

# PRIVACY POLICY

**LAST UPDATED:** April 16, 2020

## INTRODUCTION

Whoop, Inc. (“us”, “we”, “our”, or WHOOP) knows that our users care about how their Personal Data is used, collected and shared. “Personal Data” means any information that identifies or relates to a particular individual and also includes information referred to as “personally identifiable information” or “personal information” under applicable data privacy laws, rules, or regulations. We take our users’ privacy seriously and are committed to protecting Personal Data. Please read this Privacy Policy carefully to understand how your Personal Data is used, collected and shared by us. WHOOP operates the [www.whoop.com](http://www.whoop.com), associated subdomains, [app.whoop.com](http://app.whoop.com), and the WHOOP Performance Optimization mobile application, any software embedded within the WHOOP device, as well as any features, content, websites (or other linked pages) or applications offered, from time to time, by WHOOP in connection therewith (collectively, the “Services”). This Privacy Policy covers our treatment of the Personal Data that we collect when you access or use the Services. It does not cover the practices of companies that we do not own or control, or people that we do not manage. We are not responsible for the policies and practices of any third parties, and we do not control, operate, or endorse any information, products, or services that may be offered by third parties or accessible on or through the Services. **By using or accessing the Services in any manner, you acknowledge that you accept the practices and policies outlined in this Privacy Policy, and you hereby consent to the collection, use, and disclosure of your information as set out in this Privacy Policy.**

## ADDITIONAL TERMS

Your use of the Services is at all times subject to our separate [Terms of Use](#) or such other customer or user agreement between WHOOP and the entity through which you access and use the Services, which incorporates this Privacy Policy. Any terms we use in this Privacy Policy without defining them have the definitions given to them in our [Terms of Use](#).

## **CHANGES TO THIS PRIVACY POLICY**

We're constantly trying to improve our Services, so we may need to change this Privacy Policy from time to time, but we will alert you to changes by placing a notice on the WHOOP website, by sending you an email, and/or by some other means. Please note that if you've opted not to receive legal notice emails from us (or you haven't provided us with your email address), those legal notices will still govern your use of the Services, and you are still responsible for reading and understanding them. If you use the Services after any changes to the Privacy Policy have been posted, that means you agree to all of the changes. Use of information we collect is subject to the Privacy Policy in effect at the time such information is collected.

## **TRANSFERS OF PERSONAL DATA**

The Services are hosted and operated in the United States ("U.S.") through WHOOP and our service providers. If you do not reside in the U.S., laws in the U.S. may differ from the laws where you are located. By using the Services, you acknowledge that Personal Data about you, regardless of whether provided by you or obtained from a third party, is being provided to WHOOP in the U.S. and will be hosted on U.S. servers, and you authorize WHOOP to transfer, store and process your information to and in the U.S., and possibly other countries. You hereby consent to the transfer of your data to the U.S. as set forth herein.

## **PERSONAL DATA OF EU RESIDENTS**

If you are a resident of the European Union ("EU"), United Kingdom, Lichtenstein, Norway, or Iceland, you may have additional rights under the EU General Data Protection Regulation (the "GDPR") with respect to your Personal Data, as further described in the "Privacy Notice for EU Residents" section below.

## **PERSONAL DATA OF CHILDREN**

We do not knowingly collect or solicit Personal Data from anyone under the age of 13, or under the age of 16 in countries subject to the GDPR, unless exempted by individual country exceptions (for more information, please see “Privacy Notice for EU Residents” below). If you are under 13, or 16 where applicable, please do not attempt to register for the Services or send any Personal Data about yourself to us. If we learn that we have collected Personal Data from a child under age 13, or 16 where applicable, we will delete that information as quickly as possible. If you believe that a child under 13, or 16 where applicable, may have provided us Personal Data, please contact us at support@whoop.com.

## **SOURCES OF PERSONAL DATA**

We collect Personal Data about you from:

- You, when you provide such information directly to us, and when Personal Data about you is automatically collected in connection with your use of our Services.
- Third parties, when they provide us with Personal Data about you (“Third Parties”). Third Parties that share your Personal Data with us include:
  - Service providers. For example, we may use analytics service providers to analyze how you interact and engage with the Services, or third parties may help us provide you with customer support.
  - Social networks connected to the Services. If you provide your social network account credentials to us or otherwise sign in to the Services through a third-party site or service, you understand some content and/or information in those accounts may be transmitted into your account with us.
  - Advertising partners. We receive information about you from some of our service providers who assist us with marketing or promotional services related to how you interact with our websites, applications, products, services, advertisements or communications.

The following chart details the categories of Personal Data that we collect and have collected over the past twelve (12) months. Throughout this Privacy Policy, we will refer back to the categories of Personal Data listed in this chart (for example, “Category A. Personal identifiers”).

