

EVO SWIM SCHOOL LLC CONSUMER PRIVACY NOTICE

Evo Swim School LLC and its affiliates (“**we**” or “**our**”) take information privacy seriously.

This Privacy Notice describes how we collect, use, protect, and process Personal Information we collect from or about you or your child when you visit our websites, use mobile apps we operate and control, participate in activities at our facilities, fill out our liability, payment authorization, consent, and other forms, communicate with us, or otherwise interact with us in your capacity as a consumer. We refer to these interactions collectively throughout this Privacy Notice as using our “Services.” We provide this Privacy Notice to inform you of the types of information we collect when you or your child use our Services, and how we use and disclose that information. Please review this Privacy Notice carefully to understand these terms and your rights and options.

Your Consent

By using our Services, you are consenting to the collection, use, disclosure, and transfer of your information (or your minor child’s information, as applicable, and as permitted by law) as described in this Privacy Notice. If you do not consent to the collection, use, disclosure and transfer of your information or your minor child’s information as described in this Privacy Notice, you and your child, as applicable, may not use our Services. If you have questions about this Privacy Notice, please contact us using one of the methods described below.

Updates to this Privacy Notice

This Privacy Notice is subject to change. If we make material changes to this Notice, we will endeavor to notify you more directly, including by placing a notice on our website or by providing you with a communication notifying you of the changes. We will also update the date above any time we make changes to this Privacy Notice. We encourage you to periodically review this Privacy Notice. By using our Services, you agree to the terms and conditions in the most updated Privacy Notice.

Information We Collect

“**Personal Information**” is any information that could be used to identify an individual, either directly (for example, your name) or indirectly (such as an IP address or other unique identifier), or any other information that relates to, describes, is reasonably capable of being associated with, or could reasonably be linked to a particular individual or household.

Information You Provide

We collect Personal Information related to you or your minor child that you voluntarily provide to us (or to a third-party provider acting on our behalf), automatically from you, and from other third parties. The categories of information we have collected from individuals through the methods described in this paragraph in the last twelve months includes:

- **Identifiers**, such as your name, contact information, address, telephone number, online identifiers, and demographic information such as date of birth.
- **Protected classification characteristics under state or federal law**, such as age and gender.
- **Commercial information**, such as records of products, services or classes purchased, billing details, locations visited, and information about previous transactions.
- **Internet or other similar network activity**, such as information about your interactions with our Services or advertisements.
- **Geolocation data**, such as the approximate location of your device that accesses our Services.
- **Audio, electronic and visual information**, including photographs, videos, if you provide a testimonial or voice recordings, if you interact with our customer service team, or through our on-premises surveillance cameras.
- **Inferences** we derive from the information that we collect to create profiles reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.
- **Information categories listed in state statutes**, including information listed under by California Civil Code Section 1798.80, subdivision (e), such as name and contact information.
- **Social media profile information**, when you share it with us or use it to contact us.
- **Account-related information**, such as the username and password associated with your account.
- **Device information and unique device identifiers**, such as your IP address, operating system, or the serial number of your device.
- **Preference information**, including your communication, language and time zone preferences.
- **Any other Personal Information you choose to provide to us.**
- **Any other Personal Information you consent to the collection of at the time of collection.**

How We Use Your Personal Information

We process your Personal Information with your consent, to perform our contractual obligations, to provide you with Services you request from us, where it is in our legitimate interest to process such information, and where we have a legal

obligation. Any of the Personal Information we collect about you may be used for the following business purposes, including to:

