

PRIVACY POLICY

Effective January 1, 2022.

Clubessential takes data privacy seriously. This privacy policy explains who we are, how we collect, share and use Personal Information, and how you can exercise your privacy rights.

We recommend that you read this privacy policy in full to ensure you are fully informed. However, to make it easier for you to review the parts of this privacy policy that apply to you, we have divided up the document into sections that are specifically applicable to Clients (Section 2), End Users (Section 3) and Visitors (Section 4). Sections 1 and 5 apply to everyone.

To the extent we provide you with notice of different or additional privacy policies, those policies will govern such interactions with our products and services.

1. THE BASICS

A. About Clubessential

Clubessential, LLC (collectively, “**Clubessential**,” “**we**,” “**us**,” or “**our**”) is a technology company that builds customer-facing websites and develops, maintains and sells a proprietary club-management software and payments solution, and other related services, for business owners operating primarily in the private club space.

B. Key Terms

In this privacy policy, these terms have the following meanings:

“**Clubessential Site**” means our public-facing website, www.clubessential.com, or websites that link back to www.clubessential.com.

“**End User**” means the individuals who purchase services or otherwise interact with our Clients through the Clubessential System and/ or our Services. End Users are our Clients’ clients, customers and members.

“**Mobile App**” means the Clubessential applications made available for use by Clients and End Users on their mobile devices.

“**Office Software**” has the meaning given to it in our Terms of Service.

“**Personal Information**” means any information that identifies or can be used to identify an individual directly or indirectly. Examples of Personal Information include, but are not limited to, first and last name, date of birth, email address, gender, occupation, demographic information, financial data and transaction history.

“**Services**” has the meaning given to it in our Terms of Service.

“**Systems**” has the meaning given to it in our Terms of Service.

“**Client**” means the individual, non-profit organization or business entity that is authorized to access and use the Office Software, the Systems and/or our Services. Clients are our customers.

“**Visitor**” means, depending on the context, any person who visits the Clubessential Site, our offices, or otherwise engages with us at our events or in connection with our marketing or recruitment activities.

“You” and “your” means, depending on the context, either a Client, End User or a Visitor.

C. Scope of this Privacy Policy

This privacy policy describes our practices and your rights in connection with the Personal Information that we may collect, use or disclose as related to:

- ✦ our Mobile App;
- ✦ the Clubessential Site;
- ✦ the Office Software;
- ✦ our Systems;
- ✦ our social media pages;
- ✦ our Services;
- ✦ our API platform; and
- ✦ any other products or services offered, or emails sent, that direct you to this privacy policy.

By accessing or using any of the Clubessential services described above (collectively, “Clubessential Services,” unless referred to individually), you agree to the terms and conditions of this privacy policy.

2. PRIVACY FOR CLIENTS

This section applies to the Personal Information we collect and process from Clients (or potential Clients) through our Clubessential Services. If you are not a Client, the End User or Visitor section of this policy may be more applicable to you and your data. **In this section, “you” and “your” will refer to Clients (and potential Clients).**

A. Information We Collect

The Personal Information that we collect depends on the context of your interactions with Clubessential, the settings associated with your Client account (sometimes called your “corporate portal”), the products, services and features that you use, your location, and applicable law.

- Clubessential Axis Public Website (Content Management System / Search Engine Optimization)
- Clubessential Axis Member Portal (Member Profile / Account Management / Online Statements)
- Clubessential Axis Reservation Systems (Activity Booking Engine)
- Clubessential CRM (Member Recruitment / Member Retention)
- Clubessential Office Accounting System (Club Management System)
- Clubessential Office POS (Club Point of Sale)
- Clubessential Payments (Online Statements / Credit Card / ACH / Card Present)

However, the Personal Information we collect broadly falls into the following categories:

(i) Information you provide to us. You may provide certain Personal Information to us when you set up your Client account, access the Clubessential Services, consult with our customer service team, send us an email, integrate the Clubessential Services with a thirdparty service or your website, or communicate with us in any other way. This information may include:

- ✦ business contact information (such as name, job title, legal entity, trade name, organizational information, phone number, email address, and country);
- ✦ marketing information (such as your contact preferences);
- ✦ Client account log-ins (such as your email address, username and password);

- ✦ Client site information (such as content, photos, member roster);
- ✦ troubleshooting and support data (which is data you provide or we otherwise collect in connection with support inquiries we receive from you);
- ✦ payment information (including banking information for remit purposes, account and routing numbers, credit card numbers and associated identifiers, and billing address); and
- ✦ tax information (including your EIN or tax identification number).

