

## PRIVACY

### **GENERAL**

Many of the ways in which you interact with the Take Charge Nutrition and Fitness LLC (“Facts over Fads”) Web site ([www.factsoverfads.com](http://www.factsoverfads.com)) (“Site”) and the Facts over Fads mobile app (“App”) allow us to learn about you. This Privacy Statement describes the type of information we collect from you when you visit our Site, use our App, or become a Facts over Fads member and explains how Facts over Fads may use and disclose such information, as well as your ability to control certain uses of it.

### **INFORMATION COLLECTION**

#### **INFORMATION YOU PROVIDE**

Facts over Fads collects information from you when you choose to share it with us to use our Site or App, become a Facts over Fads member, create an online account with us, request information from us, [sign up for newsletters or our email list, post in our chat rooms or message boards,] or otherwise contact us. The categories of information we collect are your name, physical address, email address, telephone number, photo/image, gender, date of birth, health information such as your current weight and goal weight, food consumption, and measurements, and, if you are a Facts over Fads customer, a credit/debit card number or other financial information including information about your purchases from us[, as well as your Customer ID which is assigned upon membership]. If you access your account through our website, or if you use our App, we collect your user name and password. You have the option of choosing whether or not to reveal some personally identifiable information to us. If you do not provide all “required” information, however, some portions of our Site, App, or membership features will not work properly for you, or you will not be able to register or access certain sections of the Site. In the event of a complaint, we may also receive personally identifiable information about you from other parties or from other users or third parties who may communicate information to us about you in relation to that complaint.

#### **COOKIES AND OTHER TRACKING METHODS**

Cookies are small pieces of information that are stored on your hard drive when you visit our Site. We use cookies or, in a limited number of cases, IP addresses or other tracking tools, for a number of reasons. For example, these tools may (a) allow you to store your password without having to constantly re-enter it; (b) help us to tailor our Site to better match your needs and interests; and (c) allow us to better understand how you and others use our Site, which in turn helps us focus our resources on features that are the most popular. You are always free to decline our cookies if your browser permits, but some parts of our Site may not work properly if you do. Check the “Help” menu of your browser to learn how to change your cookie preferences. To learn more about the use of cookies or other technologies to deliver more relevant advertising and to know your choices about not having this information used by certain Service Providers (defined below), please [click here](#).

“Do-Not-Track” (“DNT”) is an optional browser setting that allows you to express your preferences regarding tracking by advertisers and other third-parties. When you choose to turn on the DNT setting in your browser, your browser sends a special signal to websites, ad networks, plug-in providers, and other web services you encounter while browsing to stop tracking your activity via cookies or other tracking technologies. We do not currently respond to Do-Not-Track browser signals or mechanisms. See the privacy policies of any linked sites with respect to how they respond to DNT signals, as their policies may differ from our own.

## INFORMATION FROM OTHER SOURCES

### INFORMATION USE

Facts over Fads may use the information we collect from and about you for any of the following purposes:

- To operate our Site and App;
- To enhance our Site and App;
- To deliver customized Site and App content;
- To analyze our Site or App traffic and optimize how we lay out content on the Site or App;
- To fulfill orders, provide service and communicate with clients;
- To research and develop new products or services;
- To respond to your inquiries;
- To contact you with information, newsletters, and promotional materials from Facts over Fads;
- To contact you when necessary;
- To review the usage and operations of our Site or App and improve our content, products, and services;
- To address problems with the Site, App, or our business;
- To promote the Site or App;
- To manage our telecommunications networks;
- To protect the security or integrity of the Site, App, and our business;
- As described to you at the point of data collection; and
- To use and disclose your credit/debit card information only to process payments and prevent fraud.

We may combine the information you provide to us with information (1) from and about you that we automatically collect when you use Facts over Fad's Sites or App, (2) we collect when you visit a Facts over Fads Center, or (3) from other online and offline sources in an effort to provide you with a seamless experience, better serve your needs, and provide you with content and advertising that is more relevant to your interests.