- Provide you with Services and to provide and operate our website, businesses, and facilities and to administer your account.
- Communicate with you regarding customer service inquiries, when you request information or assistance from us, and regarding products, services, and classes you purchase from us.
- Market our products, services and classes to you and understand the effectiveness of our marketing communications. Please note that we do not send marketing communications to individuals identified as minor children in our systems.
- Invite you to participate in surveys, or provide feedback to us about your experience in working with us.
- Operate, improve, and enhance our business, products, and service offerings, and identify trends in our product and service offerings.
- Personalize your experience when you interact with us, including on our website or at our facilities.
- Ensure continuity of service to you if we sell, assign, or transfer all or part of our business or enter into a relationship with a successor or partner entity.
- In connection with our legal obligations, including to comply with our contractual obligations, court orders and requests, subpoenas, regulatory obligations, to enforce our rights, to defend ourselves in litigation, and to detect, investigate, and prevent activities that may violate our policies or be fraudulent or illegal.
- Any other purpose you consent to or instruct us to.

We may aggregate and de-identify the Personal Information in our database and create reports that do not personally identify any individuals. We may also combine Personal Information we receive from or about you from one source with Personal Information we receive from or about you from other sources, or across various interactions with you. If you are a parent user of our Services, we will associate your child's information with your information so that we know you are the parent of the child user.

We retain the above categories of information we collect from and about you as described in the Information Retention section below.

How We Disclose Your Personal Information

We disclose Personal Information we collect for a business purpose to the categories of third parties and for the purposes outlined below:

- Corporate affiliates, including our parent company and subsidiaries, to provide and maintain our Services and for administrative purposes.

- Service providers, to perform functions on our behalf such as class bookings, website and data hosting, marketing automation, analytics, site optimization, and payment processing.
- Social media platforms, when you choose to interact with us through social media features on our website. Such interactions typically allow the social media platforms to collect some information about you through cookies and similar tracking technologies they place on your device. In some cases, the social media platforms may recognize you through its cookies even when you do not interact with their application. Please visit the social media platform’s respective privacy policies to better understand their data collection practices and controls they make available to you.
- Independent contractors and third-party volunteers who are not employed by or associated with our company.
- If we sell all or part of our business, make a sale or transfer of assets, or are otherwise involved in a merger, restructuring or business transfer, including as part of the due diligence and transaction process.
- Under applicable law to comply with subpoenas and other legal processes.
- To pursue available remedies or limit damages we may sustain.
- To protect our operations.
- To protect the rights, privacy, safety or property of us, you and others.
- To enforce our website Terms of Use or other of our terms and conditions.
- For any other purpose you direct us to, or consent to.

Cookies and Automatic Data Collection

“**Cookies**” are a feature of web browser software that allow web servers to recognize the computer used to access a website. They are small text files that are stored by a user’s web browser on the user’s hard drive. When we use the term “Cookies” in this policy, we intend for this to include pixel tags, clear GIFs, session replay technology, and similar tracking tools that automatically collect information from and about you and your interactions with our website and other sites. Cookies can remember what information a user accesses on one website to simplify subsequent interactions with that site by the same user or to use the information to streamline the user’s transactions on related websites. A number of cookies we use last only for the duration of your web session and expire when you close your browser. Other cookies last longer and are used to recognize your computer when you return to our websites. Cookies are designed to make your online experience easier and more personalized.

Web server logs are files that store the activity on a certain website.

How Do We Use Cookies?

We rely on partners to provide many features on our websites using data collected through cookies and similar tracking technologies. We use cookies and similar tracking technologies for the following purposes:

- **Website Operations:** Enabling features that are necessary for providing you the Services on our website, such as managing your login session, tracking content views, and remembering your preferences in order to continually improve Services and better serve the needs of our users, and to enhance our cybersecurity efforts.
- **Analytics:** Allowing us to understand how our Services are being used, track site performance, and make improvements.
- **Social Media:** Enabling the sharing of Personal Information with social networking companies, or content from our Services through social networking and other sites.

Among other analytics providers and tracking technologies, we use Google Analytics, which is a web analytics service offered by Google. Google Analytics uses the data collected to track and monitor the use of our websites. Google Analytics shares this data with other Google services. Google may use the collected data to contextualize and personalize the ads of its own advertising network.