(ii) Information we collect automatically. When you use the Clubessential Services, we may automatically collect or receive certain information about your device or usage ("Service Usage Data"). In some (but not all) countries, including countries in the European Economic Area ("EEA"), this information is considered Personal Information under applicable data protection laws. We use cookies and other tracking technologies to collect some of this information. If you are using our Mobile App, we may collect this information using our APIs the first time the API is initiated on your Mobile App. For further information, please review our Cookies Policy available [here](#). Service Usage Data may include:

- ✦ **Device Information.** We collect information about the device and applications you use to access the Clubessential Services, such as your IP address, your operating system, your browser ID, and other information about your system and connection. If you are using our Mobile App, we may also collect information about the cellular network associated with your mobile device, your mobile device's operating system or platform, the type of mobile device you use, your mobile device's name and unique device ID, and information about the features of our Mobile App that you accessed.
- ✦ **Log Data.** Our webs servers keep log files that record data each time a device accesses those servers and the nature of each access, including originating IP addresses and your activity in the Clubessential System (such as the date/time stamps associated with your usage, pages and files viewed, searches and other actions you take), device event information (such as system activity and error reports), and hardware settings. We may also access metadata and other information associated with files that you upload into any of the Clubessential Services.
- ✦ **Usage Data.** We collect usage data about you whenever you interact with the Clubessential Services, which may include the dates and times you accessed the Clubessential System or your browsing activity on the Clubessential Site. We also collect information about the performance of the Clubessential Services, including metrics related to Clubessential System uptime, usage of our API, or the deliverability of emails. If you are using our Mobile App, we may collect information about how often you use the Mobile App and other performance data. This information allows us to improve the operation of the Clubessential Services and facilitate research and analysis of the Clubessential Services.

(iii) Information we collect from other sources. From time to time, we may obtain information about you from third-party sources, such as credit reporting agencies, public databases, social media platforms, marketing partners, and/or third-party data providers. Examples of the information we receive from other sources may include credit histories, demographic information (such as age and gender), device information (such as IP addresses), location data (such as city and state), and online behavioral data (such as information about your use of social media websites, page view information and search results and links). We may use this information, alone or in combination with other Personal Information we collect, to assess the credit risk associated with opening a sub-merchant account for you, to enhance our ability to provide relevant marketing or content to you, to better provide you with Services, and to develop and provide you with more relevant products, features, and services.

(iv) Information regarding your location. We use this information to provide features of Our Service, to improve and customize Our Service. The information may be uploaded to the Company's servers and/or a Service Provider's server or it may be simply stored on Your device. You can enable or disable access to this information at any time, through Your Device settings.

- ✦ **Tracking Technologies and Cookies.** We use cookies and similar tracking technologies to track the activity on our service and store certain information. Tracking technologies used are beacons, tags, and scripts to collect and track information and to improve and analyze our service. The technologies we may use include:

- ✦ **Cookies or Browser Cookies.** A cookie is a small file placed on your device. You can instruct your browser to refuse all cookies or to indicated when a cookie is being sent. However, if you do not accept cookies, you may not be able to use some parts of our service. Unless you have adjusted your browser setting so that it will refuse cookies, our service may use cookies.
- ✦ **Web Beacon.** Certain sections of our Service and our emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or opened an email for other related website statistics (for example, recording the popularity of a certain section and verifying system and server integrity).

B. Use of Personal Information

We may use the Personal Information we collect or receive through the Clubessential Services (alone or in combination with other data we source) for the purposes and on the legal bases identified below:

- ✦ To create, administer and assign permissions to your Client account(s) and provide you with related assistance.
- ✦ To bill and collect money owed to us by you under the terms of our contract with you.
- ✦ To perform our contract with you for the use of any or all of the Clubessential Services; or, where we have not entered into a contract with you, in accordance with our legitimate interests to operate and administer the Clubessential Services. For example, we may create and administer your Client account(s), fulfill and record payment transactions, and provide you with related assistance.
- ✦ To send you Clubessential System alerts in reliance on our legitimate interests in administering the Clubessential Services and providing certain features and functionalities. For example, we may inform you about temporary or permanent changes to the Clubessential System, send you scheduled maintenance updates, or send you account, security, or compliance notifications, such as new features or functionalities, version updates, releases, abuse warnings, and changes to this privacy policy.
- ✦ To communicate with you about your club site(s), Client account(s), and/or permit customer support to provide you with related support services.
- ✦ To enforce compliance with our Terms of Service (and other posted Clubessential policies) and applicable law, and to protect the rights and safety of our other Clients in reliance on our legitimate interest to protect against misuse or abuse of the Clubessential Services and, as needed, to pursue available remedies.
- ✦ To meet legal requirements, including complying with court orders, valid discovery requests, valid subpoenas, garnishments or tax liens, and other appropriate legal mechanisms.
- ✦ To provide information to representatives and advisors, including attorneys and accountants, to help us comply with legal, accounting, and security requirements in reliance on our legitimate interests.
- ✦ To prosecute and defend a court, arbitration or similar proceeding.
- ✦ To respond to lawful requests by public authorities, including to meet national security or law enforcement requirements.
- ✦ To provide, support and improve the Clubessential Services to perform our contract with you for the use of the Clubessential System or other Services; or, where we have not entered into a contract with you, in reliance on our legitimate interests in administering and improving the Clubessential Services and providing certain features and functionalities. This may include sharing your information with third parties in order to provide and support our Clubessential Services or to make certain features or functionalities of the Clubessential System available to you. When we share your Personal Information with third parties, we take steps to protect your information in a manner that is consistent with our obligations under applicable privacy laws. For further information about how we share your information, please refer to Section 5 below.

