

Privacy Policy

BodyMedia® is committed to the privacy and security of your personal information. The following privacy policy describes the information we collect and how we use it. By using this site you consent to our privacy policy.

Like many web sites, we gather information about how visitors use our web site. In general, you can visit many of our web pages without telling us who you are or revealing any personal information about yourself. We may track your visit for trends and statistics, but you will remain anonymous unless you tell us who you are. Once you choose to give us your personal information, you are not anonymous to us.

TRUSTe

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BodyMedia has been awarded TRUSTe's Privacy Seal signifying that this privacy policy and practices have been reviewed by TRUSTe for compliance with [TRUSTe's program requirements](#) including transparency, accountability and choice regarding the collection and use of your personal information. TRUSTe's mission, as an independent third party, is to accelerate online trust among consumers and organizations globally through its leading privacy trustmark and innovative trust solutions. If you have questions or complaints regarding our privacy policy or practices, please contact us at privacy@bodymedia.com. If you are not satisfied with our response you can contact [TRUSTe here](#). The TRUSTe program covers only information that is collected through this Web site.

BodyMedia complies with the U.S. – E.U. & Swiss Safe Harbor framework as set forth by the Department of Commerce regarding the collection, use, and retention of data from the European Union and Switzerland. BodyMedia agrees under the E.U. Safe Harbor framework to respond to a user's request to delete or change their personal information within 30 days of this request. Information regarding the E.U. Safe Harbor Framework can be found at: <http://export.gov/safeharbor>



Information you give us

We do not collect any personal information about you unless you voluntarily submit such information to us. Our web sites use registration and check out for you to request products and services. This registration process can consist of information such as your name, e-mail address, postal address, telephone or mobile number, and date of birth.

Information collected by the web sites

Our web sites may use cookies and collect IP access logs (an IP address is a number that can uniquely identify a specific computer or device on the internet). We use analysis software to look at IP addresses and cookies for the purpose of enhancing your experience and improving our services. This information is not used to combine this data with personal data you provide.

Children

We do not knowingly collect personal information such as name and address.

How about cookies?

Cookies are alphanumeric identifiers that we transfer to your computer through your Web browser. Cookies allow us to enhance and personalize your online browsing and shopping experience. For example, we use cookies to:

- Remember the items in your Shopping Cart
- Recognize you when you return to our web site
- Analyze visitor behavior

The "help" portion of the toolbar on most browsers will tell you how to prevent your browser from accepting new cookies, how to have the browser notify you when you are to receive a new cookie, or how to disable cookies altogether. However, cookies are required for some of our web pages and services to function correctly, so we recommend that you leave them turned on. However you may delete them after you leave the site. We tie personal information to cookies for trouble shooting purposes.

The use of cookies by our partners, affiliates, tracking utility company, service providers is not covered by our privacy statement. We do not have access or control over these cookies. Our partners, affiliates, tracking utility company, service providers use session ID cookies to analyze website statistics, performance, and monitor traffic to and from its websites.

We employ or our third party advertising partner employs a software technology called clear gifs (a.k.a. Web Beacons/Web Bugs), that help us better manage content on our site by informing us what content is effective. Clear gifs are tiny graphics with a unique identifier, similar in function to cookies, and are used to track the online movements of Web users. In contrast to cookies, which are stored on a user's computer hard drive, clear gifs are embedded invisibly on Web pages and are about the size of the period at the end of this sentence. We do not tie the information gathered by clear gifs to our customers' personally identifiable information.

Website Tracking Metrics

As is true of most Web sites, we use third party tracking-utility partners to gather certain information automatically and store it in log files. This information includes internet protocol (IP) addresses, browser type, internet service provider (ISP), referring/exit pages, operating system, date/time stamp, and clickstream data.

We use this information, which does not identify individual users, to analyze trends, to administer the site, to track users' movements around the site and to gather demographic information about our user base as a whole.

Re-Targeted Advertising

Re-Targeted advertising uses information collected on an individual's web browsing behavior such as the pages they have visited or the searches they have made. This information is then used to display ads. The information collected is only linked to an anonymous cookie ID (alphanumeric number); it does not include any information that could be linked back to a particular person, such as their name, address or credit card number. The information used for targeted advertising either comes from Body Media or through third party website publishers. If you would like to opt out of re-targeted advertising from Body Media that occurs when visiting our third party advertising publishers, please [click here](#). Please note this does not opt you out of being served advertising. You will continue to receive generic ads.

