

California Privacy Notice

Gymshark Limited (“Gymshark UK”) and Gymshark USA, Inc. (“Gymshark USA”) (collectively, “Gymshark,” “us,” “we,” and “our”) provides this California Privacy Notice (the “California Privacy Policy”) for visitors, users, and others who reside in the State of California. The California Privacy Policy supplements the information contained in the Privacy Notice (available at: <https://www.gymshark.com/pages/gymshark-privacy-notice>) and applies solely to visitors, users, and others who reside in the State of California. To the extent any provision in this California Privacy Policy conflicts with a provision of the Privacy Notice, the California Privacy Policy shall govern with respect to visitors, users, and others who reside in the State of California.

Collection of personal information:

We collect information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household (“personal information”). In particular we collect the following categories of personal information:

- A. Identifiers, such as real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account name, or other similar identifiers.
- B. Categories of personal information described in Cal. Civ. Code § 1798.80(e), such as name, signature, physical characteristics or description, address, telephone number, bank account number, credit card number, debit card number, or any other financial information.
- C. Characteristics of protected classifications under California or federal law, such as age, race, color, ancestry, national origin, citizenship, marital status, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, and genetic information.
- D. Commercial information, such as records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
- E. Biometric information.
- F. Internet or other electronic network activity information, such as browsing history, search history, and information regarding a consumer’s interaction with an internet website, application, or advertisement.
- G. Geolocation data.
- H. Audio, electronic, visual, thermal, olfactory, or similar information.
- I. Inferences drawn from other personal information to create a profile about a consumer reflecting a consumer’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

Personal information does not include publicly available information lawfully made available from government records, deidentified or aggregated consumer information, or information excluded from the California Consumer Privacy Act.

Rakuten Advertising may collect personal information when you interact with our website and apps, including IP addresses, digital identifiers, information about your web browsing and app usage and how you interact with our properties and ads for a variety of purposes, such as personalization of offers or advertisements, analytics about how you engage with websites or ads and other commercial purposes. For more information about Rakuten Advertising’s collection, use and sale of your personal data and your rights, please use the below links.

Privacy policy: <https://rakutenadvertising.com/legal-notices/services-privacy-policy/>

Your rights: <https://rakutenadvertising.com/legal-notices/services-privacy-rights-request-form/>

Use of personal information:

We may use or disclose the personal information collected for one or more of the following business or commercial purposes:

- To fulfill or meet the reason for which the information is provided. For example, to create your personal account at Gymshark.com or to process your orders.
- To provide you with information, products, or services that you request from us, including answering your queries and to notify winners in promotions.
- To provide you with phone calls, text message notifications, email alerts, and other notices concerning our products or services. For example, to notify you of delivery status, to be able to send you relevant marketing offers and information such as newsletters and our catalogues, to contact you in the event of a problem with delivery of your items, and to inform you of new or changed services.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection and managing your account by carrying out credit checks.
- To be able to analyze your personal data to provide you with relevant marketing offers and information.
- To be able to validate that you are of legal age for shopping online.
- To improve our website.
- Testing, research, analysis, and product and service development.
- As necessary or appropriate to protect the rights, property, or safety of us, our employees, our customers, or others.
- To respond to law enforcement requests and as required by applicable law, court order, or government regulations.
- As described to you when collecting your personal information.

Sale of personal information:

We do not, and will not, sell your personal information.

Rights of California Residents:

California residents have the following rights:

1. Right to Know About Personal Information Collected, Disclosed, or Sold

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request (instructions and description below), we will disclose to you:

- The categories of personal information we collected about you;
- The categories of sources for the personal information we collected about you;
- Our business or commercial purpose for collecting or selling that personal information;
- The categories of third parties with whom we share that personal information;
- The specific pieces of personal information we collected about you; and/or
- If we sold or disclosed your personal information for a business purpose, including lists of sales, identifying the categories of personal information that each category of recipient purchased or obtained

We have collected the following categories of personal information from consumers within the last twelve (12) months:

- A. Identifiers, such as real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account name, or other similar identifiers.
- B. Categories of personal information described in Cal. Civ. Code § 1798.80(e), such as name, signature, physical characteristics or description, address, telephone number, bank account number, credit card number, debit card number, or any other financial information.
- C. Characteristics of protected classifications under California or federal law, such as age, race, color, ancestry, national origin, citizenship, marital status, sex (including gender, gender identity, gender

- expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, and genetic information.
- D. Commercial information, such as records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
 - E. Biometric information.
 - F. Internet or other electronic network activity information, such as browsing history, search history, and information regarding a consumer's interaction with an internet website, application, or advertisement.
 - G. Geolocation data.
 - H. Audio, electronic, visual, thermal, olfactory, or similar information.
 - I. Inferences drawn from other personal information to create a profile about a consumer reflecting a consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

We have obtained the categories of personal information listed above from the following categories of sources:

- Directly from you, the consumer
- Indirectly from third parties and service providers, including social media platforms, partners and affiliates
- Directly and indirectly from our website

We collected the categories of personal information listed above for the following business or commercial purposes:

- To fulfill or meet the reason for which the information is provided. For example, to create your personal account at Gymshark.com or to process your orders.
- To provide you with information, products, or services that you request from us, including answering your queries and to notify winners in promotions.
- To provide you with phone calls, text message notifications, email alerts, and other notices concerning our products or services. For example, to notify you of delivery status, to be able to send you relevant marketing offers and information such as newsletters and our catalogues, to contact you in the event of a problem with delivery of your items, and to inform you of new or changed services.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection and managing your account by carrying our credit checks.
- To be able to analyze your personal data to provide you with relevant marketing offers and information.
- To be able to validate that you are of legal age for shopping online.
- To improve our website.
- Testing, research, analysis, and product and service development.
- As necessary or appropriate to protect the rights, property, or safety of us, our employees, our customers, or others.
- To respond to law enforcement requests and as required by applicable law, court order, or government regulations.
- As described to you when collecting your personal information.

We shared the categories of personal information listed above with the following categories of third parties:

- Affiliates, including Gymshark USA, Inc.
- Service providers
- Marketing, analytics and research partners.
- Social media platforms
- Third parties to which consumers authorized us to disclose personal information in connection with products or services provided to consumers

We have not sold your personal information in the past 12 months.

2. Right to Request Deletion of Personal Information

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (instructions and description below), we will delete, and direct our service providers to delete, your personal information from our records, unless an exception applies.

We may deny your request to delete your personal information if retaining the information is necessary for us or our service providers to:

- Complete the transaction for which we collected the personal information, fulfill the terms of a written warranty or product recall in accordance with federal law, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform a contract with you
 - Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity
 - Debug or identify and repair errors that impair existing intended functionality
 - Exercise free speech, ensure the right of another consumer to exercise that consumer's right of free speech, or exercise another right provided for by law
 - Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546, *et seq.*)
 - Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when our deletion of the information is likely to render impossible or seriously impair the achievement of such research, if you have provided informed consent
 - Enable solely internal uses that are reasonably aligned with your expectations based on your relationship with us
 - Comply with a legal obligation
 - Make other internal and lawful uses of the personal information that are compatible with the context in which you provided it
3. To exercise your right to know about, access, or delete personal information, please submit a verifiable consumer request to us by emailing us at mydata@gymshark.com.

Only you or a person registered with the California Secretary of State that you authorize to act on your behalf may make a verifiable consumer request related to your personal information. You or your authorized agent may only make a verifiable consumer request for access or data portability twice within a 12-month period.

Your verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information, or an authorized representative
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it

We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you. Making a verifiable consumer request does not require you to create an account with us. We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

Response Timing and Format:

We will confirm receipt of a request within 10 days and provide information about how we will process the request. We endeavor to substantively respond to a verifiable consumer request within 45 days of its receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing. If you have an account

with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option. Any disclosure we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

4. Right to Non-Discrimination

We will not discriminate against you for exercising any of your rights under the California Consumer Protection Act. Unless permitted by the California Consumer Privacy Act, we will not:

- Deny you goods or services
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties
- Provide you a different level or quality of goods or services
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services

California Shine the Light Law:

California Civil Code Section 1798.83 permits our visitors who are California residents to request certain information regarding our disclosure of personal data to third parties for their direct marketing purposes. To make such a request, please email us at mydata@gymshark.com.

Online Tracking:

Please note that our Sites do not support "Do Not Track" browser settings and do not currently participate in any "Do Not Track" frameworks that would allow us to respond to signals or other mechanisms from you regarding the collection of your personal or non-personally identifiable information.

Last Updated: February 2021