- ✦ To run data analytics or reports in reliance on our legitimate business interests in improving and enhancing our Clubessential Services. For example, we may run a data analytics to better understand Client and/or End User use of our Clubessential Services, or to better understand general trends and statistics about the fitness industry or a particular market segment.
- ✦ To facilitate social sharing functionality if you consent to such activities.
- ✦ To allow you to participate in sweepstakes, contests or similar promotions if you consent to such activities.
- ✦ To share information with other marketers (and their service providers) to permit them to send you marketing communications consistent with your choices.
- ✦ To send you Clubessential marketing materials that we believe may be of interest to you if you consent to such activities.

C. Third-Party Integrations

We may use the Personal Information we collect or receive through the Clubessential Services, as a data processor or as otherwise stated in this privacy policy, to enable your use of the integrations and plugins you choose to connect to your Client account(s). For example, if you choose to use EZLinks for tee time reservations, we use your Personal Information to allow for the integration with the Clubessential System.

D. Cookies and Tracking Technologies

We and our third-party partners may use various technologies to collect and store Service Usage Data when you use the Clubessential Services (as discussed above), and this may include using cookies and similar tracking technologies, such as pixels and web beacons. For example, we use web beacons in the emails you send, which enable us to track certain behavior, such as whether the email sent through the Clubessential Services was delivered and opened and whether links within the email were clicked. The use of web beacons allow us to collect information such as the recipient's IP address, browser, email client type and other similar data as further described above details. We use this information to measure the performance of your email campaigns, to provide analytics information, enhance the effectiveness of the Clubessential Services, and for other purposes described above.

E. Your Data Protection Rights

Depending on the country in which you reside, you may have the following data protection rights:

- ✦ To access; correct; update; port; delete; restrict; or object to our processing of your Personal Information.
- ✦ You can manage your Client account(s) directly from the corporate portal that we set up for you, or you may contact us directly to seek help with managing such account(s) by emailing us at support@Clubessential.com. You can also manage information about your End Users directly from your Client account(s) to be able to do things like access, correct, update, port or delete information that you receive from your End Users. Note, if any of your End Users wish to exercise any of these rights, they should contact you directly. You can also contact us at any time to update your marketing preferences (see Section 5. General Information, C. Your Choices and Opt-Outs below). Clubessential takes reasonable steps to ensure that the data we collect is reliable for its intended use, accurate, complete and up to date.
- ✦ The right to complain to a data protection authority about the collection and use of Personal Information. For more information, please contact your local data protection authority. Contact details for data protection authorities in the EEA and UK are available [here](#).
- ✦ Similarly, if Personal Information is collected or processed on the basis of consent, you can withdraw your consent at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect the processing of your Personal Information conducted in reliance on lawful processing grounds other than consent.

If we receive a request from one of your End Users, we will either direct the End User to reach out to you, or, if appropriate, we may (but shall not be required to) respond directly to their request.

3. PRIVACY FOR END USERS

This section applies to the information we process about our Clients' End Users, the Client being the controller of such data (as a "data controller") and Clubessential being the processor of such data (as a "data processor"). The Clubessential System and our related Services are intended for use by paid Clients. As a result, for much of the Personal Information we collect and process about End Users through the Clubessential Services, we act as a processor of such information on our Clients' behalf. Clubessential is not responsible for the privacy or security practices of our Clients, nor the third parties which Clients may use or contract with for other services provided to them, which may differ from those set forth in this privacy policy. Please check with the Client with whom you have a business relationship about the privacy policy or policies it may have in place. **For purposes of this section, "you" and "your" refer to End Users.**

A. Information We Collect

The Personal Information that we may collect or receive about you broadly falls into the following categories:

(i) Information we receive about End Users from our Clients. A Client may provide Personal Information about you to us through the Clubessential Services. When you sign up for an End User account using the Clubessential System, your Personal Information, including your name, email address, address, telephone number and certain payment information, becomes associated with our Client's account(s) and the particular location within that Client account where you are a customer, client or member of the Client. You can update your Personal Information directly from your End User account.

(ii) Information we collect automatically. When you interact with a marketing campaign that you receive from a Client, or access your End User account through the Clubessential Services, we may collect information about your device and your interaction with the marketing email, SMS or the Clubessential System. We use cookies and other tracking technologies to collect some of this information. Our use of cookies and other tracking technologies is discussed more below and in more detail in our Cookies Policy available [here](#).

