Data protection declaration

Preamble

WellStar GmbH & Co. KG, District Court Berlin HRA 34621, with its registered office at Charlottenstraße 4, 10969 Berlin, Germany, is represented by its general partners Christian Wiesner (hereinafter known as „WellStar“), and runs the vitality and social community portal webstar (hereinafter known as „webstar“) under the domain www.webstar.biz and the linked subdomain and also the Wellstar Pro App.

WellStar takes the protection of personal data very seriously and wants you to feel safe when visiting the webstar site and WellStar Pro APP. We therefore assign great importance to data protection. The collection, processing (including saving, changing, transferring, blocking and deletion) and use of your data is subject to the prevailing data protection regulations.

Hereafter we would like to briefly describe the principles on the basis of which your data is used:

1. Data collection and storage

Within the scope of registering with webstar and WellStar Pro App, WellStar collects and stores personal data about the respective member and processes this i.e. uses this data for substantiating, carrying out and settling the user relationship (hereinafter known as „registration data“). Personal data are individual details about the personal or factual circumstances of a certain or identifiable person, such as, for instance, their first name, surname, address, phone number, date of birth or e-mail address. The date of birth is primarily needed to ensure that the member using webstar and the WellStar Pro App is at least 18 years of age.

In order to be able to process and execute orders in the WellStar shop and WellStar Pro App, WellStar also collects and saves additional personal data such as the delivery address and details on the preferred mode of payment (hereinafter generally referred to as “ordering data”).

For the purpose of creating their own profile on WellStar and presenting themselves on the portal, members can, in addition to their registration data, provide further data and content about themselves. All data and content which you provide to create your profile shall hereinafter be referred to as “profile data”.

By using webstar, other data is collected about you, such as your body weight and size (hereinafter referred to as “vitality data”). These details are provided voluntarily and serve to calculate your vitality index, for example. Details you provide in your diary (dietary plans, fitness plans) help you to stick to a disciplined routine and to calculate your vitality index. Responding to questions about your state of health will help us to calculate your vitality index.
2. Publication

WellStar makes your profile data partly or wholly visible to other webstar members within the members’ area, depending on what your relationship is to them and what data you have displayed:

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<td>Vitality index</td>
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Furthermore, other members can view data that you have published on other members’ profile pages e.g. pinwall entries. These entries can be viewed by members you are connected with in the community, on whose page you have placed an entry. Further provisions apply for members who are also sales partners of WellStar. These can be found in the Declaration of Privacy for sales partners.

It is possible to search for other members on webstar. Webstar members cannot be found on external search engines such as Google. Not having a login or password, robots/crawlers used by search engines cannot gain access to webstar, i.e. profile data is not displayed in external search engines. We cannot, however, provide a guarantee for this.
3. Data transfer

WellStar shall not pass on data for promotional or other purposes to third parties, unless this has explicitly been stated in the Declaration of Privacy.

Your registration, profile and vitality data are passed on to your personal vitality coach. Your coach is obliged to treat the data they receive confidentially and to use it exclusively to provide vitality advice, and to fulfil their contractual obligations.

Your vitality coach is also automatically classed as your friend in the webstar community and can be “downgraded” by you to an acquaintance.

Within the scope of directly ordering goods from WellStar in the WellStar shop or WellStar Pro App, it may also be necessary to pass on your ordering data to the companies in charge of production and the delivery of goods, as well as the bank responsible for the settlement of payments. They too are obliged to treat all data they receive confidentially and to use it exclusively to fulfil their contractual obligations.

WellStar enters into cooperation agreements with external providers, known as shop partners. These shop partners are given personalised shops on the webstar sites. If you choose to make use of the offers of shop partners, your ordering data will be passed on to the corresponding shop partners. Detailed information on credit cards and account numbers will be collected directly by the respective shop partner and hence not be conveyed by WellStar. The shop partners are also obliged to treat all data they receive confidentially and exclusively for the purpose of executing their contractual obligations.

In order to be able to provide an attractive range of products from our shop partners, our shop partners regularly inform WellStar about which products you have purchased from the respective shop partner and the amount you have spent.

