Privacy Policy

Virgin Pulse, Inc. ("Virgin Pulse", "we" or "us") is committed to protecting your privacy. This Privacy Policy explains our data practices regarding the personally identifiable information ("Personal Information") we collect about you in connection with our services and what steps you can take to protect that information. By using or submitting Personal Information through the Software and related services you expressly consent to the collection, processing, using and disclosing of your Personal Information according to this Privacy Policy.

Collection and Use of Personal Information

To enable us to provide quality services to you, we need to collect and keep Personal Information about you. We collect Personal Information through your use of the Software and related services such as the Activity Tracking Devices, the Biometric Tracking Kiosks, and information you provide related to your use of the service found at www.virginpulse.com/login (the "Website") (e.g. through the use of cookies.) Additionally, our Software collects non-identifiable, anonymous information about your use of the site for purposes of our internal research and product development. You agree to allow us to use this information solely for such purposes.

Your Personal Information includes your Contact Information, such as your name, address, e-mail address, phone number, credit card information, as well as other non-public information about you that is associated with the foregoing data. It also includes information collected through the use of our Software and related services about your health, fitness and related activities, including credit card transactions.

We will use your Personal Information to track your program progress, as well as provide you with information that you may find helpful.

If you are a member of Virgin Pulse through your sponsoring company's participation in one of our programs, Virgin Pulse may (but is not obligated to) share certain Personal Information with your sponsoring company for the purposes of providing benefits and incentive rewarding and you hereby consent and authorize such sharing as Virgin Pulse deems necessary or appropriate.

To the extent you participate in any wellness challenges or competitions that we sponsor, please be aware that your name and performance information will be available to your sponsoring company and also available to other wellness challenge or competition participants. Personal biometric data provided to Virgin Pulse through a Health Station, biometrics screening provider, or personal device will never be shared with any Member or with your sponsoring organization.

Except as described in this Privacy Policy, we will not sell, rent, or make available your Personal Information to third parties without your permission. If you are a resident of Canada, please note that your Personal Information will be held and processed at Sungard Data Center, located in Philadelphia, Pennsylvania and, as such, it may be subject to U.S. laws and it may be accessible to the U.S. government, tribunals, law enforcement and regulatory agencies.

You will have access to your Personal Information on the Website. If your Contact Information is inaccurate or outdated, you can correct it any time on the Website.

Anonymous Information

We may create "Anonymous Information" records from the Personal Information records by excluding your Contact Information, or excluding any other information that could link the Anonymous Information back to you. We may use this Anonymous Information for internal purposes, such as analyzing patterns in the program usage, so that we may enhance the services. We reserve the right, subject to applicable law, to use and disclose any Anonymous Information at our discretion. For example, we may share
Anonymous Information with other partnering organizations for purposes of research and program analysis. You are welcome to request the names of such partnering organizations from us at any time. We use this Anonymous Information to analyze and understand demographics trends, customer behavior patterns and desires, and information that may enrich the content and quality of our member programs. If you are a member of Virgin Pulse through your sponsoring company’s participation in one of our programs, we may (a) share Anonymous Information with your sponsoring company in an anonymous aggregated or group format, and (b) provide your Personal Information to third parties (“Analytics Processors”) that process that Personal Information to generate Anonymous Information and analytical information related to that Anonymous Information to be shared with your sponsoring company. We may also share Anonymous Information with your sponsoring company in an anonymous individual format. Your sponsoring company will not be able to use such Anonymous Information to directly identify you. Your sponsoring company may use this Anonymous Information in its discretion, including to evaluate the program overall as well as provide additional benefits, programs, and services. The Analytics Processors do not have any independent right to use your Personal Information except to provide services to generate the Anonymous Information and analyze the information to generate general analytical information. You are welcome to request the names of such Analytics Processors from us at any time.

Security

Virgin Pulse follows reasonable physical, electronic, and managerial procedures to safeguard and secure your Personal Information. However, no company, including Virgin Pulse, can fully eliminate security risks associated with Personal Information. Among the security measures taken is a login process requiring a password and username that you select and a firewall protecting our hosting server. Virgin Pulse will retain your password and username as part of your Personal Information, but will not share this information with anyone. Please be advised that you are responsible for keeping your password and username confidential and secure from unauthorized persons.

The Website may contain links to other websites that are not owned or controlled by Virgin Pulse. The provisions of such links are for your convenience and do not signify our endorsement of such websites or their contents. We have no control over and are not responsible for the privacy policies or content displayed on such other websites.

In the event Virgin Pulse or its assets are acquired, your Personal Information will likely be among the assets transferred. You acknowledge that such acquisitions may occur, and that any acquirer of Virgin Pulse or its assets may continue to use your Personal Information as set forth in this Privacy Policy. Virgin Pulse may, and you authorize us to, disclose your Personal Information (a) in response to a court order, subpoena, discovery request, or other judicial or administrative proceeding, (b) as otherwise permitted or required under any applicable law, rule, or regulation, and (c) if we believe, in good faith, that such disclosure is necessary to protect or defend our rights or those of others or to assist in the investigation or prevention of illegal activity.

If your membership is terminated for any reason and you request that your Personal Information is de-identified, we will delete your Contact Information so that we retain only Anonymous Information in our databases, and we may retain your Personal Information in our archives and backups.

Virgin Pulse and HIPAA

Virgin Pulse is not an entity that is covered by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). The HIPAA privacy rules apply to health plans, health care clearinghouses, and to any health care provider who transmits health information in electronic form in connection with transactions for which the Secretary of HHS has adopted standards under HIPAA (the “covered entities”). This means that the information that you provide to Virgin Pulse is not protected by the HIPAA privacy rules and regulations. Virgin Pulse may provide your Personal Information to third parties who are governed by HIPAA and in such cases, you may have additional rights regarding your Personal Information. If you are a resident of Canada, the collection, use and disclosure of your Personal Information will be
subject to applicable Canadian privacy legislation. Note that personal health information legislation exists in most Canadian provinces and territories and the scope of application of each legislation differs from case to case, and may apply, notably to third parties to whom your Personal Information may be disclosed.

Changes to this Privacy Policy

This Privacy Policy is subject to change from time to time. We will post any revised version of the Privacy Policy on the Website. If we make material changes to it, we will also send you an e-mail to the last e-mail address you provided to us. Any amended Privacy Policy will be effective ten (10) calendar days after posting for existing members.

Any changes to this Privacy Policy may affect our use or disclosure of Personal Information collected prior to the changes. If you do not agree to any of the changes, you must notify us prior to the effective date of the changes that you wish to terminate your membership with us. Continued use of our Software, Website and related services following such notice of such changes shall indicate your acknowledgement of such changes and agreement to be bound by the terms and conditions of such changes.

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