	<b><u>Category of Personal Data</u></b>	<b><u>Personal Data Collected?</u></b>	<b><u>What is the source of this Personal Data?</u></b>
<b>A.</b>	<b>Personal identifiers</b> <i>Examples: Real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver’s license number, passport number or other similar identifiers.</i>	Real name, username/alias, email address, telephone number, mailing address, IP address, birth date.	You

<p><b>B.</b></p>	<p><b>Customer records identified by state law</b> (including the California Customer Records statute (Cal. Civ. Code § 1798.80(e)))</p> <p><i>Name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number or any other financial information, medical information or health insurance information.</i></p>	<p>Name, email address, mailing address, telephone number, state, country, birth date, profile photo, weight, height.</p>	<p>You</p>
<p><b>C.</b></p>	<p><b>Protected classification characteristics under state or federal law</b></p> <p><i>Examples: Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or</i></p>	<p>Age, sex.</p>	<p>You</p>

	<p><i>childbirth and related medical conditions), sexual orientation, veteran or military status or genetic information (including familial genetic information).</i></p>		
<b>D.</b>	<p><b>Commercial information</b></p> <p><i>Examples: Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.</i></p>	<p>Records of products or services purchased, obtained or considered through the Services and records of other purchasing tendencies based on browsing behavior, other transaction information (e.g., transaction amount, date, time transaction occurred).</p>	<p>You; Third Parties</p>
<b>E.</b>	<p><b>Wellness and exercise data</b></p>	<p>Wellness, exercise, and sleep data such as resting heart rate, heart rate variability, acceleration, metadata on workouts and sleep, the type of activity you engage in and the duration of your physical activity, data based on strain, recovery and sleep, weight, height, fitness/athlete level (e.g., professional, recreational), and additional information you chose to enter during the use of our Services such</p>	<p>You</p>

		as information about diet, medications, and female health tracking.	
<b>F.</b>	<p><b>Internet or other similar network activity information</b></p> <p><i>Examples: Browsing history, search history, or information on a consumer's interaction with a website, application or advertisement.</i></p>	Browsing history, search history, information concerning your interaction with the Services or advertisements, device identification, web browser identification, usage information, log data.	You; Third Parties
<b>G.</b>	<p><b>Geolocation data</b></p> <p><i>Examples: Physical location or movements.</i></p>	Physical location, IP address, movement on certain exercise types designated by "start" and "stop" in the mobile application.	You
<b>H.</b>	<p><b>Inferences drawn from other personal information</b></p> <p><i>Examples: Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities and aptitudes.</i></p>	Information related to data on strain, recovery, and sleep scores.	You
<b>I.</b>	<b>Age or date of birth</b>	Age, date of birth.	You

<p><b>J.</b></p>	<p><b>Special categories of data under the EU General Data Protection Regulation</b></p> <p><i>Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; genetic data or biometric data processed for the purpose of uniquely identifying a natural person; data concerning health; or data concerning a natural person's sex life or sexual orientation.</i></p>	<p>Data concerning health (as described in “E. Wellness and exercise data” above).</p>	<p>You</p>
<p><b>K.</b></p>	<p><b>Personal Data about children under the age of 16</b></p> <p><i>This includes any type of Personal Data that relates to someone under the age of 16.</i></p>	<p>Information listed in categories A through J herein per our <a href="#">Terms of Use</a></p>	<p>You</p>

The following sections provide additional information about how we collect your Personal Data.

**INFORMATION ON WELLNESS DATA THAT YOU PROVIDE TO WHOOP**

Your WHOOP Strap is a wearable sensor and when you use a service in connection with a wearable sensor, certain types of Personal Data are monitored by those sensors. With your explicit consent, your WHOOP Strap can collect and send WHOOP information including your heart rate, heart rate variability, and data such as the type of activity you engage in and the duration of your physical activity (collectively referred to as “Wellness Data” as set forth in Category E. in the above chart).



We use Wellness Data to provide features of our Services, and to improve and customize our Services (including determining and reporting on trends, Day Strain and Recovery). When your WHOOP Strap syncs with our Services, such Personal Data recorded on your device is transferred from your device to our servers.

You can disable collection of Wellness Data by un-pairing your WHOOP Strap and you can request removal of your Wellness Data by requesting WHOOP to delete your account by emailing [support@whoop.com](mailto:support@whoop.com).

### **INFORMATION ABOUT GEOLOCATION DATA**

If you give permission for WHOOP to do so, WHOOP may use and store information about your geographical location, like through GPS, (referred to as “Geolocation Data” in Category G in the chart above) in order to provide features of the Services or to improve or customize the Services. You may allow or disallow WHOOP to collect Geolocation Data by enabling or disabling location services when you use our Services at any time by way of your device settings.

### **INFORMATION WE AUTOMATICALLY COLLECT WHEN YOU USE OUR SERVICES**

WHOOP uses cookies and similar technologies such as pixel tags, web beacons, clear GIFs, and JavaScript (collectively, “Cookies”) to enable our servers to recognize your web browser and tell us how and when you visit and use our Services, to analyze trends, learn about our user base and operate and improve our Services. Cookies are small pieces of data– usually text files – placed on your computer, tablet, phone, or similar device when you use that device to visit our Services. We may also supplement the information we collect from you with information received from third parties, including third parties that have placed their own Cookies on your device(s). Please note that because of our use of Cookies, the Services do not support “Do Not Track” requests sent from a browser at this time.

WHOOP uses the following cookies:

**Essential Cookies:** Essential Cookies are required for providing you with features or services that you have requested. For example, certain Cookies enable you to log into secure areas of our Services. Disabling these Cookies may make certain features and services unavailable.

**Functionality Cookies:** Functional cookies are used to record your choices and settings regarding our Services, maintain your preferences over time, and recognize you when you return to our Services. These cookies help us to personalize our content for you, greet you by name, and remember your preferences (for example, your region).