### INFORMATION DISCLOSURE/SHARING

Facts over Fads may also disclose the personal information we collect from and about you as follows: (1) to our Service Providers, if the disclosure will enable them to perform a business, professional or technical support function for us; (2) as necessary if we believe that there has been a violation of the Facts over Fads Terms of Use or of our rights or the rights of any third party; (3) to respond to judicial process and provide information to law enforcement or regulatory agencies or in connection with an investigation on matters related to public safety, as permitted by law, or otherwise as required by law; (4) as described to you at the point of collection; [(5) to third parties who provide educational content regarding weight loss and health; and (6) in the context of a sale of our assets or business as described below].

Facts over Fads may share aggregate, deidentified information with third parties for our business purposes. Facts over Fads may sell or purchase assets during the normal course of our business. If another entity acquires us or any of our assets, information we have collected about you may be transferred to such entity. In addition, if any bankruptcy or reorganization proceeding is brought by or against us, such information may be considered an asset of ours and may be sold or transferred to third parties. Should such a sale or transfer occur, we will use reasonable efforts to try to require that the transferee use personal information provided through this Site in a manner that is consistent with this Privacy Statement.

## **SECURITY**

We take physical, administrative, and technical steps to safeguard the confidentiality of the information we collect from and about our customers and Site visitors. Although your privacy is important to us, we cannot guarantee our security measures. Facts over Fads encourages you to learn as much as you can about your privacy on the Internet.

When you enter sensitive personal information (such as credit card information), we encrypt the transmission of that information using Secure Socket Layer technology (SSL).

## **SERVICE PROVIDERS**

Facts over Fads may contract with third parties to perform functions related to the Sites or App (“Service Providers”). Service Providers will have access to your information needed to perform their business functions, but may not use or share that information for other purposes. All companies with which we do business have agreed to be bound by the terms of this Privacy Statement and will not sell, rent, or otherwise transmit your personal information to third parties.

## **PUBLIC FORUMS & REVIEWS**

Any information that you may disclose on our Sites or App such as in blogs, on message boards, in chat rooms, or on other public areas on the Site or App, becomes public information. Please exercise caution when disclosing personal information in these public areas. If you terminate your account, we may continue to show some of your content in an anonymous form.

## **LINKS TO OTHER WEBSITES**

The Sites and App may have links to third-party websites or applications, which may have privacy policies that differ from our own. We are not responsible for the practices of such sites or applications. Please note that if you provide any information on your own to third parties, different rules may apply to their use or disclosure of your personal information. We encourage you to investigate and ask questions before disclosing information to third parties.

## **SOCIAL MEDIA SHARING FEATURES**

This website may offer social media sharing features or other integrated tools, which let you share actions you take on this website with other media, and vice versa. These features may collect information about your IP address and which page you are visiting on our website, and they may set a cookie or employ other tracking technologies. The use of such features enables the sharing of information with your friends or the public, depending on the settings you establish with the third party that provides the social sharing feature. Social media sharing features and widgets are either hosted by a third party or hosted directly on our website. Your interactions with those features are governed by the privacy policies of the companies that provide them. For more information about the purpose and scope of data collection and processing in connection with social media sharing features, please visit the privacy policies of the third parties that provide these features.

## **WHO MAY USE THIS WEBSITE**

This website is designed for users from the United States. Users from other countries are advised not to disclose personal information unless such users consent to and agree to have their information used as set forth in this Privacy Policy, rather than under the laws of their home country. You should not submit any personal information via this website unless you consent to and agree to be bound by this Privacy Policy and by United States and the Laws of the State of Texas.

### **ACCESS TO YOUR PERSONAL INFORMATION**

You may sign into your account, e-mail us at [joseph@takechargenutritionandfitness.com](mailto:joseph@takechargenutritionandfitness.com) to update your profile information stored by Facts over Fads or request for data to be deleted.

### **UPDATES**

Facts over Fads reserves the right to revise this Privacy Statement at any time, and may apply any changes to information previously collected, as permitted by law. If we change the Privacy Statement in a material way, we will provide notice to you by posting the updated Privacy Statement on our Site and App, updating the effective date to reflect that changes have been made. Your continued use of our Sites or App following any such change constitutes your agreement to follow and be bound by the terms as changed.

### **IF YOU HAVE QUESTIONS**

If you have questions about this Privacy Statement or the practices described, you may contact Joseph Guandolo at 940-597-9337.

**Effective Date: September 29, 2020**