Can I Opt-out?

Most web browsers automatically accept cookies. You can change your browser settings to notify you of the cookies being set or updated, and to block cookies. Please note that if you have turned off all cookies, some features of the website may not be available to you or otherwise function as intended. To learn more about how to manage cookies on different types of browsers, you can visit the website www.allaboutcookies.org.

To prevent Google Analytics from using your information for analytics, you may install the Google Analytics Opt-out Browser Add-on by clicking [here](#). For more information on the privacy practices of Google, please visit the Google Privacy & Terms web page: <https://policies.google.com/privacy>.

“Do Not Track” Browser Settings

We do not currently use technology that recognizes “do not track” signals from your web browser.

Sales and Sharing of Personal Information, Use of Personal Information for Targeted Advertising and Right to Opt-Out

We disclose or make available Personal Information of individuals who are more than 18 years old to third parties in order to receive certain services or benefits from them, such as in connection with cookies that third parties we partner with may have collected on our website.

In the last 12 months, we have sold, shared or used for targeted advertising Personal Information of individuals who are more than 18 years old including identifiers, commercial information, internet or similar network activity, inferences, and

geolocation data, and we have sold or shared these categories of Personal Information with providers of advertising and analytics services, network advertisers, and partners who assist us with target audience creation. This sharing and disclosure is considered a “sale” or “sharing” of personal information for the purpose of targeted advertising under some state laws. We do not “sell,” “share,” or use for targeted advertising Personal Information of individuals we know are under 18 years old.

If you are a resident of certain jurisdictions, you have the right to opt-out of the sale, sharing, or use of your Personal Information for targeted advertising as described in the above section titled “Right to Opt-Out of the Sale or Sharing of Personal information or Use of Personal Information for Targeted Advertising.” To exercise the right to opt-out of the sale of your Personal Information, you (or your authorized representative) may submit a request as outlined in the section titled “Exercising Your Rights.” Please note that your right to opt-out does not apply to our sharing of data with service providers, with whom we work and who are required to use the data only on our behalf.

Links to Third Party Sites

Our website contains links to websites run and controlled by third parties (“**Third Party Sites**”). These links are provided to users as a convenience and service to our users. Some links may take you to Third Party Sites containing information that may be useful or of interest to you.

We do not control the means by which your Personal Information is collected through Third Party Sites or the software used to collect it, nor do we control the security implemented by the third party that controls any Third Party Site. All Third Party Sites are operated independently from us. You understand and agree that, when you click a link to any Third Party Site, this Privacy Notice and the practices that we follow under this Privacy Notice will cease to apply. Rather, the privacy policy offered by the Third Party Site will apply to the Personal Information collected through that Third Party Site. We encourage you to review the privacy policies listed on every Third Party Site that you visit.

We are not responsible for the content, accuracy, or opinions expressed on any Third Party Site or for the privacy practices of any third party. We will not, and are under no obligation to, investigate, monitor or check the Third Party Sites for accuracy or completeness, or for any obscene, scandalous, inflammatory, pornographic, indecent, profane, defamatory or unlawful content or materials. Inclusion of any Link to a Third Party Site does not imply approval or endorsement of the Third Party Site.

Information Retention and Security

We retain your Personal Information for the period necessary to fulfill the purpose(s) for which it was collected as outlined in this Privacy Notice, unless a longer retention period is required by law or is needed in order to fulfill our legal obligations.

We have put in place reasonable physical, electronic, technical, and managerial procedures to safeguard and secure Personal Information from unauthorized use or disclosure. However, due to the open communication nature of the Internet, we cannot guarantee that your Personal Information will be 100% secure, and free from accidental or unauthorized use, disclosure, or access.

