the independent dispute resolution mechanism, in this case JAMS; and (3) raise the issue through your relevant data protection authority and allow the U.S. Department of Commerce an opportunity to resolve the complaint at no cost to you. For more information on binding arbitration, see the U.S. Department of Commerce's Privacy Shield Framework: Annex I (Binding Arbitration).

Your rights

Individuals in the EEA have certain data subject rights which may be subject to limitations and/or restrictions. These rights include the right to: (i) request access to and rectification or erasure of their Information; (ii) obtain restriction of processing or to object to processing of their Information; and (iii) ask for a copy of their Information to be provided to them, or a third party, in a digital format. If you wish to exercise one of the above-mentioned rights, please send us your request to the contact details set out below. Individuals also have the right to lodge a complaint about the processing of their Information with their local data protection authority.

California Civil Code Section § 1798.83 permits users of our Services that are California residents to request certain information regarding our disclosure of Information to third parties for their direct marketing purposes. To make such a request, you may contact us as described below.

13. BUSINESS TRANSFERS

The Information we collect pursuant to this Privacy Policy, is an asset of iTOVi and may be transferred or assigned if iTOVi merges with another company, is acquired by another company, sells all or a portion of its assets, or participates in any similar transaction.

14. CHANGES TO THIS PRIVACY POLICY

We may update this Privacy Policy from time to time. If you have created an Account, we will notify you of material changes to this Privacy Policy by email (sent to the email address specified in your Account). We will also post notice of such change on the Site. All changes to this Privacy Policy are effective immediately when posted, and the "Last updated" date shown at the top of the updated Privacy Policy will be updated accordingly.

15. CONTACT US

If you have any questions about this Privacy Policy, please contact us at support@itovi.com or by mail to the following address:

iTOVi, LLC
355 South 520 West
Suite 250
Lindon, UT 84042