Furthermore, WellStar will only disclose your data to third parties in cases where there is a legal obligation to do so. By using webstar and the WellStar Pro App, you agree to data about you being collected, processed and used by WellStar in the aforementioned manner and for the aforementioned purpose.

4. Newsletters

WellStar automatically sends newsletters by e-mail to remind you of your plans (e.g. fitness plans or dietary plans). At your explicit request, you will receive a regular newsletter by e-mail with information about new developments and current offers by webstar and WellStar.

5. General access data

When using the WellStar Pro App or webstar or visiting the website www.webstar.biz, it is a standard procedure that general access data is stored. Each of the records created in the process consists of one page from which the data
was requested, the name of the file, the date and time of the request, the volume of data transmitted, the access status (file transferred, file not found, etc.), a description of the type of web browser used and the IP address of the PC from which the request originated.

The general access data is evaluated solely for statistical purposes and for the technical administration of the website. There is no combining the general access data with the data listed under Item 1.

6. Cookies

Webstar uses cookies. These are small text files that are stored on your computer and make it possible to analyse your use of webstar. Different types of cookies are stored, e.g. for the autologin, as well as for the identification of your browser and of the friends you have invited.

You can prevent the installation of cookies by adjusting the settings of your browser software. However, we would like to point out that it is possible that you may then not be able to make full use of all webstar functions.

7. Google Analytics

Webstar uses “Google Analytics”, a web analysis service of Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA (“Google”), which also uses cookies. The information created by the cookie about the use of webstar (including the respective IP address of the visitor) is transferred to Google’s server in the USA and stored there. Google makes use of this information to assess the use of webstar in order to compile reports about the website activities for webstar or WellStar, as well as reports on the use of webstar and of services provided on the internet in general. Google may disclose this information to third parties if this is legally required or in order for third parties to process this data on behalf of Google. On no account will Google associate your IP address with any other Google data.

By using webstar and WellStar Pro App, you agree to data collected about you being processed by Google in the aforementioned manner and for the aforementioned purpose.

8. Use of data after deactivation, right of information and deletion rights

The member may alter their profile data or deactivate their profile at any time. His personal data will then no longer be available to other webstar members. His personal data will, however, be stored after deactivation, so that access may in future be regained, especially in the case of a possible account reactivation.

Independent of this, you are entitled, according to Section 34 of the German Data Protection Act (BDSG), to receive information from WellStar about the data WellStar has stored about you free of charge. In
accordance with Section 35 of the BDSG, you are also entitled to correct, delete or have this data blocked. Any questions regarding this or the revocation of any consent given may be directed at any time to

WellStar GmbH & Co. KG, Charlottenstrasse 4, 10969 Berlin

Phone: +49 (0)30 – 5557311 - 0

E-Mail: en-support@wellstar.info

9. External links

Webstar contains links to third party sites, i.e. external links. Wellstar herewith explicitly refuses to be held responsible for any contents found on these sites. These websites and their contents are subject to the liability of the respective operator. When first establishing the link to the external sites, WellStar will have examined the contents for possible infringements. Yet it has no influence on the current or future design or content of the linked web pages. WellStar cannot continuously monitor external links, unless there is concrete evidence of legal infringements. In the event of WellStar being informed of any legal infringements on these pages, the links shall be removed immediately.

10. Right of Modification

Wellstar reserves the right to modify these data protection provisions. The most up-to-date version can be viewed at any time at www.webstar.biz.

11. Translation

Legally non-binding translations have been included in these data protection provisions. Only the German text in its present form is authoritative.

12. Final Remark

You can only gain access to your personal profile settings after entering your personal password. Make sure you keep your access data confidential at all times and close the browser window when your communication with webstar has ended. You will thus be helping WellStar to handle your data responsibly and to protect it.

Status: May 2018
Our handling of your data and your rights in terms of information in accordance with Articles 13, 14 and 21 Data Protection Regulation - DS-GVO

We would like to inform you about the processing of your personal data by us and about the claims and rights to which you are entitled in accordance with the data protection regulations.

The specific data that is processed and the way in which it is used, is based substantially on the services respectively commissioned by you or agreed with you.

