

Privacy Policy

Last Updated: June 25, 2023

Athletico Management, LLC is committed to protecting and respecting your privacy.

This Privacy Policy describes how we collect, use, protect and share personal information about you, as an individual, that we obtain when you access and use our Platform (defined below), including when you register for and use the App, submit information and updates about your condition, participate in contests or promotions, or submit questions or feedback. Personal information does not include protected health information (“PHI”). The [Notice of Privacy Practices](#) describes how we use and disclose your PHI. Information regarding how you can access information contained in a designated record set may be found [here](#) or by contacting the medical records department at medicalrecords@athletico.com. This Privacy Policy also governs the collection and use of information when you use our Website or any of our Apps, as a part of our Platform, although we may provide additional notices and choice options within the App itself.

In addition, this Privacy Policy applies to information that we obtain when you communicate or interact with us outside of the Platform, including by

- Filling in forms on our Website
- Participating in, linking or naming Organization in social media
- Using apps provided by us
- Registering for an account or respond to a survey.

For purposes of this Privacy Policy, the following defined terms mean:

“App” refers to the downloadable application entitled “Athletico” (including, a mobile application) owned or operated by Organization. References to the “App” include any and all features, functionality, tools and content available on or through each such application.

“Content” refers to any and all information, videos, text, photos and other content provided or made available by Organization on or through the Platform, including information, videos, text, photos and other content relating to physical conditions and/or exercise regimens.

“Organization” “we,” “our”, or “us” refer to Athletico Management, LLC. and our officers, directors, employees, contractors and agents. To the extent applicable, they also refer to our affiliates, service providers and licensors, and their respective officers, directors, employees, contractors and agents.

“Platform” refers, collectively, to the App and any and all Websites and Content made available to you by Organization via the App, including any related services and promotions, and any software and technology used to provide any of the foregoing.

“Users” means any and all persons that access or use the Platform. References to “access” and/or “use” of the Platform (and any variations thereof) include the acts of accessing or browsing the Platform, and accessing or using the Content.

“Website” refers to any website owned or operated by Organization (including the websites currently located at pages located at <http://www.athletico.com> and <http://my.athletico.com>). References to the “Website” include any and all features, functionality, tools and content available on or through each such website.

Please read this Privacy Policy carefully to understand how we will treat your information before you access or use our Platform or communicate with us outside of the Platform.

BY YOUR CONTINUED USE OF OUR PLATFORM, YOU ARE ACCEPTING AND CONSENTING TO THE PRACTICES DESCRIBED IN THIS PRIVACY POLICY, WHICH MAY BE UPDATED AND AMENDED FROM TIME TO TIME. IF YOU DO NOT AGREE TO THE TERMS OF THIS PRIVACY POLICY, YOU MUST NOT ACCESS OR USE OUR PLATFORM.

What Information Do We Collect:

We collect and store information in an electronic format that you provide directly to us, including when you register for the App, submit information and updates about your condition, when you respond to a survey, contact us with questions or comments, or provide other feedback. This information includes first and last name, email address, and date of birth.

If you do not provide us with information, you will be unable to access and use the Platform.

We will not ask for or request information such, as government identifiers, or financial information, except in connection with payment. Please do not provide this information to us, including through e-mails, feedback forms or otherwise.

We also collect and store certain technical information from your device when you access, browse and use our Platform. This technical information helps us operate our Platform and provide access to you, and includes standard information about visits and system capabilities, such as:

- information about the device(s) you use to access our Platform, including MAC address, IP address, browser type and version, location, time zone setting, browser plug-in types and versions, operating system and platform, device type, and device identifiers;
- information about your visits to the Platform and Content, including the full URL clickstream to, through, and from the Platform (including date and time);
- information we need and use to facilitate your use of our Platform (including to provide access to third-party websites and services), such as URL requests, destination IP addresses, or device configuration details;
- pages you view, Content you select to view, length of time viewing content; and
- page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), your engagement with certain variable/dynamic elements of a page and methods used to browse away from the page.

Using Cookies and Beacons:

We may use cookies, beacons and similar technologies, now or in the future, to support the functionality of our Platform. This provides a better experience when you visit our Platform and allows us to improve our Content and Platform.

Browser Cookies. A browser cookie is a small file placed on the hard drive of your computer. That cookie then communicates with servers, ours or those of other companies that we authorize to collect data for us, and allows recognition of your personal computer. We associate cookies with Personally Identifiable Information only if you use the automatic recognition capabilities on restricted areas of the Platform, view Content, use the personalization services available as part of the Platform, or ask us to contact you with additional marketing information. We do not otherwise collect Personally Identifiable Information from browser cookies and we do not associate browser cookies with your Personally Identifiable Information.