**Performance/Analytical Cookies:** Performance/Analytical Cookies allow us to understand how users use our Services such as by collecting information on how often users use a particular feature of the Services. These aggregated statistics are used internally to improve the Services in a way that makes the Services interesting to as many users as possible. Performance/Analytical Cookies also help us measure the performance of our advertising campaigns in order to help us improve our campaigns and the Services' content for those who engage with our advertising. For example, Google, Inc. ("Google") uses cookies in connection with its Google Analytics services. Google's ability to use and share information collected by Google Analytics about your visits to the Services is subject to the Google Analytics [Terms of Use](#) and the Google Privacy Policy. You have the option to opt-out of Google's use of cookies by visiting the Google advertising opt-out page at [www.google.com/privacy\\_ads.html](http://www.google.com/privacy_ads.html) or the Google Analytics Opt-out Browser Add-on at <https://tools.google.com/dlpage/gaoptout/>; please also see the section titled "Opting Out of Interest-Based Advertisements."

**Retargeting/Advertising Cookies:** Retargeting/advertising cookies collect data about your online activity and identify your interests so that we can provide advertising that we believe is relevant to you. For more information about this, please see the section below titled "Information about Interest-Based Advertisements."

You can decide whether or not to accept Cookies through your internet browser's settings. Most browsers have an option for turning off the Cookie feature, which will prevent your browser from accepting new Cookies, as well as (depending on the sophistication of your browser software) allow

you to decide on acceptance of each new Cookie in a variety of ways. You can also delete all Cookies that are already on your computer. If you do this, however, you may have to manually adjust some preferences every time you visit a site and some of the Services and functionalities may not work.

To explore what Cookie settings are available to you, look in the “preferences” or “options” section of your browser’s menu. To find out more information about Cookies, including information about how to manage and delete Cookies, please visit <https://ico.org.uk/for-the-public/online/cookies/> or <http://www.allaboutcookies.org/>.

### **INFORMATION ABOUT INTEREST-BASED ADVERTISEMENTS**

We may serve advertisements, and also allow third-party ad networks, including third-party ad servers, ad agencies, ad technology vendors and research firms, to serve advertisements through the Services. These advertisements may be targeted to users who fit certain general profile categories or display certain preferences or behaviors (“Interest-Based Ads”). Information for Internet-Based Ads (including Personal Data) may be provided to us by you, or derived from the usage patterns of particular users on the Services and/or services of third parties. Such information may be gathered through tracking users’ activities across time and unaffiliated properties, including when you leave the Services. To accomplish this, we or our service providers may deliver Cookies, including a file (known as a “web beacon”) from an ad network to you through the Services. Web beacons allow ad networks to provide anonymized, aggregated auditing, research and reporting for us and for advertisers. Web beacons also enable ad networks to serve targeted advertisements to you when you visit other websites. Web beacons allow ad networks to view, edit or set their own Cookies on your browser, just as if you had requested a web page from their site.

We comply with the Digital Advertising Alliance (“DAA”) Self-Regulatory Principles for Online Behavioral Advertising. Through the DAA and Network Advertising Initiative (“NAI”), several media and marketing associations have developed an industry self-regulatory program to give consumers a

better understanding of, and greater control over, ads that are customized based a consumer's online behavior across different websites and properties. To make choices about Interest-Based Ads from participating third parties, including to opt-out of receiving behaviorally targeted advertisements from participating organizations, please see the section below entitled "Opting Out of Interest-Based Advertising."

You have the option to opt out of Interest-Based Advertising. For more information, see the section below titled "Opting Out of Interest-Based Advertising and Tracking Tools."

### **OPTING OUT OF INTEREST-BASED ADVERTISING**

You can opt-out of certain Interest-Based Advertising activities by doing one or more of the following. Please note that you will need to opt-out of each browser and device for which you desire to apply these opt-out features.

**Third Party Opt Out:** You can opt-out directly from some third-party ad networks, including third-party ad servers, ad agencies, ad technology vendors and research firms by using their opt-out tools. Some of these service providers, and links to their opt-out tools, are:

**Google Analytics.** You can opt-out of Google Analytics at <https://tools.google.com/dlpage/gaoptout> and read more about Google Analytics on its Privacy Policy at <http://www.google.com/policies/privacy/partners/>

**Google AdWords.** You can opt-out of Google Analytics for Display Advertising and customize the Google Display Network ads by visiting the Google Ads Settings page: <http://www.google.com/settings/ads>. Google also recommends installing the Google Analytics Opt-out Browser Add-on – <https://tools.google.com/dlpage/gaoptout> – for your web browser. Google Analytics Opt-out Browser Add-on provides visitors with the ability to prevent their data from being collected and used by Google Analytics. For more information on the privacy practices of Google, please visit the Google Privacy Terms web page: <https://policies.google.com/privacy?hl=en>

**Bing Ads Remarketing.** You can opt-out of Bing Ads interest-based ads by following their instructions: <https://advertise.bingads.microsoft.com/en-us/resources/policies/personalized-ads> and you can learn more about the privacy practices and policies of Microsoft by visiting their Privacy Policy page: <https://privacy.microsoft.com/en-us/PrivacyStatement>

**Facebook Remarketing.** Facebook remarketing service is provided by Facebook Inc., and you can learn more about interest-based advertising from Facebook by visiting this page:

<https://www.facebook.com/help/164968693837950/>. To opt-out from Facebook's interest-based ads, follow these instructions from Facebook: <https://www.facebook.com/help/568137493302217>.