Device Information. We collect information about the device and applications you use to access emails sent through the Clubessential Services, such as your IP address, your operating system, your browser ID, and other information about your system and connection.

- **Usage Data.** It is important to us to ensure the security and reliability of the Clubessential Services that we provide. Therefore, we also collect usage data about your interactions with the Clubessential Services, which may include dates and times you access the Clubessential System and your browsing activity on the Clubessential Site. This information allows us to ensure compliance with our Terms of Service and API Terms of Use, to monitor and prevent service abuse, and to ensure we attain certain usage standards and metrics in relation to the Clubessential Services. We also collect information regarding the performance of the Clubessential Services, including metrics related to Clubessential System uptime, periods of slowness, or the deliverability of emails that our Clients may send through the Clubessential System. This information allows us to improve the content and operation of the Clubessential Services and facilitate research and perform analysis into the use and performance of the Clubessential Services.

(iii) Information we collect from other sources. From time to time, we may obtain information about you from third-party sources, such as social media platforms and third-party data providers. For example, if you choose to connect your social media account to your End User account, certain information from your social media account may be shared with us, including information that's part of your or your friend's profiles. We may also collect Personal Information through the Clubessential Services at the direction of our Clients.

B. Use of Personal Information

We may use the Personal Information we collect or receive about you in reliance on our (and where applicable, our Clients') legitimate interests for the following purposes:

- ✦ To enforce compliance with our Terms of Service and applicable law. This may include utilizing usage data and developing tools and algorithms that help us prevent violations.
- ✦ To protect the rights and safety of Clients, third parties and Clubessential.

- ✦ To meet legal requirements, including complying with court orders, valid discovery requests, valid subpoenas, and other appropriate legal mechanisms.
- ✦ To provide information to representatives and advisors, including attorneys and accountants, to help us comply with legal, accounting, and security requirements in reliance on our legitimate interests.
- ✦ To prosecute and defend a court, arbitration or similar proceeding.
- ✦ To respond to lawful requests by public authorities, including to meet national security or law enforcement requirements.
- ✦ To provide, support and improve the Clubessential Services. For example, this may include sharing your information with third parties in order to provide and support our Clubessential Services or to make certain features or functionalities of the Clubessential System available to you. When we share your Personal Information with third parties, we take steps to protect your information in a manner that is consistent with our obligations under applicable privacy laws. For further information about how we share your information, refer to Section 5 below.
- ✦ To run data analytics or reports. Our data analytics or reporting projects use data from our Clients' accounts, including Personal Information belonging to End Users, to provide and improve Clubessential Services. We use information, like your transactions history or bookings records, for example, so we can make more informed predictions, decisions, and products for our Clients. If you prefer your data not be used in this manner, you can opt out of data analytics and reporting projects at any time by emailing us at privacy@clubessential.com with the subject heading titled "Opt Out from Data Analytics and Reporting Projects."
- ✦ To carry out other business purposes. To carry out other legitimate business purposes, as well as other lawful purposes about which we will notify you.

C. Cookies and Tracking Technologies

We and our third-party partners may use various technologies to collect and store Service Usage Data when you use the Clubessential Services (as discussed above), and this may include using cookies and similar tracking technologies, such as pixels and web beacons. For example, we use web beacons in the emails sent by our Clients, which enable us to track certain behavior, such as whether the email sent through the Clubessential Services was delivered and opened and whether links within the email were clicked. The use of web beacons allow us to collect information such as the recipient's IP address, browser, email client type and other similar data as further described above details. We use this information to measure the performance of your email campaigns, to provide analytics information, enhance the effectiveness of the Clubessential Services, and for other purposes described above.

D. Your Data Protection Rights

Depending on the country in which you reside, you may have the following data protection rights:

- ✦ To access; correct; update; port; delete; restrict or object to our processing of your Personal Information.
- ✦ For more information about how you can exercise these rights, please see our [Data Subject Request form](#). You also have the right to complain to a data protection authority about our collection and use of your Personal Information. For more information, please contact your local data protection authority. Contact details for a data protection authority in the EEA are available [here](#).

As described above, for much of the Personal Information we collect and process about End Users through the Clubessential Services, we act as a processor on behalf of our Clients. In such cases, if you are an End User and want to exercise any data protection rights that may be available to you under applicable law or have questions or concerns about how your Personal Information is handled by Clubessential as a processor on behalf of our individual Clients, you should contact the relevant Client that is using the Clubessential Services, and refer to their separate privacy policy.

If you no longer want to be contacted by one of our Clients through the Clubessential Services, please contact the Client directly to update or delete your data. If you contact us directly, we may either forward your request to the relevant Client or provide you with the identity of the Client to enable you to contact them directly.

We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws. We may ask you to verify your identity in order to help us respond efficiently to your request.