1. Who is responsible for data processing and who can I contact?

The responsible body is:
WellStar GmbH & Co. KG
Charlottenstraße 4
D-10969 Berlin
Germany

You can reach our data protection officer at:

WellStar GmbH & Co. KG
Charlottenstraße 4
D-10969 Berlin
Germany
en-support@wellstar.info

2. Which sources and data do we use?

We process personal data which we receive from you within the scope of our business relationship.

Relevant personal data includes personal details (name, address and other contact data, date and place of birth and nationality), verification data (e.g. identification data) and authentication data (e.g. sample signature).

Furthermore, this may also be register data, data about your use of our telemedia (e.g. time of the retrieval of our websites, apps, or newsletter, pages or entries of ours that are clicked on) and other data comparable with the aforementioned categories.

3. Why do we process your data (purpose of the processing) and on what legal basis?

We process personal data in accordance with the provisions of the European Data Protection Regulation (DS-GVO) and the Federal Data Protection Act (BDSG).
3.1 On the fulfilment of contractual obligations (Art. 6 (1) Fig. b DS GVO)

Personal data is processed (Art. 4 No. 2 DS-GVO) for the provision and mediation of our pre-contractual measures with you and all the necessary activities. The purpose of the data processing depends in the first instance on the specific product (e.g. job order via the WellStar app or online shop).

3.2 Within the context of the balancing of interests (Art. 6 (1) Fig. f DS GVO)

To the extent necessary, we process your data beyond the actual performance of the contract in order to safeguard our legitimate interests or those of third parties. Examples:
- Testing and optimisation of procedures for needs analysis and the direct addressing of customers;
- Advertising or market research and opinion polling, insofar as you have not objected to the use of your data;
- Assertion of legal claims and defence in the event of legal disputes;
- Ensuring WellStar’s IT security and IT operations;
- Prevention and investigation of criminal offences;
- Measures pertaining to business management and the further development of services and products.

3.3 On the basis of your consent (Art. 6 (1), Fig. A DS-GVO)

Insofar as you have provided us with consent to the processing of personal data for specific purposes (e.g. evaluation of payment traffic data for marketing purposes), the legality of this processing arises on the basis of your consent. Consent that has been issued may be revoked at any time. This also applies to the revocation of declarations of consent, which - such as the SCHUFA clause - are issued vis-à-vis us prior to the validity of the DS-GVO, that is before 25th May 2018.
Please note that the revocation shall only be effective for the future. Processing actions carried out prior to the revocation shall not be affected.

3.4 On the basis of statutory requirements (Art. 6 (1), Fig. C DS-GMO) or in the public interest (Art. 6 (1) Fig e DS-GVO)

In addition, as the WellStar Group, we are also subject to various legal obligations, that is, statutory requirements (e.g. The Banking Act, Money Laundering Act, tax laws) and banking supervisory requirements (e.g. of the European Central Bank, the European Banking Regulator, the German Federal Bank (Deutsche Bundesbank) and the Federal Financial Services Regulator and the competent banks according to the respective state laws). The purposes of processing include, among other things, the checking of credit ratings within the context of our product, “Financing with BYAS Products”, identity and age verification, fraud and money laundering prevention and the fulfilment tax monitoring and reporting obligations.
4. Who receives my data?

Within the WellStar group, such bodies will receive your data, that require this to fulfil our contractual and legal obligations. Processors deployed by us (Art. 28 DS-GVO) may also receive data for these named purposes. These are companies in the categories of financing banks, logistics, print services, debt collection and sales and marketing.

With regard to the forwarding of data to recipients outside of the WellStar group, it is to be initially to be noted that, in accordance with the terms and conditions agreed between you and us, we are obliged to maintain secrecy concerning any customer-related facts and evaluations of which we become aware. We may only share information about you if legal regulations demand such, if you have given your consent or if we are empowered to issue an item of information. Under these conditions, recipients of personal data might be, for example:
- Public bodies and institutions (e.g. banks, financial authorities) in the event of a statutory or regulatory obligation.
- Other financial services institutions or comparable institutions, to which we transfer personal data for the implementation of the business relationship with you (depending on the contract: e.g. financing contract).

