PRIVACY POLICY
APEX FITNESS 845

Version Date: April 24, 2017

GENERAL

Apex Fitness ("Company" or "we" or "us" or "our") respects the privacy of its users ("user" or "you") that use our website located at http://www.apexfitness845.com/, including other media forms, media channels, mobile website or mobile application related or connected thereto (collectively, the "Website"). The following Company privacy policy ("Privacy Policy") is designed to inform you, as a user of the Website, about the types of information that Company may gather about or collect from you in connection with your use of the Website. It also is intended to explain the conditions under which Company uses and discloses that information, and your rights in relation to that information. Changes to this Privacy Policy are discussed at the end of this document. Each time you use the Website, however, the current version of this Privacy Policy will apply. Accordingly, each time you use the Website you should check the date of this Privacy Policy (which appears at the beginning of this document) and review any changes since the last time you used the Website.

The Website is hosted in the United States of America and is subject to U.S. state and federal law. If you are accessing our Website from other jurisdictions, please be advised that you are transferring your personal information to us in the United States, and by using our Website, you consent to that transfer and use of your personal information in accordance with this Privacy Policy. You also agree to abide by the applicable laws of applicable states and U.S. federal law concerning your use of the Website and your agreements with us. Any persons accessing our Website from any jurisdiction with laws or regulations governing the use of the Internet, including personal data collection, use and disclosure, different from those of the jurisdictions mentioned above may only use the Website in a manner lawful in their jurisdiction. If your use of the Website would be unlawful in your jurisdiction, please do not use the Website.

BY USING OR ACCESSING THE WEBSITE, YOU ARE ACCEPTING THE PRACTICES DESCRIBED IN THIS PRIVACY POLICY.

GATHERING, USE AND DISCLOSURE OF NON-PERSONALLY-IDENTIFYING INFORMATION

Users of the Website Generally

"Non-Personally-Identifying Information" is information that, without the aid of additional information, cannot be directly associated with a specific person. "Personally-Identifying Information," by contrast, is information such as a name or email address that, without more, can be directly associated with a specific person. Like most website operators, Company gathers from users of the Website Non-Personally-Identifying Information of the sort that Web browsers, depending on their settings, may make available. That information includes the user's Internet Protocol (IP) address, operating system, browser type and the locations of the websites the user views right before arriving at, while navigating and immediately after leaving the Website. Although such information is not Personally-Identifying Information, it may be possible for Company to determine from an IP address a user's Internet service provider and the

geographic location of the visitor's point of connectivity as well as other statistical usage data. Company analyzes Non-Personally-Identifying Information gathered from users of the Website to help Company better understand how the Website is being used. By identifying patterns and trends in usage, Company is able to better design the Website to improve users' experiences, both in terms of content and ease of use. From time to time, Company may also release the Non-Personally-Identifying Information gathered from Website users in the aggregate, such as by publishing a report on trends in the usage of the Website.

Web Cookies

A "Web Cookie" is a string of information which assigns you a unique identification that a website stores on a user's computer, and that the user's browser provides to the website each time the user submits a query to the website. We use cookies on the Website to keep track of services you have used, to record registration information regarding your login name and password, to record your user preferences, to keep you logged into the Website and to facilitate purchase procedures. Company also uses Web Cookies to track the pages that users visit during each Website session, both to help Company improve users' experiences and to help Company understand how the Website is being used. As with other Non-Personally-Identifying Information gathered from users of the Website, Company analyzes and discloses in aggregated form information gathered using Web Cookies, so as to help Company, its partners and others better understand how the Website is being used. COMPANY USERS WHO DO NOT WISH TO HAVE WEB COOKIES PLACED ON THEIR COMPUTERS SHOULD SET THEIR BROWSERS TO REFUSE WEB COOKIES BEFORE ACCESSING THE WEBSITE, WITH THE UNDERSTANDING THAT CERTAIN FEATURES OF THE WEBSITE MAY NOT FUNCTION PROPERLY WITHOUT THE AID OF WEB COOKIES. WEBSITE USERS WHO REFUSE WEB COOKIES ASSUME ALL RESPONSIBILITY FOR ANY RESULTING LOSS OF FUNCTIONALITY.

