



Privacy Guidelines Regarding Personal Information Processing in the context of Online Weight Loss Marathons (via Website or Apps)

Purpose

- This document provides guidelines to independent Associates (“you”) of Herbalife Nutrition products regarding your privacy-related responsibilities in connection with Weight Loss Marathons (“WLM”) organized and managed on a third party platform, such as Telegram (“WLM App”).
- Herbalife Nutrition provides you with these guidelines solely to help you comply with your own privacy-related responsibilities. You remain responsible for identifying and complying with any privacy compliance responsibilities that you may have under privacy laws, rules and regulations applicable in your jurisdiction. If you have business in the EU, you may also find it helpful to refer to Herbalife Nutrition’s guide: “GDPR In A Nutshell, Your Practical Guide”, available at MyHerbalife.

What You Need To Know

- **Your Role and Responsibilities** – As an Associate, you are the responsible data controller for the collection, processing and use of personal data of your customers, prospects and other individuals in connection with the distribution of Herbalife Nutrition products and the use of websites, apps or other channels that you offer to such individuals, including WLM Apps (“Customers”). Herbalife Nutrition does not receive any data in connection with WLM Apps and does not make any decisions regarding the processing of such data. Therefore, Herbalife Nutrition has no responsibility with regard to the WLM App Customers’ privacy.
- **Privacy Notice** – You should ensure that Customers are provided with the Associate Privacy Policy (see **Appendix A**) prior to or at the time of the collection of their personal information. This can be done by presenting the Associate Privacy Policy (1) on the WLM App, or (2) in the sign-up form that Customers complete to participate in WLMs, as applicable. The Associate Privacy Policy invites your Customers to contact you directly about privacy queries. Where possible, please make the Associate Privacy Policy available on any website you use to sell Herbalife Nutrition products or otherwise interact with Customers.
- **Contact Details** – To ensure your Customers can contact you about your privacy practices, you should include your **full name or store name and contact details** (address, telephone number, email address) on your website, app or other channels through which you interact with Customers about Herbalife Nutrition products.
- **Consent** – You should use the Consent Form (see **Appendix B**) for the processing of your Customers’ data in connection with WLMs.
 - You should (1) make the Consent Form available at the time you collect WLM data from your Customers, (2) provide an option to cancel participation in the WLM if a Customer does not consent, and (3) appropriately log and maintain proof that Customers consented to the processing of their personal data on the WLM App.
 - If you have already collected WLM data without having collected Customers’ consent, you should take steps as soon as possible to collect missing consents. For this purpose, you should use the Retroactive Consent Form (see **Appendix C**).
- **Sensitive Data** – In connection with the WLM App, you collect information that may be considered sensitive data in some jurisdictions, such as Customers’ weight, height, BMI, body measurements, sleep, nutrition, and weight loss results. You are responsible for verifying whether any additional requirements (such as additional



notice and consent) apply to the collection and use of sensitive data in your country and for implementing any additional requirements.

- **Purpose Limitation** – Use of personal data beyond the original purpose for collection is subject to restrictions in many countries. Accordingly, the use of WLM data for purposes other than running the WLM program may require additional consent from Customers, unless the further usage is compatible with WLM.
- **Data Minimization** – Where possible, WLM data should be used in an aggregated or anonymized format, unless you have a specific reason for processing WLM data in a way that identifies your Customers.
- **Storage Limitation** – You should ensure that sensitive data, such as weight, height, BMI, body measurements, sleep data, nutrition information, and personal transformation results, are deleted within fourteen (14) days of completion of the WLM. In general, all other Customer personal data will be deleted within ninety (90) days of completion of the WLM, unless applicable law permits further storage of the data or requires earlier deletion of the data. You should not retain any WLM data in a way that identifies a Customer for a period of time that is longer than necessary to satisfy the purpose for which the data was collected. You also should ensure the WLM App deletes and/or you delete personal data from third party systems if a Customer deletes or uninstalls the app and no longer participates in WLMs.
- **Data Subject Rights** – Depending on the country in which you or your Customers are located, your Customers may have certain rights such as to access, correct or delete their personal data. You should have a process in place to promptly respond to these requests in a timely manner, typically within a month from receipt, unless a shorter period is required by applicable law. You should ensure that third parties to whom you have disclosed WLM data, or otherwise have access to such data, can assist you as necessary.
- **Data Transfers** – Many countries, including the EU and the UK, have data transfer restrictions. If you or any third party (such as the website or app developer) transfer WLM data outside a country with data transfer restrictions, you should ensure that the transfer complies with applicable legal requirements.
- **Data Processing Agreement / Security** – If you engage third parties independently that may have access to or otherwise process WLM data, you should enter into a data processing agreement requiring the third party to follow appropriate data security practices, and to tell you promptly of any data breaches, as required by applicable law.
- **DPA Registration Requirements** – As a data controller, you must register the collection of personal information with the Data Protection Authority (“DPA”) in your jurisdiction where such registration is required by applicable law (including but not limited to Ukraine).

