

Website Privacy Policy

Last Modified: June 21, 2023

1. **INTRODUCTION.** Tidal Performance (“Company”) respects your privacy. This Privacy Policy sets forth Company’s policy with respect to the types of information we may collect from you or that you may provide when you visit tidalperformance.com (“the Website”), including any content, services, functionality, mobile applications, downloadable materials, and courses (“the Services”). If you do not agree with our Privacy Policy, your choice is to not use our Website. By accessing or using this Website, you agree to this Privacy Policy].
2. **CHILDREN UNDER THE AGE OF 16.** All website users must be at least 16 years of age. If we learn we have received information from a child under 16 we will delete the information. If you have reason to believe that a child under the age of 16 has provided Personal Data to us through the Website or Services, please contact us and we will endeavor to delete the information from our database. If we learn a user is under 16 years of age, we will not disclose any personal information to any third parties unless the user has given opt-in consent. If you have reason to believe that a user is under 16 years of age, notify the Company in order to prevent disclosure of any personal data without opt-in consent.
3. **WHEN WE COLLECT INFORMATION FROM YOU.** We collect data and process data when you access our Website, fill out forms on our Website, register, make a purchase, sign up for our newsletter, respond to a survey, surf the Website, or use or view our Website via your browser’s cookies.
4. **WHAT TYPES OF INFORMATION WE COLLECT FROM YOU.**
 - A. Voluntary Information
 - A. When you visit our Website or use our Services we collect certain types of information from you. This includes your name, email address, mailing address, phone number, credit card information, age, sex, marital status, race, nationality, or other information you provide to us.
 - B. Automatic Data Collection
 - A. We also collect information automatically through cookies and other tracking technologies such as information about your internet connection, your IP address, traffic and location data, logs and other information. The information we automatically collect helps us to improve our Website and deliver a better service.
5. **HOW WE COLLECT INFORMATION FROM YOU.** The technologies we use for automatic data collection include “cookies.” Cookies are small files placed on the hard drive of your computer that enables the website or service provider’s systems to recognize your browser and remember certain information. We use functionality cookies to recognize

you on our website and remember your previously selected preferences. These could include what language you prefer and location you are in. We use advertising cookies to collect information about your visit to our website, the content you viewed, the links you followed and information about your browser, device, and your IP address. Our Company sometimes shares some limited aspects of this data with third parties for advertising purposes. We may also share online data collected through cookies with our advertising partners. This means that when you visit another website, you may be shown advertising based on your browsing patterns on our Website. You may refuse to accept browser cookies by activating the appropriate setting in your browser, but if you do, you may not be able to access certain parts of our Website or Services. We also use flash cookies or web beacons for automatic data collection. You may also provide information that is public or displayed on public areas of the Website, or transmitted to other users of the Website or third parties (“User Content”). Your User Content is transmitted to others at your own risk.

6. **HOW WE USE YOUR INFORMATION.** Processing of your information is necessary for the purpose of legitimate interests and does not infringe on any fundamental rights and freedoms. We use your information to understand and store information about visitor’s preferences, to compile aggregate data about site traffic and site interactions, to provide you with information, products, or services that you request from us or that we think you may like, to provide you with notices about your account, to carry out billing and collection, for customer support, for marketing purposes, and in any other way we describe when you provide information to us. We do not use automated decision-making in processing your personal information for some services and products. We do not sell personal information or consumer data for monetary gain or valuable consideration.
7. **THIRD PARTY DISCLOSURES.** Some content or applications on the Website are served by third parties, such as advertisements. We do not control third parties’ tracking technologies. You should consult the privacy policies of any such third party for more detailed information on their practices. Our Company Website contains links to other websites. Our privacy policy applies only to our Website, so if you click on a link to another website, you should read their privacy policy.
8. **HOW WE DISCLOSE YOUR INFORMATION.**
 - A. We may disclose aggregated information about our users and information that does not identify any individual without restriction.
 - B. We do not disclose personal information that we collect or you provide as described in this Privacy Policy to third parties.
 - C. We use your provided data to prevent fraudulent purchases by sharing your data with credit reference agencies.
 - D. We will release information when it is appropriate to comply with the law or enforce our site policies.

- E. Do Not Track Policy: Our site honors Do Not Track (“DNT”) browser settings. We do not track your online browsing activity on any other online service.
- F. We do not transfer personal data collected from you to third party processors located internationally. Please be aware that such countries may not have the same level of data protection; however, our collection, storage and use of your personal data will continue to be governed by this Privacy Policy.

9. YOUR CALIFORNIA PRIVACY RIGHTS.

- A. If you are a California resident, California law may provide you with additional rights regarding our use of your personal information. To learn more about your California privacy rights, visit <https://oag.ca.gov/privacy/ccpa>.
- B. Under the CCPA, California residents have the right to opt-out of the sale of personal information about them or their household, such as their name, postal or email address, and other personal identifying information. The right is subject to certain exceptions. For example, it does not apply to information that we share with certain third-party service providers so they can perform business functions for us or on our behalf. You may opt out by calling (508) 213-8258 or by emailing sarah@tidalperformance.com.
- C. In the preceding twelve months, we have not sold personal information. Our policy is that we do not and will not sell your personal information, unless you give us your consent or direct us to do so.