5. How long will my data be stored?

Where necessary, we will process and store your personal data for the duration of our business relationship, which, for example, will also include the initiation and completion of a contract. It is important to note that our business relationship is a continuing obligation which is designed to last for years.

Furthermore, we are also subject to various storage and documentation obligations, which arise inter alia from the German Commercial Code (HGB).

The specified time limits for the storage and documentation amount to two to ten years. Ultimately, the storage period is also to be assessed in accordance with the statutory limitation periods, which, for example, pursuant to §§ 195 et seq. of the German Civil Code (BGB) generally amount to 3 years, but which in some cases may also amount to up to thirty years.

6. Is data transferred to a third country or an international organisation?

Data is only transferred to third countries (countries outside the European Economic Area - EEA) insofar as this is necessary for the execution of your orders, if this is prescribed by law or if you have given your consent. We will inform you separately concerning details to the extent that such is prescribed by law.

7. What data protection rights do I have?

Each person affected has the right to information in accordance with Art. 15 DS-GVO, the right to rectification in accordance with Art. 16 DS-GVO, the right to deletion in accordance with Art. 17 DS-GVO, the right to restriction of the processing in accordance with Art. 18 DS-GVO and the right to data portability from Art. 20 DS-GVO. In the case of the right to information and the right to deletion, the restrictions pursuant to §§ 34 and 35 BDSG apply. In addition, a right of appeal to a data protection supervisory authority exists (Art. 77 DS-GVO in conjunction with § 19 BDSG).
8. Do I have an obligation to provide data?

Within the framework of our business relationship, you only need to provide such personal data which is required for the establishment, implementation and termination of a business relationship or which we are legally obliged to collect. Without this data, we will generally have to decline to conclude the contract or to carry out the order or no longer be able to implement an existing contract and, if necessary, we would have to terminate the same.

In particular, in accordance with various different European national regulations, we are obliged to identify you, for example by means of your personal identity card, prior to establishing a business relationship. In doing so, we will collect your name, your place of birth, your date of birth, your nationality and your residential address. In order that we are able to comply with this legal obligation, according to the law, you must supply us with the necessary information and documents and notify us without delay of any changes during the course of the business relationship. Should you not provide us with the necessary information and documents, we are not permitted to initiate the business relationship you desire.

9. To what extent are decisions made automatically in individual cases?

In principle, we do not use any automated decision-making, as per Art. 22 DS_GVO, for the establishment and implementation of a business relationship. Should we make use of these procedures in individual cases, we will inform you separately, provided that this legally prescribed.

10. To what extent is my data used for profiling (scoring)?

We partially process your data in an automated manner with the aim of assessing certain personal aspects (profiling). We use profiling, for example, in the following cases: In order to inform and advise you about our products in a targeted manner, we make use of evaluation instruments. These allow demand-oriented communication and advertising including market research and opinion polling.
Information on your right to object in accordance with Art. 21 of the Data Protection Regulation (DS-GVO)

WellStar GmbH & Co. KG
Charlottenstraße 4
D-10969 Berlin
Germany

1. Individual case-related right of objection
Based on reasons arising from your specific situation, you have the right to submit an objection at any time to the processing of personal data as is carried out in accordance with Article 6(1) Figure f DS-GV (data processing on the basis of the balancing of an interest); this also applies to profiling supported by this provision within the sense of Art. 4 No. 4 DS-GVO, which we make use of for credit assessment or advertising purposes.
If you submit an objection, we will no longer process your personal data, unless we can prove urgent legitimate reasons for said processing, which outweigh your interests, rights and freedoms or that the processing serves the assertion, exercise or defence of legal claims.

2. Right of objection against data processing for purposes of direct marketing.
In individual cases, we may process your personal data in order to operate direct marketing.
You have the right at any time to submit an objection to the processing of personal data relating to you for the purposes of such advertising; this also applies to profiling, insofar as it stands in connection with such direct marketing. If you object to the processing for purposes of direct marketing, we will not process your personal data for these purposes.

The objection may be made on any form and should be addressed to:

WellStar GmbH & Co. KG
Charlottenstraße 4
D-10969 Berlin
Germany

en-support@wellstar.info

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