Children Under the Age of 13

While we recognize that minor children may attend classes at our facilities, our website and online service offerings are informational in nature and are provided for and targeted to adults. Our website and online service offerings are not intended to be used by children under 13 years of age. We do not knowingly collect Personal Information from children under the age of 13 through our website or online service offerings. If you believe we have collected Personal Information from or about a child under 13 through our website or online service offerings without the express permission of their parent or legal guardian, please contact us at the email below. If we have stored any such Personal Information in our database, we will delete it as soon as reasonably practicable after receiving notice.

Opt-Out of Marketing Correspondence

You may choose to limit or cease receiving marketing correspondence from us by using the opt-out option in e-mails you receive from us, or by contacting us at the email and/or phone numbers below. We will process your request as soon as reasonably practicable after receiving your request. We endeavor to only send marketing communications to parent users of our Services. If you believe we have sent marketing communications to a child without their, or their parents', as applicable, consent, please let us know so that we can take appropriate action.

Your Rights and Choices

If you would like to update or correct your Personal Information or your minor child's Personal Information, you may do so by contacting us using the contact information listed below.

In addition to the foregoing, depending on the jurisdiction in which you reside, you or your minor child may have the following additional rights and choices regarding your or their Personal Information. While we use the term Personal Information throughout this Privacy Notice, we intend for this to include "personal data" where that is the term used under applicable law. If you have questions about whether you

and/or your child live in a jurisdiction that affords privacy rights, please contact us using one of the methods listed below.

Right to Request Access or Right to Know

You may have the right to request that we disclose information to you about our collection and use of your or your minor child's Personal Information over the past 12 months. You have the right to request the following:

- The categories of Personal Information we collected about you.
- The specific pieces of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.
- The business or commercial purpose for collecting your Personal Information.
- The categories of third parties with whom we have disclosed your Personal Information in the preceding twelve (12) months.
- The categories of Personal Information we sold or shared about you, and the categories of third parties to whom the Personal Information was sold or shared by category of Personal Information.

Once we receive and confirm your verifiable consumer request, we will provide you with the information you request unless an applicable exception applies.

Right to Portability

After you make a request to access or know your or your minor child's Personal Information, you may have the right to request to obtain a copy of this information in a portable, readily usable format that allows you to transmit the information to another party, to the extent it is technically feasible. You may also have the right to request that we transfer your information to another organization, under certain circumstances.

Right to Deletion or Right to Erasure

You may have the right to request that we delete any of the Personal Information that we collect or retain about you or your minor child, subject to certain exceptions. After we receive and verify your request, we will delete (and direct any of our service providers that hold your Personal Information on our behalf to delete) your Personal Information from our records, unless an exception applies. We may deny your deletion request if retaining your Personal Information is necessary for us or our service providers, as permitted by law.

Right to Opt-Out of the Sale or Sharing of Personal Information, or the Use of Personal Information for Targeted Advertising

You may have the right to opt-out of the sale or sharing of your Personal Information, or to opt out of the use of your Personal Information for targeted advertising. Information about our practices that may constitute a "sale" or "sharing"

of your Personal Information as defined by law are noted in the above section titled “Sales and Sharing of Personal Information, Use of Personal Information for Targeted Advertising and Right to Opt-Out.” You may exercise your right to opt-out by following the instructions set forth in this section of this Privacy Notice titled “Exercising Your Rights.” Please note you may also need to update your preferences in the cookie consent tool on our website and apps in order to fully opt-out. We do not “sell,” “share,” or use for targeted advertising Personal Information of individuals we know are under 18 years old.

In some states, this right is known as the right to opt-out of the use of your personal data for the purposes of targeted advertising, the sale of personal data, or profiling in furtherance of certain decisions.

Right to Limit Certain Uses and Disclosures of your “Sensitive Personal Information”

You may have the right to limit our use and disclosure of your or your minor child’s “Sensitive Personal Information,” as that term is defined in applicable statutes, where we have collected it to use as necessary to perform the Services or provide the goods reasonably expected by you, and as otherwise authorized by the statute and regulations. We do not collect Sensitive Personal Information from most consumers, but if we do, we believe we only use your Sensitive Personal Information in ways that you would reasonably expect are necessary to perform the Services or to provide you with the Services you request. For details on how we use your Sensitive Personal Information, please review the information above.