Web Beacons

A "Web Beacon" is an object that is embedded in a web page or email that is usually invisible to the user and allows website operators to check whether a user has viewed a particular web page or an email. Company may use Web Beacons on the Website and in emails to count users who have visited particular pages, viewed emails and to deliver co-branded services. Web Beacons are not used to access users' Personally-Identifying Information. They are a technique Company may use to compile aggregated statistics about Website usage. Web Beacons collect only a limited set of information, including a Web Cookie number, time and date of a page or email view and a description of the page or email on which the Web Beacon resides. You may not decline Web Beacons. However, they can be rendered ineffective by declining all Web Cookies or modifying your browser setting to notify you each time a Web Cookie is tendered, permitting you to accept or decline Web Cookies on an individual basis.

Analytics

We may use third-party vendors, including Google, who use first-party cookies (such as the Google Analytics cookie) and third-party cookies (such as the DoubleClick cookie) together to inform, optimize and serve ads based on your past activity on the Website, including Google Analytics for Display Advertising. The information collected may be used to, among other things, analyze and track data, determine the popularity of certain content and better understand online activity. If you do not want any information to be collected and used by Google Analytics, you can install an opt-out in your web browser (https://tools.google.com/dlpage/gaoptout/) and/or opt out from Google Analytics for Display Advertising or the Google Display Network by using Google's Ads Settings (www.google.com/settings/ads).

Aggregated and Non-Personally-Identifying Information

We may share aggregated and Non-Personally Identifying Information we collect under any of the above circumstances. We may also share it with third parties and our affiliate companies to develop and deliver targeted advertising on the Website and on websites of third parties. We may combine Non-Personally Identifying Information we collect with additional Non-Personally Identifying Information collected from other sources. We also may share aggregated information with third parties, including advisors, advertisers and investors, for the purpose of conducting general business analysis. For example, we may tell our advertisers the number of visitors to the Website and the most popular features or services accessed. This information does not contain any Personally-Identifying Information and may be used to develop website content and services that we hope you and other users will find of interest and to target content and advertising.

Mobile Device Additional Terms

- **Mobile Device**. If you use a mobile device to access the Website or download any of our applications, we may collect device information (such as your mobile device ID, model and manufacturer), operating system, version information and IP address.

- **Geo-Location Information**. Unless we have received your prior consent, we do not access or track any location-based information from your mobile device at any time while downloading or using our mobile application or our services, except that it may be possible for Company to determine from an IP address the geographic location of your point of connectivity, in which case we may gather and use such general location data.

- **Push Notifications**. We send you push notifications if you choose to receive them, letting you know when someone has sent you a message or for other service-related matters. If you wish to opt-out from receiving these types of communications, you may turn them off in your device's settings.

- **Mobile Analytics.** We use mobile analytics software to allow us to better understand the functionality of our mobile software on your phone. This software may record information, such as how often you use the application, the events that occur within the application, aggregated usage, performance data and where the application was downloaded from. We do not link the information we store within the analytics software to any Personally-Identifying Information you submit within the mobile application.

SOCIAL MEDIA

We may provide you the option to connect your account on the Website to your account on some social networking sites for the purpose of logging in, uploading information or enabling certain features on the Website. When logging in using your social network credentials, we may collect the Personally-Identifying Information you have made publicly available on the social networking site, such as your name, profile picture, cover photo, username, gender, friends network, age range, locale, friend list and any other information you have made public. Once connected, other users may also be able to see information about your social network, such as the size of your network and your friends, including common friends. By connecting your account on the Website to your account on any social networking site, you hereby consent to the continuous release of information about you to us. We will not send any of your account

information to the connected social networking site without first disclosing that to you. Each social network may further allow you to set privacy controls around your information on their system, and our collection of information will always follow such controls and permissions. This feature is subject to continuous change and improvement by us and each social networking site involved, and therefore the available features and shared information are subject to change without notice to you.

We may use hyperlinks on the Website which will redirect you to a social network if you click on the respective link. However, when you click on a social plug-in, such as Facebook's "Like" button, Twitter's "tweet" button or the Google+, that particular social network's plugin will be activated and your browser will directly connect to that provider's servers. If you do not use these buttons, none of your data will be sent to the respective social network's plugin provider. So for example, when you click on the Facebook's "Like" button on the Website, Facebook will receive your IP address, the browser version and screen resolution, and the operating system of the device you have used to access the Website. Settings regarding privacy protection can be found on the websites of these social networks and are not within our control.