What You Should Do

- **Disclosures** – Ensure that you use appropriate disclosures in connection with your use of the WLM App, including the Associate Privacy Policy and the sample consent forms.
- **Assessment** – Consider privacy issues from the outset, when you are examining what data to collect for the WLM program. WLM data may be considered sensitive data in some countries, and require additional notice and consent.
- **Training** – Review the additional training materials that Herbalife Nutrition offers on data protection topics. If you have business in the EU, for an overview of the EU General Data Protection Regulation (“GDPR”), please read “GDPR In A Nutshell, Your Practical Guide”, “GDPR Checklist”, “GDPR FAQs” on MyHerbalife.



Appendix A

Associate Privacy Policy

[Associate Member to Insert date]

This Associate Member Privacy Policy sets out the types of personal information that, as an independent Herbalife Nutrition AssociateMember, I collect about my customers, prospective customers and visitors to my website(s) and application(s), and the purposes for which I use that information. Any changes to this Policy will be posted on this site. Please note that this policy only applies to my customer-facing websites and applications where this policy is posted, such as GoHerbalife.com and HerbalifeGO, and my activities related to your personal information. I am the data controller of this information and I may be reached using the contact information posted on the website and/or application.

This Policy does not apply to Herbalife International of America, Inc.'s and its affiliate entities' (collectively, "Herbalife Nutrition") collection or use of personal information.

What information might be collected by me?

Information collected directly from you includes your name, email address, phone number, mailing address, and billing information; for example, when you fill out a form to request information about Herbalife Nutrition products or when you submit information to make a purchase on my website.

To the extent you participate in competitive challenges, such as weight loss challenges, body transformation challenges, or marathons, your participation is voluntary. When you participate in such competitive challenges, additional information collected directly from you includes your photo, country, team created (if applicable), status (active/inactive) and other team information (such as name and Associate Member ID of captains and supervisors), as well as the information that you enter about you and your team's weight, height, BMI, body measurements, sleep, nutrition, weight loss results, weight loss statistics, reports and insights generated through your use of the app. Some of this personal information may reveal health information and, therefore, be sensitive data in some jurisdictions.

While the personal information you choose to provide is voluntary, certain personal information may be necessary to provide you with the relevant product or service. If you choose not to provide certain information, or if you provide inaccurate information, this may affect my ability to provide you with certain products or services.

[Associate Member to include if relevant: When you visit my website and/or application and use its services, I may obtain certain information by automated means, such as cookies, local storage, web beacons, pixels, and other technologies. The information I obtain in this manner includes your IP address, domain name, identifiers associated with your devices, device and operating system type and characteristics, web browser characteristics, language preferences, clickstream data, logs of your interactions with my website, application and/or email (such as the web pages you visit, links you click and features you use), the pages that led or referred you to my website and/or application (including user name and identifiers related to such webpages), date/time stamp, and other information about your use of my website, application and/or emails. For more information on the use of cookies and similar technologies on this website and/or application, see the Cookie Policy.]

[Associate Member to include if relevant: In addition, my website and/or application uses a chatbot to provide automated user assistance. A chatbot is a computer program that communicates with you, using text on a digital message interface and artificial intelligence. The chatbot is operated by a third-party chatbot service provider. This service provider will receive and maintain message logs on my behalf. Message logs contain user information (including your username) and information regarding your interactions with the chatbot (including the chat identification number, content of your messages, together with responses to those messages and any outcome from those messages).]

**What is the lawful business purpose for collecting this information?**

Through my websites and apps, I collect personal information for the following legitimate business purposes, as permitted by applicable law:

- To prepare and perform an agreement with you, including:
 - to process your product orders
 - to deliver or arrange delivery of your products
 - to provide you with advice and follow-up services
 - to handle product returns or warranty claims
 - for payment purposes
- To meet my legal obligations, such as:
 - for accounting and tax purposes;
 - to conduct product call-back operations; and
 - to respond to requests for information by competent public bodies and judicial authorities.
- For my legitimate business purposes, such as:
 - to allow me to fulfil my obligations toward Herbalife Nutrition, including obligations under the Herbalife Nutrition sales and marketing plan
 - to resolve any queries you may have
 - to improve my services to you and to protect the integrity and security of my services
 - to conduct quality checks
 - to enforce Herbalife Nutrition's Independent Associate Member Rules of Conduct and my, or Herbalife Nutrition's rights
 - to organize a defence of any legal rights I may have
 - to provide you with information and advertising about Herbalife Nutrition's products, my services, and special offers
- On the basis of your consent:
 - for the use of your personal information, including sensitive data, in connection with competitive challenges, to allow you to participate in related activities, to provide you with products and services that are related to the challenges (including responding to your questions and providing other support services), and to generate statistics, reports and insights
 - to understand and improve the challenges and the use of Herbalife® Nutrition products and services
 - to collect health related information necessary to make Herbalife® Nutrition product recommendations, monitor progress and provide tailored advice
 - for the use of your e-mail address or telephone number in connection with the marketing of Herbalife® Nutrition products and services and related products and services

You can withdraw your consent at any time by letting me know directly using my contact information provided on my website and/or application, or, in the case of marketing communications, by following any opt-out instructions that I may provide in the communication.