4. PRIVACY FOR VISITORS

This section applies to Personal Information that we collect and process when you visit the Clubessential Site, and in the usual course of our business, such as in connection with our recruitment, events, sales and marketing activities or when you visit our offices. **In this section, “you” and “your” will refer to Visitors.**

A. Information we collect

(i) Information you provide to us on the Clubessential Site or otherwise. Our Clubessential Site offers various ways to contact us, such as through form submission, email or phone, to inquire about our company, our products and our services. For example, we may ask you to provide certain Personal Information when you express an interest in obtaining information about us or the Clubessential Services, take part in surveys, subscribe to marketing, apply for a role with Clubessential, or otherwise contact us. We may also collect Personal Information from you in person when you attend our events or trade shows, if you visit one of our offices, or via a phone call with one of our sales representatives. You may choose to provide additional information when you communicate with us or otherwise interact with us, and we may keep copies of any such communications for our records.

The Personal Information we collect may include:

- ✦ **Business contact information** (such as your name, phone number, email address, address and country);
- ✦ **Professional information** (such as your job title and company);
- **Nature of your communication;**
- **Marketing information** (such as your contact preferences); and
- **Any other information you choose to provide us** when completing any ‘free text’ boxes in our forms.

(ii) Information we collect automatically through the Clubessential Site. When you visit our Clubessential Site or interact with our emails, we use cookies and similar technologies such as pixels or web beacons, alone or in conjunction with cookies, to collect certain information automatically from your browser or device. In some countries, including countries in the EEA, this information may be considered Personal Information under applicable data protection laws. Our use of cookies and other tracking technologies is discussed more below, and in more detail in our Cookie Policy available [here](#).

The information we collect automatically includes:

- ✦ **Device information** such as your IP address, your browser, device information, unique device identifiers, mobile network information, request information (speed, frequency, the site from which you linked to us (“referring page”), the name of the website you choose to visit immediately after ours (called “exit page”), information about other websites you have recently visited and the web browser you used.
- ✦ **Usage data** such as information about how you interact with our emails, Clubessential Site, and other websites (such as the pages and files viewed, searches, operating system and system configuration information and date/time stamps associated with your usage).

B. Use of Personal Information

We may use information we collect through our Clubessential Site and in connection with our events and marketing activities (alone or in combination with other data we collect) for a range of reasons in reliance on our legitimate interests, including:

- ✦ To provide, operate, optimize and maintain the Clubessential Site;
- ✦ To send you marketing information, product recommendations and non-transactional communications (for example, marketing newsletters, telemarketing calls, SMS, or push notifications) about us, in accordance with your marketing preferences, including information about our products, services, promotions or events as necessary for our legitimate interest in conducting direct marketing or to the extent you have provided your prior consent.
- ✦ For recruitment purposes if you have applied for a role with Clubessential.
- ✦ To respond to your online inquiries and requests, and to provide you with information and access to resources or services that you have requested from us.
- ✦ To manage the Clubessential Site, including its proper administration and security.
- ✦ To manage event registrations and attendance, including sending related communications to you.
- ✦ To register visitors to our offices for security reasons and to manage non-disclosure agreements that visitors may be required to sign.
- ✦ To improve the navigation and content of the Clubessential Site.
- ✦ To identify any server problems or other IT or network issues.
- ✦ To compile aggregated statistics about site usage and to better understand the preferences of our Visitors.
- ✦ To help us provide, improve and personalize our marketing activities.
- ✦ To carry out research and development to improve the Clubessential Services.
- ✦ To conduct marketing research, advertise to you, provide personalized information about us on and off our Clubessential Site, and to provide other personalized content based on your activities and interests to the extent necessary for our legitimate interests in supporting our marketing activities or advertising our Clubessential Services or instances where we seek your consent.
- ✦ To carry out other legitimate business purposes, as well as other lawful purposes, such as data analysis, fraud monitoring and prevention, identifying usage trends and expanding our business activities in reliance on our legitimate interests.
- ✦ To cooperate with public and government authorities, courts or regulators in accordance with our legal obligations under applicable laws to the extent this requires the processing or disclosure of Personal Information to protect our rights or is necessary for our legitimate interest in protecting against misuse or abuse of our Clubessential Site and/or Clubessential Services, protecting personal property or safety, pursuing remedies available to us and limiting our damages, complying with judicial proceedings, court orders or legal processes, or responding to lawful requests.

C. Public Information and Third-Party Websites

- ✦ **Blog.** We have public blogs on the Clubessential Site. Any information you include in a comment on our blog may be read, collected, and used by anyone. If your Personal Information appears on our blogs and you want it removed, contact us at marketing@clubessential.com. If we are unable to remove your information, we will tell you why.