You may use the tools available on your computer or other device to set your browser to refuse or disable all or some browser cookies, or to alert you when cookies are being set. However, if you refuse or disable all browser cookies, you may be unable to access certain parts or use certain features or functionality of our Platform.

You may choose whether to activate automatic recognition when you register for an account. After registration, you may disable the persistent cookie that supports recognition using the tools in your browser. If you choose to disable the cookies that support automatic recognition, you will need to re-enter your User ID and password each time you access a gated portion of the Platform.

Unless you have adjusted your browser settings so that it refuses all cookies, we may use cookies when you direct your browser to our Platform.

Our Platform and e-mails may contain small electronic files known as beacons (also referred to as web beacons, clear GIFs, pixel tags and single-pixel GIFs) that permit us to, for example, count Users who have visited those pages or opened an e-mail and for other website-related statistics. Beacons in e-mail marketing campaigns allow us to track your responses and your interests in our content, offerings and web pages. You may use the tools in your device to disable these technologies as well.

Information Collected from Other Sources:

On occasion, we may combine or compare data we have collected from you with information collected from other third-party sources and add it to the information you have provided.

Third parties that are unaffiliated with us may also collect information about you, including tracking your browsing history, when you use our Platform. We do not have control over these third-party collection practices and advise you to adjust the settings of your browsers or install plug-ins and add-ins if you wish to minimize these third-party collections.

How Information May be Used:

We collect and may use and disclose any of your information we collect, to:

- allow us to operate our Platform, including payment processing, Platform administration, internal operations, troubleshooting, data analysis, testing, research, statistical and survey purposes;
- manage your access to our Platform;
- send you information that enables you to use our Platform;
- contact you directly about activity on your account;
- create reports for our affiliates, licensors, service providers and Users or prospective Users that may include aggregate information about the use of various aspects of the Platform;
- comply with laws and regulations;
- protect against fraudulent, suspicious or other illegal activities;
- carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including billing and collection;
- notify you about changes to our Platform;
- protect the integrity and maintain the security of our Platform, including secured areas of the Platform;
- in any other way that we describe when you provide the information;
- other third parties with your express consent. For example, Limber may make use of and/or allow you to connect your Limber account with third party apps, such as the Apple Health App (“HealthKit”) and Google Fit. You can choose to connect and share information with these third party apps and allow Limber to read health activities information (e.g. steps) within your HealthKit and Google Fit accounts. Limber uses this information to better understand your activity levels, so that your health provider can help guide better health outcomes. You can remove access to your HealthKit or Google Fit account at any time by uninstalling the Limber app. You can also remove access by managing your connections in HealthKit or Google Fit; and
- for any other purpose for which you may provide consent.

In some cases, how we treat and use information will depend on the type of information. Some of the information we collect through your use of our Platform or communications with us, such as your name, phone number, e-mail address may personally identify you. We will treat this information as “Personally Identifiable Information.” We will also treat as Personally Identifiable Information any non-identifiable information that is combined with Personally Identifiable Information.

We may use your information, including Personally Identifiable Information, to:

- respond to your requests, feedback or questions, including by telephone, text (SMS) or email;

- provide you with information about Content, products or services, from us or third parties, that may interest you; and send you e-mails about updates, information, or alerts regarding our Platform; and
- as otherwise permitted under any applicable laws.

We may use technical information or non-Personally Identifiable Information to:

- evaluate and improve our Platform and present content in the best way for you and for your device(s);
- serve advertisements on or through our Platform; and
- measure or understand the effectiveness of advertising we serve to you and other Users like you, and to deliver relevant advertising to you and other Users like you.

We may also combine technical information or non-Personally Identifiable Information about your use of our Platform with similar information that we obtain from other Users to use in an aggregate or anonymous manner for similar purposes.

We may use your Personally Identifiable Information and/or non-Personally Identifiable Information for research purposes. The use of information for research, may utilize de-identified forms of your Personally Identifiable Information and/or non-Personally Identifiable Information. The research may be designed to improve healthcare quality, identify trends or patterns, or other purposes identified in the design of the study. By using our Platform, you consent to the use of your information for these purposes. Any use of information for research will be done in accordance with applicable legal or regulatory requirements.

With Whom Do We Share Personal Information:

Our Service Providers; Affiliates & Subsidiaries. We may share your personal information with our licensors, services providers, and agents to the extent reasonably necessary to operate and provide the Platform to you. Our service providers are required by contract to protect the confidentiality of the personal information we share with them and to use it only to provide specific services on our behalf. We may also share your personal information with our subsidiaries and affiliates.