Use of personal information

We use the information you provide us to perform the services for which such data was collected. For example, if you sign up for an email newsletter, we will send the email newsletter to the address you provide us. BodyMedia will use your personal information for a number of purposes including the following:

- For "service administration purposes", which means that BodyMedia may contact you for reasons related to the service you have signed up for (e.g. to provide you with password reminders or to notify you that a particular service has been suspended for maintenance).
- To contact you about a submission you have made to the web sites, including any content you provide.
- To issue invoices, administer accounts, collect and process payments.
- To send you e-mails, e-newsletters, personalized offers via direct messaging or other communications about our products and services.
- To send you information about our and our affiliates' and business partners' products and services and other information and materials that may be of interest to you.
- To manage and administer sweepstakes, contests, or similar promotions.
- IP addresses are used to identify the number of visits from different locations and also to block disruptive use.

- To analyze and improve the services offered on BodyMedia web sites.
- If you post or send offensive, inappropriate or objectionable content anywhere on or to BodyMedia sites or otherwise engage in any disruptive behavior, BodyMedia may use your personal information to stop such behavior.
- On rare occasions, we may disclose specific information upon governmental request, in response to a court order, when required by law, to enforce our web site policies, or to protect our or others' rights, property, or safety. We may also share information with companies assisting in fraud protection or investigation. We do not provide information to these agencies or companies for marketing or commercial purposes.
- In the event BodyMedia goes through a business transition, such as a merger, acquisition by another company, or sale of all or a portion of its assets, your personally identifiable information will likely be among the assets transferred. You will be notified via email of any such change in ownership or control of your personal information.

Testimonials

We post customer testimonials on our web site and use the testimonials in other materials. Such testimonials may contain personally identifiable information such as the customer's name and photograph. We do obtain the customer's consent prior to using the testimonial. If you want to remove your personal information that is being used in connection with your testimonial, please send your request to privacy@bodymedia.com. We will use reasonable efforts to promptly stop continued use of your personally identifiable information with the testimonial.

How about third parties?

Information about our customers is an important part of our business, and we use it responsibly. We do not share, sell, rent or otherwise disclose personal information to third parties for promotional purposes. We employ or partner with other companies and individuals to perform functions on our behalf. Examples include processing credit card payments, shipping, web analytics, surveys and providing marketing assistance. These agents/service providers have access to personal information needed to perform their functions, but may not use it for other purposes. We may sell non-personally identifiable information about our users generally. We also release personal information when we believe release is appropriate to comply with law or protect the rights, property, or safety of BodyMedia, its users, or others.

Co-branding / Private Labeling

If you register and access the Activity Manager (activitymanager.bodymedia.com) through a third-party site such as a co-branded or private label site (not www.bodymedia.com), you are using a co-branded version of the Activity Manager. Your information and data may be shared with the third-party site through which you access the Activity Manager. This includes and is not limited to name, address, email, food logs, weight, body-fat-percentage, sensor-data, time recordings, and physiological data. We encourage you to read and understand the privacy policies of such third parties, as this policy does not cover their user of your information. If you want to unsubscribe or opt-out of data sharing from such third parties, you should contact them directly.

Sharing

Your data may be shared with third party services, social networks, specific users and the general public. This may include third parties for the purposes of clinical studies, trials and pilot programs. To permit any sharing of your data, including personally identifiable information, you must actively allow the data sharing through digital or written consent. The system also provides the ability to share your Activity Manager data with specific users (for example, ProConnect) or third-party developers and services through a Data API. If you choose to share your information it may become publicly available and could be read, collected, and/or used by third parties, including other users, unknown to BodyMedia. It is your responsibility to have an agreement with those users regarding their use and modification of information within your Activity Manager account. BodyMedia has no control over such uses and/or modifications and will not be liable to you for any disclosure of your personal information by anyone for whom you granted data access. You may disable sharing services or revoke individual access at any time. However, please keep in mind that the service or user may have already seen or retained a copy of the information. BodyMedia is not a "covered entity" or "business associate" under the Health Insurance Portability and Accountability Act of 1996 and

the regulations promulgated thereunder ("HIPAA"). As a result, unless subject to the foregoing limited exception, HIPAA does not apply to the transmission of information by BodyMedia to any third party.