COLLECTION, USE AND DISCLOSURE OF PERSONALLY-IDENTIFYING INFORMATION

Website Registration

As defined above, Personally-Identifying Information is information that can be directly associated with a specific person. Company may collect a range of Personally-Identifying Information from and about Website users. Much of the Personally-Identifying Information collected by Company about users is information provided by users themselves when (1) registering for our service, (2) logging in with social network credentials, (3) participating in polls, contests, surveys or other features of our service, or responding to offers or advertisements, (4) communicating with us, (5) creating a public profile or (6) signing up to receive newsletters. That information may include each user's name, address, email address and telephone number, and, if you transact business with us, financial information such as your payment method (valid credit card number, type, expiration date or other financial information). We also may request information about your interests and activities, your gender, age, date of birth, username, hometown and other demographic or relevant information as determined by Company from time to time. Users of the Website are under no obligation to provide Company with Personally-Identifying Information of any kind, with the caveat that a user's refusal to do so may prevent the user from using certain Website features.

BY REGISTERING WITH OR USING THE WEBSITE, YOU CONSENT TO THE USE AND DISCLOSURE OF YOUR PERSONALLY-IDENTIFYING INFORMATION AS DESCRIBED IN THIS "COLLECTION, USE AND DISCLOSURE OF PERSONALLY-IDENTIFYING INFORMATION" SECTION.

Online Postings

Certain Personally-Identifying Information collected from users may be disclosed as a matter of course as a result of your use of the Website. We may provide areas on the Website where you can post reviews and other information relating to your activities on the Website. Such postings are governed by our Terms of Use. In addition, such postings may appear on other websites or when searches are executed on the subject of your posting. Also, whenever you voluntarily disclose personal information on publicly-viewable web pages, that information will be publicly available and can be collected and used by others. For example, if you post your email address, you may receive unsolicited messages. We cannot control who reads your posting or what other users may do with the information you voluntarily post, so we encourage

you to exercise discretion and caution with respect to your personal information. USERS ASSUME ALL RESPONSIBILITY FOR ANY LOSS OF PRIVACY OR OTHER HARM RESULTING FROM THEIR VOLUNTARY DISCLOSURE OF PERSONALLY IDENTIFYING INFORMATION.

Company Communications

We may occasionally use your name and email address to send you notifications regarding new services offered by the Website that we think you may find valuable. We may also send you service-related announcements from time to time through the general operation of the service. Generally, you may opt out of such emails at the time of registration or through your account settings, though we reserve the right to send you notices about your account, such as service announcements and administrative messages, even if you opt out of all voluntary email notifications.

Company Disclosures

Company will disclose Personally-Identifying Information under the following circumstances:

- **By Law or to Protect Rights.** When we believe disclosure is appropriate, we may disclose Personally-Identifying Information in connection with efforts to investigate, prevent or take other action regarding illegal activity, suspected fraud or other wrongdoing; to protect and defend the rights, property or safety of Company, our users, our employees or others; to comply with applicable law or cooperate with law enforcement; to enforce our Terms of Use or other agreements or policies, in response to a subpoena or similar investigative demand, a court order or a request for cooperation from a law enforcement or other government agency; to establish or exercise our legal rights; to defend against legal claims; or as otherwise required by law. In such cases, we may raise or waive any legal objection or right available to us.

- **Marketing Communications.** Unless users opt-out from receiving Company marketing materials upon registration, Company may email users about products and services that Company believes may be of interest to them. If you wish to opt-out of receiving marketing materials from Company, you may do so by following the unsubscribe link in the email communications, by going to your account settings (if applicable) or contacting us using the contact information below.

- **Third-Party Marketing Communications.** Unless users opt-out from receiving marketing materials upon registration, Company may provide users' email information to third parties, so that those third parties may directly contact them about additional products and services. To cease having your email information provided to third parties, you may do so by going to your account settings (if applicable) or contacting us using the contact information below. Even after opting-out, you may continue to receive marketing emails from third parties to whom Company already has provided your email information. You will be responsible for directly contacting such third parties to request cessation of further marketing emails.

- **Third-Party Service Providers.** We may share your Personally-Identifying Information, which may include your name and contact information (including email address) with our authorized service providers that perform certain services on our behalf. These services may include fulfilling orders, providing customer service and marketing assistance, performing business and sales analysis, supporting the Website's functionality and supporting contests, sweepstakes, surveys and other features offered through the Website. We may also share your name, contact information and credit card information with our authorized service providers who process credit

card payments. These service providers may have access to personal information needed to perform their functions but are not permitted to share or use such information for any other purpose.

- **Business Transfers; Bankruptcy.** Company reserves the right to transfer all Personally-Identifying Information in its possession to a successor organization in the event of a merger, acquisition, bankruptcy or other sale of all or a portion of Company's assets. Other than to the extent ordered by a bankruptcy or other court, the use and disclosure of all transferred Personally-Identifying Information will be subject to this Privacy Policy, or to a new privacy policy if you are given notice of that new privacy policy and are given an opportunity to affirmatively opt-out of it. Personally-Identifying Information submitted or collected after a transfer, however, may be subject to a new privacy policy adopted by the successor organization.