- ✦ **Social media platforms and widgets.** The Clubessential Site includes social media features, such as the Facebook Like button. These features may collect information about your IP address and which page you are visiting on our Clubessential Site, and they may set a cookie to make sure the feature functions properly. Social media features and widgets are either hosted by a third party or hosted directly on our Clubessential Site. We also maintain presences on social media platforms, including Facebook, Twitter, and Instagram. Any information, communications, or materials you submit to us via a social media platform is done at your own risk without any expectation of privacy. We cannot control the actions of other users of these platforms or the actions of the platforms themselves. Your interactions with those features and platforms are governed by the privacy policies of the companies that provide them.
- ✦ **Links to third-party websites.** The Clubessential Site includes links to other websites, whose privacy practices may be different from ours. If you submit Personal Information to any of those sites, your information is governed by their privacy policies. We encourage you to carefully read the privacy policy of any website you visit.
- ✦ **Contests and sweepstakes.** We may, from time to time, offer surveys, contests, sweepstakes, or other promotions on the Clubessential Site or through social media (collectively, "Promotions"). Participation in our Promotions is completely voluntary. Information requested for entry may include Personal Information such as your name, address, date of birth, phone number, email address, username, and similar details. We use the information you provide to administer our Promotions. We may also, unless prohibited by the Promotion's rules or law, use the information provided to communicate with you, or other people you select, about the Clubessential Services. We may share this information with our affiliates and other organizations or service providers in line with this privacy policy and the rules posted for our Promotions.

D. Cookies and Tracking Technologies

We use cookies and similar tracking technologies to collect and use Personal Information about you, including to serve interest-based advertising. For further information about the types of cookies and tracking technologies we use, why, and how you can control them, please see our Cookies Policy available [here](#).

E. Other Data Protection Rights

Depending on the country in which you reside, you may have the following data protection rights:

- ✦ To access; correct; update; port; delete; restrict or object to our processing of your Personal Information. You can exercise these rights by emailing privacy@Clubessential.com.
- ✦ You may also have the right to complain to a data protection authority about our collection and use of your Personal Information. For more information, please contact your local data protection authority. Contact details for data protection authorities in the EEA are available [here](#).

Similarly, if we have collected and processed your Personal Information with your consent, then you can withdraw your consent at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect the processing of your Personal Information conducted in reliance on lawful processing grounds other than consent. You can also contact us at any time to update your marketing preferences (see Section 5. General Information, C. Your Choices and Opt-Outs below).

We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws. We may ask you to verify your identity in order to help us respond efficiently to your request.

5. GENERAL INFORMATION

A. How We Share Information

We may share and disclose your Personal Information to the following types of third parties for the purposes described in this privacy policy. **For purposes of this section, “you” and “your” refer to Clients, End Users and Visitors unless otherwise indicated.**

(i) Our service providers. Sometimes, we share your information with our third-party service providers working on our behalf for the purposes described in this privacy policy. For example, companies we’ve hired to help us provide and support our Clubessential Services, including the processing of payments, or assist in protecting and securing our systems and services and other business-related functions. The following is a list of third-party service providers that may process your Personal Information in their capacity as a subprocessor of ours. Please review the relevant privacy policies (links are current as of the date of publication of this privacy policy) for further information about how each third-party handles your Personal Information.

Third Party Name	Privacy Policy Link
Worldpay, LLC	https://online.worldpay.com/terms/privacy
CloudFlare, Inc.	https://www.cloudflare.com/privacypolicy/
SendGrid (subsidiary of Twilio, Inc.)	https://www.twilio.com/legal/privacy
Twilio, Inc.	https://www.twilio.com/legal/privacy
Elavon, Inc.	https://www.elavon.com/privacy-policy.html

(ii) Any competent law enforcement body, regulatory body, government agency, court or other third party where we believe disclosure is necessary (a) as a matter of applicable law or regulation; (b) to exercise, establish, or defend our legal rights; or (c) to protect your vital interests or those of any other person.

(iii) A potential buyer (and its agents and advisors) in the case of a sale, merger, consolidation, liquidation, reorganization, or acquisition. In that event, any acquirer will be subject to our obligations under this privacy policy, including your rights to access and choice. We will notify you of the change by sending you an email or posting a notice on our Clubessential Site.

(iv) Any other person with your consent.

NOTE: We do not sell your Personal Information to any third party for promotional or marketing purposes.

B. Legal Basis for Processing Personal Information (EEA and UK Persons Only)

If you are located in the EEA or UK, our legal basis for collecting and using the Personal Information described above will depend on the Personal Information concerned and the specific context in which we collect it.

However, we will normally collect and use Personal Information from you where the processing is in our legitimate interests and not overridden by your data-protection interests or fundamental rights and freedoms. Our legitimate interests are described in more detail in this privacy policy in the sections above titled “Use of Personal Information,” but they typically include improving, maintaining, providing, and enhancing our technology, products, and services; ensuring the security of the Clubessential Services and our Clubessential Site; and supporting our marketing activities.