We do not “sell” or “share,” as those terms are defined, Sensitive Personal Information.

Right to Correct Personal Information if the Information is Inaccurate

If you believe or discover that Personal Information we have collected about you or your minor child is inaccurate, you may contact us to request that we correct and update the information so that it is accurate. Where applicable, you may also log into the “My Account” or “Settings” page of the website to update your information.

Right to Withdraw Consent

If you have previously consented to the use of your Personal Information for direct marketing or targeted marketing, you may withdraw your consent at any time.

Right to Restrict or Object to Processing

You may have the right to restrict certain processing of your or your minor child’s Personal Information, or to object to certain processing of your or your minor child’s Personal Information, including where our legal basis for the processing is your consent, where the processing involves Special Category Personal Data or Sensitive Personal Information, as those terms are defined in applicable statutes, or where it

involves automated decision making technologies. This right is subject to certain restrictions.

Right to Appeal

If you are a resident of certain jurisdictions, you have the right to file an appeal with us if we deny your request to exercise your rights. Requests to appeal can be communicated through the same means by which your request was submitted. If we deny your appeal, you may have the right to appeal to your state regulator. We will provide you the information of the applicable regulator if we deny your appeal. In addition to the above rights, you also have the right to:

- Appoint an individual to exercise your rights on your behalf, or to exercise rights on behalf of your minor child
- Access information about automated decision making (as applicable)
- To not be discriminated against for exercising your rights

Exercising your Rights

If you believe you reside in a jurisdiction that affords broad consumer privacy rights to its residents and you wish to exercise any of the rights described above on your or your minor child's behalf, please submit a request to us by one of the following methods:

- Calling our customer service team at 480-404-6191
- Emailing us at info@evoswimschool.com
- Writing to us at:

Evo Swim School LLC
RE: Consumer Privacy Request
2161 E. Pecos Rd
Gilbert, AZ 85295

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your Personal Information.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected Personal Information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

We will take steps to verify your consumer request, including that you are the person making the request, or you have authority to make the request on behalf of the individual the request relates to. We cannot respond to your request or provide you with Personal Information if we cannot verify your identity or authority to make the request and confirm the Personal Information relates to you. Making a verifiable consumer request does not require you to create an account with us. We will only use Personal Information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

Response Timing and Format: We endeavor to respond to verifiable consumer requests 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. If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option. Any disclosures we provide may 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. For data portability requests, we will select a format to provide your Personal Information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

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.

Non-Discrimination: We will not discriminate against you for exercising any rights you have under applicable law. Unless permitted by applicable law, 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.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

However, we may offer you certain financial incentives permitted by state law that can result in different prices, rates, or quality levels. Any permitted financial incentive we offer will reasonably relate to your Personal Information's value and contain written terms that describe the program's material aspects. You may revoke your consent to participate in one of our financial incentive programs at any time.

If you are visually impaired or have another disability, you may access Your Rights and Choices by emailing info@evoswimschool.com or calling 480-404-6191

Campaign Registry Compliance

We will not disclose text message opt-in or consent information we collect from you to any third parties, such that the third party would be able to re-use your opt-in or consent to receive messages. We also will not disclose your phone number to third parties for their own marketing or promotional purposes. We may disclose phone numbers to third party service providers, such as those service providers who help us run our campaigns, as described above.

How to Contact Us

If you have any questions or concerns regarding this Privacy Notice, please feel free to contact us at the following email, telephone number or mailing address.

Email: info@evoswimschool.com

Phone: 480-404-6191

Mailing:

Evo Swim School LLC
RE: Privacy Policy
2161 E. Pecos Rd
Gilbert, AZ 85295