Changing Personally-Identifying Information; Account Termination

You may at any time review or change your Personally-Identifying Information by going to your account settings (if applicable) or contacting us using the contact information below. Upon your request, we will deactivate or delete your account and contact information from our active databases. Such information will be deactivated or deleted as soon as practicable based on your account activity and accordance with our deactivation policy and applicable law. To make this request, either go to your account settings (if applicable) or contact us as provided below. We will retain in our files some Personally-Identifying Information to prevent fraud, to troubleshoot problems, to assist with any investigations, to enforce our Terms of Use and to comply with legal requirements as is permitted by law. Therefore, you should not expect that all your Personally-Identifying Information will be completely removed from our databases in response to your requests. Additionally, we keep a history of changed information to investigate suspected fraud with your account.

General Use

Company uses the Personally-Identifying Information in the file we maintain about you, and other information we obtain from your current and past activities on the Website (1) to deliver the products and services that you have requested; (2) to manage your account and provide you with customer support; (3) to communicate with you by email, postal mail, telephone and/or mobile devices about products or services that may be of interest to you either from us, our affiliate companies or other third parties; (4) to develop and display content and advertising tailored to your interests on the Website and other sites; (5) to resolve disputes and troubleshoot problems; (6) to measure consumer interest in our services; (7) to inform you of updates; (8) to customize your experience; (9) to detect and protect us against error, fraud and other criminal activity; (10) to enforce our Terms of Use; and (11) to do as otherwise described to you at the time of collection. At times, we may look across multiple users to identify problems. In particular, we may examine your Personally-Identifying Information to identify users using multiple user IDs or aliases. We may compare and review your Personally-Identifying Information for accuracy and to detect errors and omissions. We may use financial information or payment method to process payment for any purchases made on the Website, enroll you in the discount, rebate, and other programs in which you elect to participate, to protect against or identify possible fraudulent transactions and otherwise as needed to manage our business.

COLLECTION AND USE OF INFORMATION BY THIRD PARTIES GENERALLY

Company contractually prohibits its contractors, affiliates, vendors and suppliers from disclosing Personally-Identifying Information received from Company, other than in accordance with this Privacy Policy. However, third parties are under no obligation to comply with this Privacy Policy with respect to Personally-Identifying Information that users provide directly to those third parties, or that those third parties collect for themselves. These third parties include advertisers, providers of games, utilities, widgets and a variety of other third-party applications accessible through the Website. Company neither owns nor controls the third-party websites and applications accessible through the Website. Thus, this Privacy Policy does not apply to information provided to or gathered by the third parties that operate them. Before visiting a third party, or using a third-party application, whether by means of a link on the Website, directly through the Website or otherwise, and before providing any Personally-Identifying Information to any such third party, users should inform themselves of the privacy policies and practices (if any) of the third party responsible for that website or application, and should take those steps necessary to, in those users' discretion, protect their privacy.

SECURITY

We take the security of your Personally-Identifying Information seriously and use reasonable electronic, personnel and physical measures to protect it from loss, theft, alteration or misuse. However, please be advised that even the best security measures cannot fully eliminate all risks. We cannot guarantee that only authorized persons will view your information. We are not responsible for third-party circumvention of any privacy settings or security measures.

We are dedicated to protect all information on the Website as is necessary. However, you are responsible for maintaining the confidentiality of your Personally-Identifying Information by keeping your password confidential. You should change your password immediately if you believe someone has gained unauthorized access to it or your account. If you lose control of your account, you should notify us immediately.

PRIVACY POLICY CHANGES

Company may, in its sole discretion, change this Privacy Policy from time to time. Any and all changes to Company's Privacy Policy will be reflected on this page and the date new versions are posted will be stated at the top of this Privacy Policy. Unless stated otherwise, our current Privacy Policy applies to all information that we have about you and your account. Users should regularly check this page for any changes to this Privacy Policy. Company will always post new versions of the Privacy Policy on the Website. However, Company may, as determined in its discretion, decide to notify users of changes made to this Privacy Policy via email or otherwise. Accordingly, it is important that users always maintain and update their contact information.