Facebook adheres to the Self-Regulatory Principles for Online Behavioral Advertising established by the Digital Advertising Alliance. You can also opt-out from Facebook and other participating companies through the Digital Advertising Alliance in the USA <http://www.aboutads.info/choices/>, the Digital Advertising Alliance of Canada in Canada <http://youradchoices.ca/> or the European Interactive Digital Advertising Alliance in Europe <http://www.youronlinechoices.eu/>, or opt-out using your mobile device settings. For more information on the privacy practices of Facebook, please visit Facebook's Data Policy: <https://www.facebook.com/privacy/explanation>

**Industry Opt Out Tools:** Some Advertising Service Providers or providers of Tracking Tools may participate in the Network Advertising Initiative's (NAI) Opt-Out Tool (<http://www.networkadvertising.org/choices/>) and/or the Digital Advertising Alliance (DAA) Consumer Choice Page (<http://www.aboutads.info/choices/>), and you can opt-out of certain services and learn more about your choices by visiting the links included here. Users in the EU can visit <http://www.youronlinechoices.eu/> for more information about your choices and to opt out of participating service providers.

**Web Browser Controls:** You can prevent the use of certain Cookies on a device-by-device basis using the controls in your web browser. These controls can be found in the Tools > Internet Options (or similar) menu for your browser, or as otherwise directed by your browser's support feature.

Through your web browser, you may be able to:

- Delete existing Cookies

- Disable future Cookies

Set your browser to provide you with a warning each time a cookie or certain other Tracking Tools are being set

**Mobile Opt Out:** Your mobile devices may offer settings that enable you to make choices about the collection, use, or transfer of mobile app information for Interest-Based Advertising. You may also opt-out of certain Cookies on mobile devices by installing the DAA's AppChoice app on your mobile device (for iTunes, visit <https://itunes.apple.com/us/app/appchoices/id894822870?mt=8>, for Android, visit <https://play.google.com/store/apps/details?id=com.DAA.appchoices&hl=en>). For more information, please visit <http://support.apple.com/kb/HT4228>, <https://support.google.com/ads/answer/2662922?hl=en> or <http://www.applicationprivacy.org/expressing-your-behavioral-advertising-choices-on-a-mobile-device>, as applicable.

Please note the following with respect to opting out of Interest-Based Advertising:

Some opt-out features are cookie-based, meaning that when you use these opt-out features, an "opt-out" cookie will be placed on your computer or other device indicating that you do not want to receive Interest-Based Advertising from certain companies. If you delete your cookies, use a different browser, or use a different device, you will need to renew your opt-out choice.

Opting-out of Interest-Based Advertising does not mean that you will no longer receive online ads. It only means that such ads will no longer be tailored to your specific viewing habits or interests. You may continue to see ads on and about the Service.

**Emails:** We will give you the ability to opt-out of marketing-related emails by going to our rights management page, or clicking on a link at the bottom of each such email. You cannot opt-out of receiving certain non-marketing emails regarding the Service.

## **HOW WE USE YOUR PERSONAL DATA**

We process Personal Data to operate, improve, understand and personalize our Services. We use Personal Data for the following purposes:

- To meet or fulfill the reason you provided the information to us.
- To communicate with you about the Services, including Service announcements, updates or offers.
- To provide support and assistance for the Services.
- To create and manage your account or other user profiles.
- To personalize website content and communications based on your preferences, including targeted offers and ads served through the Services.
- To process orders or other transactions.
- To respond to user inquiries and fulfill user requests.
- To improve and develop the Services, including testing, research, analysis and product development.
- To protect against or deter fraudulent, illegal or harmful actions and maintain the safety, security and integrity of our Services.
- To comply with our legal or contractual obligations, resolve disputes, and enforce our Terms of Use.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- For any other business purpose stated when collecting your Personal Data or as otherwise set forth in applicable data privacy laws, such as the California Consumer Privacy Act (the “CCPA”).

We will not collect additional categories of Personal Data or use the Personal Data we collected for materially different, unrelated, or incompatible purposes without providing you notice.

As noted in the list above, we may communicate with you if you've provided us the means to do so. For example, if you've given us your email address, we may send you promotional email offers or email you about your use of the Services. Also, we may receive a confirmation when you open an email from us, which helps us improve our Services. If you do not want to receive communications from us, please indicate your preference by emailing us at [support@whoop.com](mailto:support@whoop.com).

## **HOW WE SHARE YOUR PERSONAL DATA**

### **Disclosures of Personal Data for a Business Purpose**

We disclose your Personal Data to service providers and other parties for the following business purposes:

- Auditing related to a current interaction and concurrent transactions, including, but not limited to, counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this specification and other standards.
- Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity.
- Debugging to identify and repair errors that impair existing intended functionality.
- Short-term, transient use of Personal Data that is not used by another party to build a consumer profile or otherwise alter your consumer experience outside the current interaction.
- Performing services on our behalf, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services, providing analytic services, or providing similar services on behalf of the business or service provider.
- Undertaking internal research for technological development and demonstration.