If you are a Client, we may need the Personal Information to perform a contract with you. In some limited cases, we may also have a legal obligation to collect Personal Information from you. If we ask you to provide Personal Information to comply with a legal requirement or to perform a contract with you, we will make this clear at the relevant time and advise you whether the provision of your Personal Information is mandatory or not, as well as of the possible consequences if you do not provide your Personal Information.

Where required by law, we will collect Personal Information only where we have your consent to do so.

If you have questions or need further information concerning the legal basis on which we collect and use your Personal Information, please contact us at privacy@clubessential.com.

C. Your Choices and Opt-Outs

(i) Client Account(s). In order to keep your personal information accurate and complete, you can log in to review and update your account information, including contact and billing information, via your Client site or End User account, as applicable. If you are a Client and would like to change the way we communicate with you, including a change in your primary point of contact (whether for billing purposes or otherwise), please send us the request at accounting@clubessential.com.

(ii) Email. Clients or End Users who receive promotional or marketing emails sent through the Clubessential Services may opt out at any time by clicking the “unsubscribe” link at the bottom of the email itself or updating your communication preferences directly from your Client or End User account(s). Please note that if you opt-out from receiving promotional or marketing emails, you may continue to receive emails from us with non-promotional, non-marketing information related to your account or the Clubessential Services. If you no longer wish to receive any emails from us (promotional/marketing or informational), you can deactivate your account.

(iii) SMS (Text Messages). End Users who have opted-in to receiving promotional or marketing SMS can opt-out from receiving such communications by updating the communication preferences in the emailed “Communication Preferences” link, or the communication preference settings can be changed directly from your End User account. Once at the “Communication Preferences” page (accessible via email link or directly through an End User’s account), End Users can change communication preferences related to “Email,” “NonPromotional SMS Notifications” (stating information only, for example, a bookings reminder), and “Promotional SMS Notifications” (like advertisements, promotions or marketing material sent by Client). End Users opting in to receiving “SMS Promotional Messages” will be required to verify the request by replying “YES” to a follow-up text message sent to the mobile phone number associated with the account (a process referred to as “double opt-in”). End Users also have the option of discontinuing promotional SMS by replying “STOP” to the message, or End Users can ask for help by replying with the word “HELP.” Please direct all requests for the “Communication Preferences” link, or assistance with changing your communication preferences to the Client with whom you have a business relationship. Clients utilizing ZipWhip as their SMS marketing platform will be subject to ZipWhip’s privacy policy and opt-in/opt-out procedures.

(iv) Cookies. You may also refrain from providing, or withdraw, your consent for cookies. Your browser’s help function should contain instructions on how to set your computer to accept all cookies, to notify you when a cookie is issued; or to not receive cookies at any time.

(v) Third Party Analytics Services. We use Google Analytics in conjunction with the Clubessential Services. Google Analytics is provided by Google, Inc. You can opt-out from Google Analytics service from using your information by installing the Google Analytics Opt-out Browser tool: tools.google.com/dlpage/gaoptout. For more information on the privacy practices of Google, please visit the Google Privacy & Terms page [here](#).

D. Our Security

We take appropriate and reasonable technical and organizational measures designed to protect Personal Information from loss, misuse, unauthorized access, disclosure, alteration, and destruction, taking into account the risks involved in the processing and the nature of the Personal Information. Unfortunately, even with these safeguards, no data transmission or storage system can be guaranteed to be 100% secure. If you have any questions about the security of your Personal Information, you may contact us at privacy@clubessential.com.

Client account(s) require a username and password to log in. Clients must keep their username and password secure, and never disclose it to a third party. Permissions assigned by Client to authorized staff members should be closely guarded, periodically updated, some level of internal training provided about the security of log-in credentials. Because the information in a Client’s account is private, account passwords are hashed, which means we cannot see a Client’s password. We cannot resend forgotten passwords either. We will only provide Client with instructions on how to reset them.

E. International Transfers

(i) We operate in the United States. Our servers and offices are located in the United States, so your information may be transferred to, stored, or processed in the United States. While the data protection, privacy, and other laws of the United States might not be as comprehensive as those in your country, we take many steps to protect your privacy.

(ii) Clients, End Users and Visitors located in Australia. If you are a Client, End User or Visitor who accesses the Clubessential Services in Australia, this section applies to you. We are subject to the operation of the Privacy Act 1988 ("Australian Privacy Act"). Here are the specific points you should be aware of:

- ✦ As stated in the Prohibited Uses section of our Terms of Service, information considered to be harassing, discriminatory, defamatory, vulgar, pornographic or harmful to others is not permitted on the Clubessential Services and Clients and End Users are prohibited from loading any such Personal Information to their account(s).
- ✦ Please note that if you do not provide us with your Personal Information or if you withdraw your consent for us to collect, use and disclose your Personal Information, we may be unable to provide the Clubessential Services to you.
- ✦ Where we collect Personal Information of our Visitors, the Personal Information we ask you to provide will be information that is reasonably necessary for, or directly related to, one or more of our functions or activities. Please see Section 4 of this privacy policy for examples of the types of Personal Information we may ask Visitors to provide.
- ✦ Where we say we assume an obligation about Personal Information, we will also require our integration partners and subcontractors to undertake a similar obligation.
- ✦ We will not use or disclose Personal Information for the purpose of our direct marketing to you unless you have consented to receive direct marketing; you would reasonably expect us to use your personal details for marketing; or we believe you may be interested in the material but it is impractical for us to obtain your consent.