10. **RIGHT TO OPT OUT.** You have agreed to receive marketing material from the Company and have consented to the Company disclosing your information to third parties for marketing purposes. You may opt out at any time. If you no longer wish to be contacted for marketing purposes, please contact Tidal Performance.

11. YOUR DATA PROTECTION RIGHTS.

- A. The Right to be Informed: This means anyone processing your personal data must make clear what they are processing, why, and who else the data may be passed to.
- B. The Right to Access: This is your right to see what data is held about you by a Data Controller.
- C. The Right to Rectification: You have the right to have your data corrected and amended if what is held is incorrect in some way. You can request that we correct any information that you believe is inaccurate or request that we complete information that you believe is incomplete.
- D. The Right to Erasure: Under certain circumstances you can ask for your personal data to be deleted. This is also called “The Right to be Forgotten.” This would apply if the personal data is no longer required for the purposes it was collected for, or your consent

for the processing of that data has been withdrawn, or the personal data has been unlawfully processed.

- E. The Right to Restrict Processing: This gives the you the right to ask for a temporary halt to processing of personal data, such as in the case where a dispute or legal case has to be concluded, or the data is being corrected.
- F. The Right of Portability: you have the right to ask for any data supplied directly to the Data Controller by you, to be provided in a structured, commonly used, and machine-readable format. You may request copies of your personal data from us. You may request that we transfer the data that we have collected to another organization, or directly to you, under certain conditions. We may charge a small fee for this service or for any copies requested.
- G. The Right to Object: You have the right to object to further processing of your data which is inconsistent with the primary purpose for which it was collected, including profiling, automation, and direct marketing.
- H. Rights in Relation to Automated Decision-making and Profiling: You have the right not to be subject to a decision based solely on automated processing.
- I. Right Not to be Subject to Discrimination for the Exercise of Rights: The Company will not refuse goods or services to individuals who exercise their consumer rights.

If you would like to exercise these rights, please contact us at sarah@tidalperformance.com or (508) 213-8258.

12.CHANGES TO PRIVACY POLICY. The date the Privacy Policy was last revised is identified on the first page of the Privacy Policy. We reserve to update this policy and if we make material changes to how we treat our users' personal information we will notify you by email. You are responsible for periodically visiting our Website and Privacy Policy to check for any changes.

13. CONTACT. You may send us an email to inquire about our Privacy Policy or to request access to, correct or delete any personal information that you have provided to us at:

Tidal Performance
Dr. Sarah Laudone
sarah@tidalperformance.com

14.COMPLAINTS. Should you wish to report a complaint or if you feel that our Company has not addressed your concern in a satisfactory manner, you may contact the Information Commissioner's office (if an individual located in the United Kingdom) or the European Data Protection Board.

15. INDIVIDUALS LOCATED WITHIN THE UNITED KINGDOM.

- A. Restricted Transfers: Our Company may make a restricted transfer if the receiver is located in a third country or territory or is an international organization, covered by UK “adequacy regulations.” If there are no adequacy regulations about the country, territory or sector for the restricted transfer, our Company should then find out whether you can make the transfer subject to ‘appropriate safeguards’ as listed in the UK GDPR. Before we rely on an appropriate safeguard to make a restricted transfer, we must be satisfied that the data subjects of the transferred data continue to have a level of protection essentially equivalent to that under the UK data protection regime. We do this by undertaking a risk assessment, which takes into account the protections contained in that appropriate safeguard and the legal framework of the destination country (including laws governing public authority access to the data). If our assessment is that the appropriate safeguard does not provide the required level of protection, we will include additional measures. Appropriate safeguards may be: (1) A legally binding and enforceable instrument between public authorities or bodies; (2) binding corporate rules as defined in Article 47 of the UK GDPR; (3) a contract incorporating standard data protection clauses recognized or issued in accordance with the UK data protection regime; (4) a code of conduct approved by the ICO; (4) Certification under an approved certification scheme; (5) a bespoke contract governing a specific restricted transfer which has been individually authorized by the ICO; or (6) Administrative arrangements between public authorities or bodies. If none of the criteria above apply for the transfer, we may still make the transfer if the transfer is covered by an ‘exception’ set out in Article 49 of the UK GDPR.
- B. CHILDREN UNDER THE AGE OF 13: All website users located in the United Kingdom must be at least 13 years of age. If we learn we have received information from a child under 13 we will delete the information. If you have reason to believe that a child under the age of 13 located in the United Kingdom has provided Personal Data to us through the Website or Services, please contact us and we will endeavor to delete the information from our database. If we learn a user is under 13 years of age, we will not disclose any personal information to any third parties unless the user has given opt-in consent. If you have reason to believe that a user is under 13 years of age, notify the Company in order to prevent disclosure of any personal data without opt-in consent.
- C. Local Representative in United Kingdom: We do not either offer goods or services to individuals in the UK; or monitor the behavior of individuals in the UK.