- Undertaking activities to verify or maintain the quality or safety of a service or device that we own, manufacture, was manufactured for us, or control.

We disclose your Personal Data to the following categories of service providers and other parties:

- Service providers, including:
  - Payment processors.
  - Ad networks.
  - Security and fraud prevention consultants.
  - Hosting and other technology and communications providers.
  - Analytics providers.
  - Staff augmentation and contract personnel.
- Parties who acquire your Personal Data through an acquisition or other change of control.
  - Personal Data may be transferred to a third party if we undergo a merger, acquisition, bankruptcy or other transaction in which that third party assumes control of our business (in whole or in part).
- Other parties at your direction.
  - Other users (where you post information publicly or as otherwise necessary to effect a transaction initiated or authorized by you through the Services).
  - Social media services (if you intentionally interact with them through your use of the Services).
  - Third-party business partners who you access through the Services.
  - Other parties authorized by you.

Over the past twelve months, we have disclosed the following categories of your Personal Data to service providers or other parties for the business purposes listed above:

- A. Personal identifiers.
- B. Customer records identified by state law.
- C. Protected classification characteristics under state or federal law.
- D. Commercial information.
- E. Wellness and exercise data.
- F. Internet or other similar network activity information.
- G. Geolocation data.
- H. Inferences drawn from other personal information.
- I. Age or date of birth.
- J. Special categories of data under the EU General Data Protection Regulation.
- K. Personal Data about children under the age of 16.

#### Sales of Personal Data

In this section, we use the term 'sell' as it is defined in the CCPA. We sell your Personal Data, subject to your right to opt-out of these sales (see the "Your Rights" section below for information about how to opt-out).

We sell your Personal Data to the following categories of third parties:

- Advertisers

Over the past twelve months, we have sold the following categories of your Personal Data to third parties:

- A. Personal identifiers (IP address and email address).

#### **MORE INFORMATION REGARDING OUR SHARING OF YOUR PERSONAL DATA**

We may share your Personal Data with more specific third parties as described in this section:

**Our Agents:** We employ other companies and people to perform tasks on our behalf and need to share your information with them to provide our Services to you and to operate and improve our Services. For example, our agents may process data, analyze usage patterns, or perform other types of analysis and evaluation on our behalf. WHOOP uses a payment processing company to receive and process your credit card transactions for us. Unless we tell you differently, our agents do not have any right to use the Personal Data we share with them beyond what is necessary to assist us.

**Users and Organizations:**

Certain user information, such as your name, location, and any content that you post through the Services may be displayed to other users of the Services or to users of third-party social media platforms as more fully described below. As part of our Services, we offer the WHOOP Live feature, which provides you with the option to share your activity information layered onto videos you have recorded with users of the Services or users of the third-party social media platforms to which you choose to post your content.

As part of our Services, we offer the WHOOP Teams feature, which provides all users of our Services with the option to create invitation-only teams with other users of our Services. Users who want to form a team can invite other users to join their team by searching for users by name or username. Users are by default searchable by other users. To change whether you are searchable by your name or username, you can scroll down to Settings, located on the main Menu Page of the WHOOP mobile application, and go to "Privacy" where you can choose to make yourself private or searchable. Once you accept an invitation to join a team, users on the team may see certain activity information about you, like your Strain, Recovery, or Sleep, depending on the settings chosen by the user who created that team. You may leave at any time by accessing your WHOOP mobile application, navigating to the Team view, opening the menu from the Description page, and selecting Leave Team.

If your use of the Services is on behalf of or managed by a coach, team, organizing body or other entity you are affiliated with (“Managing Entity”), that Managing Entity is responsible for determining which information and content associated with your account is publicly shared and you consent to that Managing Entity allowing that information to be publicly shared, subject to any features of the Services that expressly override that control. In addition, the Managing Entity will have access to all of the user information associated with your account, regardless of any sharing settings, and you consent to that access. Please remember that any content you post via the Services may become publicly available and can be collected, viewed and used by anyone. If you do not want others to see your information or any content you post, do not provide it. Users can enter Stealth mode for short periods of time during which no score or activity information will be displayed on the public WHOOP platform.

**Corporate Wellness Programs:** If you use the Services in connection with an employer or organizational wellness program (a “Corporate Wellness Program”), we will provide the entity managing the Corporate Wellness Program with data necessary to enable such entity to manage, administer and evaluate the Corporate Wellness Program. This may include aggregated data, including aggregated Wellness Data, related to performance and wellness of participants in the Corporate Wellness Program. We will not disclose your Personal Data to the entity managing the Corporate Wellness Program unless you specifically authorize such disclosure. Please remember that certain content you post via the Services, including through the **WHOOP Live** or **WHOOP Teams** features, may become publicly available and can be collected, viewed and used by anyone. If you do not want others to see such content, do not post it or use such features.

**Protection of WHOOP and Others:** We reserve the right to access, read, preserve, and disclose any information that we believe is necessary to comply with law or court order; enforce or apply our **Terms of Use** and other agreements; or protect the rights, property, or safety of WHOOP, our employees, our users, or others.