Government and Legal Disclosures. We may disclose the personal information we collect through the Website, when we, in good faith, believe disclosure is appropriate to comply with law (or a court order or subpoena); to prevent or investigate a possible crime, such as fraud or identity theft; to enforce the Terms or other agreements with you; or to protect the rights, property or safety of Organization, our users, or others.

We May Share Non-Personally Identifiable Information, Aggregate or Anonymous Data:

- with analytics, search engine, or other service providers for research, development or to help us improve or assess the performance (including the commercial performance) of our Platform;

- with other Users or prospective Users of the Platform; and
- to advertisers and advertising networks to select and serve relevant advertisements.

International Privacy Laws:

Organization only offers services within the United States, and the Platform is only intended to be used by users in the United States. If you are visiting the Website from outside the United States of America, your information will be transferred to, stored, and processed in the United States. By visiting the Platform, you consent to the transfer of your information to the United States and the use and disclosure of your information as described in this Privacy Policy. Furthermore, you consent to the exclusive jurisdiction of the United States for purposes of any question of law or fact related to your use or access to the Platform.

In compliance of the European Union's General Data Protection Regulation (GDPR), Organization does not utilize data for any reasons other than to fulfill commitments to existing products and services. Organization does not share any personal data or information collected from the Platform with third parties for their direct marketing purposes. Organization has data retention and storage mechanisms in place to control access to the data and has placed limits on what purposes the data can be used for.

Your Choices:

You may have the opportunity to receive certain communications from us related to our Platform, including marketing communications. If you provide us with your e-mail address in order to receive communications, you can opt out of marketing e-mails at any time by following the instructions at the bottom of our e-mails and adjusting your e-mail preferences. Please note that certain e-mails may be necessary for the operation of our Platform. You will continue to receive these e-mails, if appropriate, even if you unsubscribe from our optional communications.

Some browsers support a "Do Not Track" feature, which is intended to be a signal to websites that you do not wish to be tracked across different websites you visit. Our Platform does not currently change the way they operate based upon detection of a Do Not Track or similar signal.

Please note that we cannot control how third-party websites or online services you visit through our Platform respond to Do Not Track signals. Check the privacy policies of those third parties for information on their privacy practices.

The accuracy of the information we have about you is very important. Users may update, review, or correct their information at any time by contacting us at app@athletico.com.

Security:

While we do our best to protect your personal information, we cannot guarantee the security of any information that you transmit to us and you are responsible for protecting your User ID(s) and password(s) and for the security of information that you transmit to us over the internet. Thus, your use of the Platform is at your own risk.

COPPA:

Our Platform is intended for use by individuals 13 years of age or older. We comply with the Children's Online Privacy Protection Act ("COPPA") and do not knowingly permit registration or submission of Personally Identifiable Information by anyone under 13 years of age. However, if you are a parent, legal guardian, or personal representative of a minor child, you may, in compliance with the Terms of Use, use our Platform on behalf of such minor child. Any information you provide us on behalf of your minor child will be treated in accordance with this Privacy Policy. If we learn that we have received any information from an individual under the age of 13 without parental consent, we will take steps to remove the data as permitted by law. If you believe an individual under 13 years of age has provided us with Personally Identifiable Information without parental consent, please advise us in writing at the contact information listed in the Contact section.

Links to Third-Party Sites:

Our Platform may contain links to third-party websites and services. Please note that these websites and services may have their own privacy policies. This Privacy Policy applies to Organization and our Platform only. We do not accept any responsibility or liability for the policies or practices of any third parties. If you choose to access any websites or services linked from our Platform, please check the applicable policies before you use or submit any personal data to such website or service. The Organization does not sponsor, operate, control, or endorse any of these sites, nor the information, products, or services provided by third parties through the Internet, nor does the Organization make any guarantee, warranty, or representation regarding the accuracy of the information contained on the websites. The Organization has no control over the security or privacy practices of these external websites.

Changes to Our Privacy Policy:

We may change this Privacy Policy from time to time to align with changes to our business practices and/or changes to our legal requirements. If we make any changes, we will change the Last Updated date above.

Your continued use of the Platform or communication with us after the updated Privacy Policy has been posted (or any other indication of your consent) will constitute your acceptance of the updated Privacy Policy.

Contact:

If you have questions, comments or requests relating to this Privacy Policy or the way in which we handle your personal information, please e-mail us at app@athletico.com, or you may write to us at:

Athletico Management, LLC
2122 York Road, Suite 300, Oak Brook, Illinois 60523