You may opt out of any marketing materials we send to you through an unsubscribe mechanism. If you have requested not to receive further direct marketing messages, we may continue to provide you with messages that are not regarded as "direct marketing" under the Australian Privacy Act, including changes to our terms, system alerts, and other information related to your account as permitted under the Australian Privacy Act and the Spam Act 2003 (Cth).

- ✦ Our servers are located in the United States. In addition, we or our sub-processors may use cloud technology to store or process Personal Information, which may result in storage of data outside Australia. It is not practicable for us to specify in advance which country will have jurisdiction over this type of offshore activity. All of our subcontractors, however, are required to comply with the Australian Privacy Act in relation to the transfer or storage of Personal Information overseas.
- ✦ You may access the Personal Information we hold about you. If you wish to access your Personal Information, please contact us directly by emailing us at privacy@clubessential.com. We will respond to all requests for access within a reasonable time.

If you think the information we hold about you is inaccurate, out of date, incomplete, irrelevant, or misleading, we will take reasonable steps, consistent with our obligations under the Australian Privacy Act, to correct that information upon your request. If you find that the information we have is not up to date or is inaccurate or incomplete, please contact us in writing at privacy@clubessential.com so we can update our records. We will respond to all requests for correction within a reasonable time. If you are unsatisfied with our response to a privacy matter, you may consult either an independent advisor or contact the Office of the Australian Information Commissioner for additional help. We will provide our full cooperation if you pursue this course of action.

F. Retention of Data

We retain Personal Information where we have an ongoing legitimate business or legal need to do so. Our retention periods will vary depending on the type of data involved, but, generally, we will refer to these criteria in order to determine retention periods:

- ✦ Whether we have a legal or contractual need to retain the data.
- ✦ Whether the data is necessary to provide the Clubessential Services.
- ✦ Whether our Clients have the ability to access and delete the data on their own.

- ✦ Whether our Clients would reasonably expect that we could retain the data until they remove it or until their Clubessential account is closed or has been terminated.

G. California Privacy

The California Consumer Privacy Act (“CCPA”) provides consumers with specific rights regarding their Personal Information. You have the right to request that businesses subject to the CCPA (which may include our Clients with whom you have a relationship) disclose certain information to you about their collection and use of your Personal Information over the past 12 months. In addition, you have the right to ask such businesses to delete Personal Information collected from you, subject to certain exceptions. If the business sells Personal Information, you have a right to opt-out of that sale. Finally, a business cannot discriminate against you for exercising a CCPA right.

When offering services to its Clients, Clubessential acts as a “service provider” under the CCPA and our receipt and collection of any consumer Personal Information is completed on behalf of our Clients in order for us to provide the Clubessential Services. Please direct any requests for access or deletion of your Personal Information under the CCPA to the Client with whom you have a direct relationship. Clubessential, for its part, does not sell any of your Personal Information to any third party for promotional or marketing purposes.

Consistent with California law, if you choose to exercise your applicable CCPA rights, we will not charge you different prices or provide you a different quality of services. If we ever offer a financial incentive or product enhancement that is contingent upon you providing your Personal Information, we will not do so unless the benefits to you are reasonably related to the value of the Personal Information that you provide to us.

H. Use by Minors

The Clubessential Services are not directed or targeted at children under the age of thirteen (13). We request that minors do not provide Personal Information through the Clubessential Services.

I. Do Not Track

Certain state laws require us to indicate whether we honor “Do Not Track” settings in your browser. Clubessential adheres to the standards set out in this privacy policy and does not monitor or follow any Do Not Track browser requests.

J. Changes to this Privacy Policy

We may change this privacy policy at any time and from time to time. The most recent version of the privacy policy is reflected by the version date located at the top of this privacy policy. All updates and amendments are effective immediately upon notice, which we may give by any means, including, but not limited to, by posting a revised version of this privacy policy or other notice on the Clubessential Site. We encourage you to review this privacy policy often to stay informed of changes that may affect you. Our electronically or otherwise properly stored copies of this privacy policy are each deemed to be the true, complete, valid, authentic, and enforceable copy of the version of this privacy policy that was in effect on each respective date you visited the Clubessential Site.

K. Questions & Concerns

If you have any questions or comments, or if you have a concern about the way in which we have handled any privacy matter, please contact us at privacy@clubessential.com. You may also contact us by postal mail at:

Clubessential, LLC
Attn: Clubessential Privacy
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Cincinnati, OH 45242