## **HOW WE USE AND SHARE INFORMATION THAT IS NOT PERSONAL DATA**

We may use information that is not Personal Data, including Personal Data that has been aggregated or de-identified in a manner that no longer identifies you as an individual, for informational purposes, analytics or our own internal research purposes. We may also use such information to improve and customize our Services. We may disclose such information publicly and to third parties, for example, in reports we may publish about exercise and activity or other related research, and to partners under agreement with WHOOP. We may also provide aggregate usage information to our partners, who may use such information to understand how often and in what ways people use our Services, so that they, too, can provide you with an optimal online experience. Our advertising partners may use such information to display ads which they believe are more relevant to you. However, we do not disclose aggregate information to a partner in a manner that would identify you personally, as an individual, and we use technical measures and safeguards to help ensure that partners do not attempt to re-identify such information.

## **DATA SECURITY AND RETENTION OF PERSONAL DATA**

We seek to protect your Personal Data from unauthorized access, use and disclosure using appropriate physical, technical, organizational and administrative security measures based on the type of Personal Data and how we are processing that data. For example, the Services use industry standard Secure Sockets Layer (SSL) technology to allow for the encryption of Personal Data you provide to us. You should also help protect your data by appropriately selecting and protecting your password and/or other sign-on mechanism; limiting access to your computer or device and browser; and signing off after you have finished accessing your account. We endeavor to protect the privacy of your account and other Personal Data we hold in our records, but unfortunately, we cannot guarantee complete security. Unauthorized entry or use, hardware or software failure, and other factors, may compromise the security of user information at any time.

We retain Personal Data about you for as long as you have an open account with us or as otherwise necessary to provide you with our Services. In some cases we retain Personal Data for longer, if doing so is necessary to comply with our legal obligations, resolve disputes or collect fees owed, or is otherwise permitted or required by applicable law, rule or regulation. We may further retain

information in an anonymous or aggregated form where that information would not identify you personally.

## **ACCESS TO YOUR PERSONAL DATA**

When you log in to your account, you may access, and, in some cases, edit or delete the following information you've provided to us:

- First and last name
- User name and password
- Email address
- Mailing address
- Demographic information
- User profile information

## **CALIFORNIA RESIDENT RIGHTS**

If you are a California resident, you have the rights outlined in this section. Please see the "Exercising Your Rights" section below for instructions regarding how to exercise these rights. If there are any conflicts between this section and any other provision of this Privacy Policy and you are a California resident, the portion that is more protective of Personal Data shall control to the extent of such conflict. If you have any questions about this section or whether any of the following applies to you, please contact us at [support@whoop.com](mailto:support@whoop.com).

### **Access**

You have the right to request certain information about our collection and use of your Personal Data over the past 12 months. We will provide you with the following information:

- The categories of Personal Data that we have collected about you.
- The categories of sources from which that Personal Data was collected.
- The business or commercial purpose for collecting or selling your Personal Data.
- The categories of third parties with whom we have shared your Personal Data.

- The specific pieces of Personal Data that we have collected about you.

If we have disclosed your Personal Data for a business purpose over the past 12 months, we will identify the categories of Personal Data shared with each category of third party recipient.

If we have sold your Personal Data over the past 12 months, we will identify the categories of Personal Data purchased by each category of third party recipient.

### Deletion

You have the right to request that we delete the Personal Data that we have collected from you.

Under the CCPA, this right is subject to certain exceptions: for example, we may need to retain your Personal Data to provide you with the Services or complete a transaction or other action you have requested. If your deletion request is subject to one of these exceptions, we may deny your deletion request.

### Exercising Your Rights

To exercise the rights described above, you must send us a request that (1) provides sufficient information to allow us to verify that you are the person about whom we have collected Personal Data, and (2) describes your request in sufficient detail to allow us to understand, evaluate, and respond to it. Each request that meets both of these criteria will be considered a "Valid Request." We may not respond to requests that do not meet these criteria. We will only use Personal Data provided in a Valid Request to verify you and complete your request. You do not need an account to submit a Valid Request.

We will work to respond to your Valid Request within 45 days of receipt. If we are not able to respond to your request within 45 days, we will let you know that we may need additional time to respond, up to 90 total days. We will not charge you a fee for making a Valid Request unless your Valid Request(s) is excessive, repetitive, or manifestly unfounded. If we determine that your Valid Request warrants a fee, we will notify you of the fee and explain that decision before completing your request.

You may submit a Valid Request by:

- Emailing us at: [support@whoop.com](mailto:support@whoop.com)

### Personal Data Sales Opt-Out and Opt-In

You have the right to opt-out of the sale of your Personal Data. To do so, click the following link:

- [Do Not Sell My Personal Information](#)

Once you have submitted an opt-out request, we will not ask you to reauthorize the sale of your Personal Data for at least 12 months. However, you may change your mind and opt back in to Personal Data sales at any time by emailing us at: [support@whoop.com](mailto:support@whoop.com).

If you are between 13 and 16 years of age, you must authorize us to sell your Personal Data, which you may do by emailing us at: [support@whoop.com](mailto:support@whoop.com). If you are under 13 years of age, your parent or guardian must authorize us to sell your Personal Data, which your parent or guardian may do by emailing us at: [support@whoop.com](mailto:support@whoop.com).

### We Will Not Discriminate Against You for Exercising Your Rights Under the CCPA

We will not discriminate against you for exercising your rights under the CCPA. We will not deny you our goods or services, charge you different prices or rates, or provide you a lower quality of goods and services if you exercise your rights under the CCPA. However, we may offer different tiers of our Services as allowed by applicable data privacy laws (including the CCPA) with varying prices, rates, or levels of quality of the goods or services you receive related to the value of Personal Data that we receive from you.

