

# MuscleSound, Inc.

## Privacy Policy

Last updated: January 1, 2023

At MuscleSound we take your interest in how your information is collected and used very seriously. This Privacy Policy explains what the privacy practices of our sites and applications where this privacy policy is posted and where you interact with our services. It also explains the types of information and the treatment of that information which is provided or collected through our sites and applications. We follow this privacy policy in accordance with local law in the places where we operate.

This Privacy Policy does not apply to any information that you may provide to us, or that we may collect, offline and/or through other means, including but not limited to an in-person meeting, over the telephone, via mail, or by observation.

Throughout this Privacy Policy we may refer to MuscleSound, Inc as “we,” “us,” or “our.” In addition, our sites and applications may be referred to as “Site” and/or “Service”. Because the Internet is continuously evolving we may revise our Privacy Policy from time to time, in which case we will do so and update the “Last updated:” date to reflect the date of the change.

Please read this Privacy Policy carefully. By visiting and using our Site and Service you are accepting the practices and policies described in this Privacy Policy.

Below you will find the following:

- 1. Types Of Information Collected:*
- 2. How We Collect Your Information:*
- 3. How We Use Collected Information:*
- 4. How We Share Collected Information:*
- 5. How We Safeguard Collected Information:*
- 6. Data Transfers, Storage and Processing:*
- 7. How We Address Children’s Privacy:*
- 8. Your Controls and Choices:*
- 9. Comments and Questions:*

### **1. Types of Information Collected**

We collect three basic types of information – automatic information, personal information and body information. In varying ways we may also aggregate this information.

Automatic Information is understood to be information that does not directly identify a person, and therefore may in many instances be considered anonymous information. This information would include elements such as an Internet Protocol (“IP”) addresses associated with the access point through

which you enter the Internet, browser type, browser version, MAC address or other device-specific alphanumeric ID numbers, the pages of our Site and Service that you visit, the time, date and duration of your visit and other statistics. We may use third party services such as Google Analytics that collect, monitor and analyze this type of information in order to increase our Site and Service functionality. These third party service providers have their own privacy policies addressing how they use this collected information.

Personal Information is understood to be information that identifies you as a particular individual (whether directly or indirectly). This information would include elements such as your name, postal address, email address, telephone number, age, gender, weight, occupation. Personal information may also include elements that you either provide to us or which we provide to you, such as your user name and password. We may at times combine Personal Information with Automatic Information, such as the IP address, date and time of your access to our Site and/or Service.

Body Information is understood to be information pertaining to the specific types of body fitness and evaluation services as provided by our Site and/or Service. This information typically includes elements such as ultrasound images of regions of your body that are used to identify specific muscles and/or other tissues. This Body Specific Information is correlated to your personal information, but may also be anonymously warehoused with the Body Information of other persons so as to provide reference samples, averages, baselines, extreme values and the like.

## **2. How We Collect Information**

We collect this information in several ways. Primarily, we collect and store information that you provide to us directly while using our Site and/or Service, or which was provided to us by a third party permitted to provide such information, such as your employer, manager, parent, spouse or other legally responsible entity permitted to provide such information.

As suggested by the title of Automatic Information, some information is collected automatically each time you use our Site and/or Service, such as date, time, browser, IP, system type, and the like. We may also collect information through the use of technology such as cookies, Flash cookies, Java script, Web beacons, and other such technologies. Cookies are small data files that are sent to your browser from our Site and/or Service and which are stored on your computer's hard drive. We may use Cookies to track how you navigate on our Site and/or Service, what you click on, and to remember you and some of your preferences when you return. A Web beacon, also known as a pixel tag or clear gif is a nearly invisible, often transparent, graphic image that is placed on the Site or Service and is used to monitor the behavior of the user visiting the Site or Service. Flash Cookies and Java script may also permit specific interactions and enhancements to your use of our Site and/or Service.

You have the option of configuring your browser to block these types of technology, and you are free to do so – however, imposing such security options may prevent you from accessing our Site and/or Service. Many contemporary browsers also do not provide a “Do Not Track Me” option. At the present time our Site and Service do not recognize this parameter.

As noted with respect to Automatic Information, we may also use third party services such as Google Analytics or other monitoring entities to collect and analyze information in order to maintain and

increase our Site and Service functionality and reliability. To the extent we do this, these third party service providers have their own privacy policies addressing what they do and how they use and collect information.

### **3. How We Use Collected Information**

MuscleSound is a unique company providing non-invasive analysis of tissues for your use and edification. In many cases you may well use this information for health, body conditioning, training, and performance enhancement in endurance athletics or physical rehabilitation. To do this we need to know who you are and how to identify you as a client of our Site and/or Service. We will therefore use the collected information to establish a user account specific for you that is externally accessible by the submission of a valid login. This login may be a username and password, but may also evolve to be a digital certificate or other secure methodology as we determine is appropriate.