How long will I retain this information?

I retain your information only for as long as required for the purposes for which it was collected or as required or permitted by applicable law. When you enter into a relationship with me, I will retain your information for the duration of our relationship, plus a reasonable period to comply with the applicable statute of limitation periods and records retention requirements under applicable law.

How is this information protected?

Administrative, technical and physical safeguards are implemented to protect personal information against accidental, unlawful or unauthorized destruction, loss, alteration, access, disclosure or use.

**With whom do I share your personal information?**

Relevant personal information will be shared with:

- Herbalife Nutrition for the purposes of product order fulfilment, operating the business and its websites, quality checks, compliance with relevant laws, and the administration of its sales and marketing plan
- My professional advisors such as accountants and tax advisors
- Other vendors who help me manage my Herbalife Nutrition business, such as email delivery services, app and website developers and other technology providers
- Logistics service providers
- Other Herbalife Nutrition Members Associates under the Herbalife Nutrition sales and marketing plan
- Other parties as required by law, or to comply with a subpoena, legal proceedings, or similar legal or judicial process or arbitration, including disclosure to authorized third party auditors or governmental authorities, or to investigate or prevent fraud.

Herbalife Nutrition will use the information I provide to them in accordance with its privacy policy, which you can view by visiting <https://www.herbalife.com/privacy-policy> and selecting your country.

What are your rights with respect to this personal information?

- Depending on your jurisdiction, you may have various rights with respect to your personal information. Subject to applicable laws, you may have the right to access your personal data (including to obtain confirmation that I process your personal information and information about the sources, location and categories of recipients of your personal information), correct it as necessary to ensure it is up-to-date, restrict certain kinds of processing, object to certain kinds of processing (such direct marketing) and any decisions made about you arising from processing exclusively through automated means, and the right to data portability (if you wish your information to be sent to another party). You also may have the right to have your personal information anonymized, blocked or erased in certain cases (subject to applicable laws).
- If you do not want to receive advertising by e-mail or SMS, you may opt-out of such communications.
- If you have concerns about my collection and use of your personal information that cannot be resolved to your satisfaction, you have the right to file a complaint with the competent Supervisory Authority if available in your jurisdiction.

If you have additional questions about this policy and my practices, or if you have complaints about my use of your personal information, please contact me as described below.

How will I transfer information?

I will not transfer your personal information, including to the categories of data recipients listed above, outside of the country in which the information originally was collected except (1) with your specific, informed and explicit consent, which you may withdraw at any time, and/or (2) where I have implemented appropriate safeguards to help ensure that your personal information is protected as described in this Policy and transferred in accordance with applicable law. If you need more information about data transfers, contact me as described below.

How will you know if this policy is updated?

This policy may be amended from time to time. I recommend that you visit my website periodically to be aware of the latest version of this policy.

How can you contact me?

You can contact me by using the contact information provided on my website and/or application.



Appendix B

Consent Form

☐ I would like to participate in weight loss marathons, and I expressly consent to **[Associate to insert name]**'s collection, use and processing of my personal information, and the disclosure of my personal information to Bot Authority Ltd. and its sub-processors, including my name, contact information, photos and data that may be considered sensitive in some jurisdictions, such as weight, height, BMI, body measurements, sleep, nutrition, and weight loss results, for the purposes of participating in weight loss marathons and generating statistics, reports and insights. The personal information may be transferred to other jurisdictions, which may not have the same data protection laws as the country in which you provided the information. I can withdraw my consent at any time and exercise my rights as described in the Associate Privacy Policy. I understand that weight loss marathons run in Telegram, which operates independently from **[Associate to insert name]**. The privacy practices of Telegram, including details on the information they may collect or process about me, are subject to the privacy statements of Telegram. **[Associate to insert name]** is not responsible for Telegram's information practices.



Appendix C

Retroactive Consent Form

We love that you have joined our weight loss marathons, and we want to make sure you would like to continue to participate. Please click below to consent to our continued use of personal information to facilitate your participation in weight loss marathons. If we don't hear back from you within 30 days, we will assume you no longer want to participate in our weight loss marathons. If you change your mind, you can download the app again and start a new account.

☐ I would like to continue to participate in weight loss marathons, and I expressly consent to [Associate to insert name]'s collection, use and processing of my personal information, and the disclosure of my personal information to Bot Authority Ltd. and its sub-processors, including my name, contact information, photos and data that may be considered sensitive in some jurisdictions, such as weight, height, BMI, body measurements, sleep, nutrition, and weight loss results, for the purposes of participating in weight loss marathons and generating statistics, reports and insights. The personal information may be transferred to other jurisdictions, which may not have the same data protection laws as the country in which you provided the information. I can withdraw my consent at any time and exercise my rights as described in the Associate Privacy Policy. I understand that weight loss marathons run in Telegram, which operates independently from [Associate to insert name]. The privacy practices of Telegram, including details on the information they may collect or process about me, are subject to the privacy statements of Telegram. [Associate to insert name] is not responsible for Telegram's information practices.

☐ I no longer want to participate in weight loss marathons.