### **Other State Law Privacy Rights**

#### California Resident Rights

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to contact us to prevent disclosure of Personal Data to third parties for such third parties' direct marketing purposes; in order to submit such a request, please contact us at [support@whoop.com](mailto:support@whoop.com).

Your browser may offer you a "Do Not Track" option, which allows you to signal to operators of websites and web applications and services that you do not wish such operators to track certain of



your online activities over time and across different websites. Our Services do not support Do Not Track requests at this time. To find out more about “Do Not Track,” you can visit [www.allaboutdnt.com](http://www.allaboutdnt.com).

### Nevada Resident Rights

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Data to third parties who intend to license or sell that Personal Data. You can exercise this right by contacting us at [support@whoop.com](mailto:support@whoop.com) with the subject line “Nevada Do Not Sell Request” and providing us with your name and the email address associated with your account. Please note that we do not currently sell your Personal Data as sales are defined in Nevada Revised Statutes Chapter 603A.

### **CHOICES YOU HAVE ABOUT YOUR PERSONAL DATA**

You can always opt not to disclose Personal Data to us, but keep in mind some Personal Data may be needed to register with us or to take advantage of some of our features. You may be able to add, update, or delete information as explained above. When you update information, however, we may maintain a copy of the unrevised information in our records. You may request deletion of your account by emailing [support@whoop.com](mailto:support@whoop.com). Some information may remain in our records after your deletion of such information from your account. We may use any aggregated data derived from or incorporating your Personal Data after you update or delete it, but not in a manner that would identify you personally, and we may also retain and continue to use your non-personally identifiable information.

### **CONTACT US**

If you have any questions or concerns regarding our privacy policies, please send us a detailed message to [support@whoop.com](mailto:support@whoop.com), and we will try to resolve your concerns.

### **PRIVACY NOTICE FOR EU RESIDENTS**

If you are a resident of the European Union (“EU”), United Kingdom, Lichtenstein, Norway, or Iceland, you may have additional rights under the EU General Data Protection Regulation (the “GDPR”) with respect to your Personal Data, as outlined below.

For this section, we use the terms “Personal Data” and “processing” as they are defined in the GDPR, but “Personal Data” generally means information that can be used to individually identify a person, and “processing” generally covers actions that can be performed in connection with data such as collection, use, storage and disclosure. WHOOP will be the controller of your Personal Data processed in connection with the Services.

If there are any conflicts between this this section and any other provision of this Privacy Policy, the policy or portion that is more protective of Personal Data shall control to the extent of such conflict.

If you have any questions about this section or whether any of the following applies to you, please contact us at [support@whoop.com](mailto:support@whoop.com). Note that we may also process Personal Data of our customers’ end users or employees in connection with our provision of certain services to customers, in which case we are the processor of Personal Data. If we are the processor of your Personal Data (i.e., not the controller), please contact the controller party in the first instance to address your rights with respect to such data.

## **PERSONAL DATA WE COLLECT**

The “Categories of Personal Data We Collect” section above details the Personal Data that we collect from you.

### *Personal Data Use and Processing Grounds*

The “How We Use Your Personal Data” section above explains how we use your Personal Data. We will only process your Personal Data if we have a lawful basis for doing so. Lawful bases for processing include consent, contractual necessity and our “legitimate interests” or the legitimate interest of others, as further described below.

- Contractual Necessity: We process the following categories of Personal Data as a matter of “contractual necessity”, meaning that we need to process the data to perform under our Terms of Use with you, which enables us to provide you with the Services. When we process data due to contractual necessity, failure to provide such Personal Data will result in your inability to use some or all portions of the Services that require such data.
  - Personal identifiers.
  - Customer records identified by state law.
  - Commercial information.
  - Wellness and exercise data.
  - Special categories of data under the EU General Data Protection Regulation.
  - Personal Data about children under the age of 16.
- Legitimate Interest: We process the following categories of Personal Data when we believe it furthers the legitimate interest of us or third parties.
  - Personal identifiers.
  - Customer records identified by state law.
  - Protected classification characteristics under state or federal law.
  - Commercial information.
  - Wellness and exercise data.
  - Internet or other similar network activity information.
  - Geolocation data.
  - Inferences drawn from other personal information
  - Age or date of birth.
  - Special categories of data under the EU General Data Protection Regulation.
  - Personal Data about children under the age of 16.

Examples of these legitimate interests include:

- Operation and improvement of our business, products and Services
- Marketing of our products and Services

- Provision of customer support
- Protection from fraud or security threats
- Compliance with legal obligations
- Completion of corporate transactions
- Consent: In some cases, we process Personal Data based on the consent you expressly grant to us at the time we collect such data. When we process Personal Data based on your consent, it will be expressly indicated to you at the point and time of collection.
- Other Processing Grounds: From time to time we may also need to process Personal Data to comply with a legal obligation, if it is necessary to protect the vital interests of you or other data subjects, or if it is necessary for a task carried out in the public interest.

### Sharing Personal Data

The “How We Share Your Personal Data” section above details how we share your Personal Data with third parties.