Links to Other Sites

This Web site contains links to other sites that are not owned or controlled by BodyMedia. Please be aware that we, BodyMedia, are not responsible for the privacy practices of such other sites. We encourage you to be aware when you leave our site and to read the privacy statements of each and every Web site that collects personally identifiable information. This privacy statement applies only to information collected by this Web site.

AddToAny Widget

BodyMedia sites use the AddToAny widget to allow users to share, save and subscribe to our content. The AddToAny widget may collect personal information. The personal information entered on this widget is subject to the privacy policy of AddToAny. BodyMedia shares no responsibility in regards to the personal information entered through this widget.

Security

We use industry-standard methods to protect your personal information from unauthorized access. Among other techniques, we usually store such information on a computer behind our "firewall" in a secure location, and we often restrict the number of employees internally who can access such data.

All credit card information you supply online is transmitted via Secure Socket Layer (SSL) technology and then encrypted into our databases to be accessed only as stated above. Regardless of these efforts, no data transmission over the Internet or computer storage can be guaranteed to be 100% secure.

Choice, access, and correction of information

As discussed above, you can always choose not to provide certain information, even though it might be needed to take advantage of our features. Our site also provides you with the opportunity to choose not to receive communications from us and our partners. You have the following options for changing and modifying information previously provided or removing your information from our database.

- E-Mail Communication: To unsubscribe from an email, please follow the instructions in the email you receive.
- Activity Manager: To modify personally identifiable information such as your name, address and contact information, please login to the service and update your profile. When your subscription ends your contact information may be retained so that you can re-activate the service with your previously recorded data intact. We will also retain and use your information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.
- If you wish to cancel your account or request that we no longer use your information to provide you services contact us at support@bodymedia.com.

Please note, if you have unsubscribed from any BodyMedia communications, due to production schedules, you may receive communications already in production.

BodyMedia's Activity Manager

The Activity Manager shows subscribers information such as their calorie burn and steps through the day. If you subscribe to our system we may ask for additional information, for example your weight. We only ask for information that is germane to the service.

The system uses an armband activity-monitor which records "armband data".

- The armband-data is anonymized and does NOT include your name, address, phone number or any information that will allow you to be personally identified from the general population.
- The armband-data does NOT include information on: where you are, who you are with, what you are saying, or what specifically you are doing.
- The armband-data does NOT include your medical vital signs: core temperature, heart rate, blood pressure, or respiratory rate.

If you choose to self report your data (log your food, enter your weight, etc.), or wear a BodyMedia armband and upload armband-data to a BodyMedia service then:

- All data collected including, but not limited to, food-logs, weight, body-fat-percentage, sensor-data, time recordings, and physiological data (collectively, the "Data"), are and shall remain the sole and exclusive property of BodyMedia.
- You agree that BodyMedia may retain, destroy, edit or use such Data for such purposes and in such manner as may be deemed necessary and appropriate by BodyMedia, provided, however, that your individual identity is not readily discernable from any such presentation or publication made or disclosed to third parties outside of BodyMedia.
- Self reporting data or wearing and uploading armband-data to a BodyMedia service indicates an acceptance and understanding of the use of the Data for the purposes stated, and a waiving of all rights to any claims for payment, royalties or other remuneration in connection with the use of such data.
- You opt-in to armband-data recording by voluntarily wearing the armband.
- You may opt-out of armband-data recording at any time, for any period of time, by not wearing the armband.
- You opt-in to self reporting data by voluntarily self reporting information.
- You may opt-out of self reporting data at any time, or any period of time, by not self reporting information.

Change to the Privacy Policy

BodyMedia reserves the right to modify this privacy policy at any time, and at its sole discretion, and will provide prominent notice to users through posting an updated privacy policy on our homepage and on the site. Please review this site to be informed of any material changes to the privacy policy. The 'Last Updated' date at the bottom of this page will be updated after changes occur to the privacy policy.

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BodyMedia, Inc.
 One Gateway Center
 420 Fort Duquesne Boulevard
 Suite 1900
 Pittsburgh, PA, 15222
 United States of America
 Phone: 412-288-9901
 Fax: 412-288-9902