You will be able to access this account, and in certain situations your employer, manager or other authorized party may be permitted access to this account as well. MuscleSound employees and contractors bound by company policies will have access to collected information.

We may use information submitted by you or collected automatically from you via the Site or Service in order to provide you with content, service and/or other material that we believe is relevant to you. We may use any information submitted by or collected from you via the Site and/or Service for any purpose related to either the Site or Service, including to contact you for customer service purposes, to inform you of changes or additions to the Site and/or Service, to send you administrative notices and any other communications that we believe may be of interest to you, and we may employ third part companies to facilitate us in this regard.

We may also warehouse the Body Information and certain generalized personal information such as gender, age, handedness, and sport so as to establish our own database of relevant images and associated information to improve our evaluations and analysis both of your specific body information but also that of other clients of our Site and Service. To the extent that Body Information is warehoused it is stored without personal information, such as your name, and is instead cross-indexed through the use of unique identifiers.

### **4. How We Share Collected Information:**

Information about our clients and visitors is an important part of our business and we are not in the business of selling it to others.

We will share information when we engage third parties and contractors to assist us with fulfilling our services to you and for such tasks as analytics to improve our Site and System and these third parties will have access only to the information necessary to perform their functions and may not use it for any other purpose.

We will share information with authorized parties such as teams, managers or other associations or authorized parties who have contracted our services on your behalf.

We will share information such as Body Information for marketing, promotion and research but only where such Body Information is identified only by cross indexed values known only to us.

We will share information to the extent necessary to comply with local or federal law, when we believe that such action is necessary to comply with local or federal law, to enforce our policies, and for fraud prevention. Obviously this does not include selling, renting, leasing, sharing, or otherwise disclosing personally identifying information from clients for commercial purposes in violation of this Privacy Policy.

#### **5. How We Safeguard Collected Information:**

The security, confidentiality and integrity of your information is extremely important to us. We have implemented administrative, physical and technical security measures that have been designed to protect collected information from unauthorized access, use, disclosure and modification. From time to time, we will review our security policy and procedure to consider new methods and technologies. Please remember that despite our best efforts, no security measures are 100% secure or impenetrable. While we strive to use commercially acceptable means to protect your Personal Information, we cannot guarantee its absolute security.

In general, all data transfer of Personal Information that you provide is intended to be through SSL or other secure/encrypted data transfer means. Body Information is generally collected personally or by authorized agents and likewise uploaded to our Site and/or Service by SSL or other secure/encrypted data transfer means.

Access to information is controlled by the use of security measures, such as but not limited to user names, passwords, digital certificates, public and private keys and such other measures as may be developed and employed when and, as we believe appropriate.

We will retain Automatic Information, Personal Information and Body Information for the length of time needed to fulfill the purposes outlined in this privacy policy unless a longer retention period is required or permitted by law.

#### **6. Data Transfers, Storage and Processing:**

Your information, including Personal Information, may be transferred to — and maintained on — computers located outside of your state, province, country or other governmental jurisdiction where the data protection laws may differ than those from your jurisdiction.

If you are located outside United States and choose to provide information to us, please note that we transfer the information, including Personal Information, to United States and process it there.

Your consent to this Privacy Policy followed by your submission of such information represents your agreement to that transfer.

## **7. How We Address Children's Privacy:**

**Our Site and Service is not intended for children under the age of thirteen (13). We do not knowingly collect any Personal Information from a child under the age of 13. If we become aware that we have inadvertently received personally identifiable information from a user under the age of 13 we will delete such information from our records as soon as possible.**

## **8. Your Controls and Choices:**

**We provide you with the ability to exercise certain controls and choices regarding our collection and use of information. In accordance with local law, these controls and choices may include your ability to correct, update and delete your user account. In addition should we choose to offer you additional products or services you may choose whether to receive from us offers and promotions for additional products and services which we believe may be of interest to you. Although we do not do so now, should we affiliate with other companies we will permit you to choose whether we share your personal information with these other companies so they can send you offers and promotions about their services and products.**

## **9. Comments and Questions:**

**If you have a comment or question about this Privacy Policy, please contact us. Our Site and Service may contain links to other sites that are not operated, owned or controlled by us and we are not responsible for the privacy policies and practices of those sites. We provide these links as a convenience and encourage you to be aware that when you leave our Site or Service and to read the privacy policies of other sites that may collect your information.**

*Notice To California Residents:* **If you are California Resident, California Civil Code Section 1798.83, also known as the "Shine The Light" law, permits you to request and obtain from us once a year, free of charge, information regarding your Personal Information (if any) we have disclosed to third parties for direct marketing purposes in the preceding year. If applicable, this information would include a list of the categories of personal information that was shared and the name and addresses of all third parties with which we shared the 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:**

**MuscleSound, Inc.  
6355 E Tufts Ave  
Englewood, CO 80111**