CHILDREN

The Children's Online Privacy Protection Act ("COPPA") protects the online privacy of children under 13 years of age. We do not knowingly collect or maintain Personally-Identifying Information from anyone under the age of 13, unless or except as permitted by law. Any person who provides Personally-Identifying Information through the Website represents to us that he or she is 13 years of age or older. If we learn that Personally-Identifying Information has been collected from a user under 13 years of age on or through the Website, then we will take the appropriate steps to cause this information to be deleted. If you are the parent or legal guardian of a child under 13 who has become a member of the Website or has

otherwise transferred Personally-Identifying Information to the Website, please contact Company using our contact information below to have that child's account terminated and information deleted.

CALIFORNIA PRIVACY RIGHTS

California Civil Code Section 1798.83, also known as the "Shine The Light" law, permits our users who are California residents to request and obtain from us, once a year and free of charge, information about the Personally-Identifying Information (if any) we disclosed to third parties for direct marketing purposes in the preceding calendar year. If applicable, this information would include a list of the categories of the Personally-Identifying Information that was shared and the names and addresses of all third parties with which we shared Personally-Identifying Information in the immediately preceding calendar year. If you are a California resident and would like to make such a request, please submit your request in writing to our privacy officer as listed below.

DO-NOT-TRACK POLICY

Most web browsers and some mobile operating systems include a Do-Not-Track (“DNT”) feature or setting you can activate to signal your privacy preference not to have data about your online browsing activities monitored and collected. Because there is not yet a common understanding of how to interpret the DNT signal, the Website currently does not respond to DNT browser signals or mechanisms.

CONTACT

If you have any questions regarding our Privacy Policy, please contact our Privacy Officer at:

Apex Fitness
Attn: Privacy Officer
364 New Salem Road
Kingston, NY 12401
Email: ApexFitness845@gmail.com
Phone: (845) 481-2013

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GENERAL INSTRUCTION

WHAT IS A PRIVACY POLICY?

A Privacy Policy is a document or statement that describes how a company gathers, uses, manages, and releases the information of customers or visitors to its website. By accessing the company's website, users accept to have to having their information collected and disclosed in accordance with the company's Privacy Policy.

WHAT SHOULD BE INCLUDED?

A simple Privacy Policy will identify the following basic elements:

- **Company**: The name of the company that owns the website collecting information from its users.
- **Website**: The URL address of the company's website that the user will be browsing and accessing.
- **User's Information**: A description of the type of information that the website collects and discloses.
- **Collection, Use, and Disclosure**: What information the company will collect , how they will collect and use the information, and when and to whom they will disclose the information.

WHEN IS IT NEEDED?

While there is no federal law in the United States requiring that websites establish a Privacy Policy, many states and most other countries do require a website that collects and stores any personal information from its users to have one.

In the United States, the Federal Trade Commission (FTC) regulates laws and policies regarding the privacy practices of businesses and the protection of their customers' personal information. The FTC also helps to enforce federal laws concerning the privacy of customers' information, including the following:

- Fair Credit Reporting Act (FCRA), which limits how companies can obtain and use a customer's credit and background reports.
- Gramm-Leach-Bliley Act, which requires financial institutions to clearly explain their information sharing practices and also restricts the sharing and use of specific financial information.
- Health Insurance Portability and Accountability Act (HIPAA) created a "Privacy Rule" that establishes a national set of standards of how health care service providers can use an individual's protected health information.
- Children's Online Privacy Protection Act (COPPA), requires websites that target and/or collect information from children under the age of 13 to post a Privacy Policy that complies with the COPPA requirements, and also implements certain parental notice and consent requirements.

Even if your company or website is not in a jurisdiction that requires a privacy policy, the reach of your website may subject it to the laws of other states and countries. For example, California, has enacted the California Online Privacy Protection Act of 2003 (CALOPPA) which requires any website collecting personal information to have a Privacy Policy posted on its website that is easily accessible to its users. Even if your website is not run from California, CALOPPA applies to any website that collects personal information from a California resident. Therefore it is likely that your website will be subject to the CALOPPA regulations.

The European Union has more established laws regarding privacy protection, including the Data Protection Directive (95/46/EC) and the E-Privacy Directive (2002/58/EC). These directives state that personal information of European Union residents can only be transferred to countries outside of the European Union that have policies with an adequate level of protection.

Therefore, if you are a website that gathers, stores, or uses personal information and data from clients and users, you should have a Privacy Policy for your website. You also need to make sure that you adhere to the promises and disclosures set forth in that policy.

OTHER NAMES

A Privacy Policy may also be called:
Privacy Statement, Internet Privacy Policy, Website Privacy Policy, Privacy Notice, Privacy Page, Privacy Information Policy