### **EU DATA SUBJECT RIGHTS REGARDING PERSONAL DATA**

You have certain rights with respect to your Personal Data, including those set forth below. For more information about these rights, or to submit a request, please email [whoop@gdpr-rep.com](mailto:whoop@gdpr-rep.com) or [support@whoop.com](mailto:support@whoop.com). Please note that in some circumstances, we may not be able to fully comply with your request, such as if it is frivolous or extremely impractical, if it jeopardizes the rights of others, or if it is not required by law, but in those circumstances, we will still respond to notify you of such a decision. In some cases, we may also need to you to provide us with additional information, which may include Personal Data, if necessary to verify your identity and the nature of your request.

**Access:** You can request more information about the Personal Data we hold about you and request a copy of such Personal Data. You can also access certain of your Personal Data by logging into your account.

**Rectification:** If you believe that any Personal Data we are holding about you is incorrect or incomplete, you can request that we correct or supplement such data. You can also correct some of this information directly by logging into your account.

**Erasure:** You can request that we erase some or all of your Personal Data from our systems.

**Withdrawal of Consent:** If we are processing your Personal Data based on your consent (as indicated at the time of collection of such data), you have the right to withdraw your consent at any time. Please note, however, that if you exercise this right, you may have to then provide express consent on a case-by-case basis for the use or disclosure of certain of your Personal Data, if such use or disclosure is necessary to enable you to utilize some or all of our Services.

**Portability:** You can ask for a copy of your Personal Data in a machine-readable format. You can also request that we transmit the data to another controller where technically feasible.

**Objection:** You can contact us to let us know that you object to the further use or disclosure of your Personal Data for certain purposes, such as for direct marketing purposes.

**Restriction of Processing:** You can ask us to restrict further processing of your Personal Data.

**Right to File Complaint:** You have the right to lodge a complaint about WHOOP's practices with respect to your Personal Data with the supervisory authority of your country or EU Member State. By using the Services, you acknowledge that any Personal Data about you, regardless of whether provided by you or obtained from a third party, is being provided to WHOOP in the U.S. and will be hosted on U.S. servers, and you authorize WHOOP to transfer, store and process your information to and in the U.S., and possibly other countries. You hereby consent to the transfer of your data to the U.S. pursuant to EU-U.S. Privacy Shield Framework the details of which are further set forth below. Your consent to this Privacy Policy followed by your submission of such information represents your agreement to that transfer.

#### *Transfers of Personal Data*

The Services are hosted and operated in the United States ("U.S.") through WHOOP and its service providers, and if you do not reside in the U.S., laws in the U.S. may differ from the laws where you reside. By using the Services, you acknowledge that any Personal Data about you, regardless of whether provided by you or obtained from a third party, is being provided to WHOOP in the U.S. and will be hosted on U.S. servers, and you authorize WHOOP to transfer, store and process your information to and in the U.S., and possibly other countries. You hereby consent to the transfer of

your data to the U.S. pursuant to EU-U.S. Privacy Shield Framework, the details of which are further set forth below: (i) a data processing agreement incorporating standard data protection clauses promulgated by the European Commission, a copy of which can be obtained at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32010D0087>, (ii) binding corporate rules for data protection that align with the GDPR's requirements, or (iii) adherence to an industry- or technology-specific approved code of conduct blessed by the European Commission.

WHOOP certified to the EU-U.S. Privacy Shield Framework set forth by the U.S. Department of Commerce regarding the collection and use of Personal Data transferred from the EU to the U.S. For more information about the Privacy Shield Program, and to view WHOOP's certification, please visit [www.privacyshield.gov](http://www.privacyshield.gov). WHOOP is committed to the Privacy Shield Principles of (1) notice, (2) consent, (3) accountability for onward transfer, (4) security, (5) data integrity and purpose limitation, (6) access and (7) recourse, enforcement and liability with respect to all Personal Data received from within the EU in reliance on the Privacy Shield. The Privacy Shield Principles require that we remain potentially liable if any third party processing Personal Data on our behalf fails to comply with these Privacy Shield Principles (except to the extent we are not responsible for the event giving rise to any alleged damage). WHOOP's compliance with the Privacy Shield is subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission.

Please contact us at [support@whoop.com](mailto:support@whoop.com) with any questions or concerns relating to our Privacy Shield Certification. If you do not receive timely acknowledgment of your Privacy Shield-related complaint from us, or if we have not resolved your complaint, you may also resolve a Privacy Shield-related complaint through JAMS, an alternative dispute resolution provider located in the United States. You can visit <https://www.jamsadr.com/file-an-eu-us-privacy-shield-or-safe-harbor-claim> for more information or to file a complaint, at no cost to you. Under certain conditions, you may also be entitled to invoke binding arbitration for complaints not resolved by other means.

If you have any questions about this section or our data practices generally, please contact us using the following information:

General questions, suggestions, or concerns about this policy, or about use of your information, please contact us at [support@whoop.com](mailto:support@whoop.com).

WHOOP, Inc.

Attn: Data Protection Officer

1325 Boylston Street

Boston, MA 02215

[privacy@whoop.com](mailto:privacy@whoop.com)

If you live in the European Economic Area, or the United Kingdom, you may also contact our local representative at [whoop@gdpr-rep.com](mailto:whoop@gdpr-rep.com)

DP-Dock GmbH

Whoop, Inc.

Ballindamm 39

20095 Hamburg Germany

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