

Chapter 12 Privacy and Data Protection

Unless otherwise indicated, Herbalife collects, uses and shares “Personal Information” (e.g., your first and last name, mailing address, city, county, zip code, telephone number, email address, credit card, and banking information) in accordance with its Privacy Policy located at https://www.myherbalife.com/ed/en-gb/pages/public/privacy_policy.html.

Because of the unique nature of multi-level marketing, Distributors may receive Personal Information about others directly from Herbalife, such as information regarding other Distributors and Preferred Customers in a Distributor’s downline, or Customers or referrals who express interest in Herbalife products or services, or individuals who use our online properties and mobile applications (“Sites”). (The downline organization consists of all Distributors and Preferred Customers that were personally sponsored by a particular Distributor, and in turn, all other persons sponsored by the subsequent Distributors.) Once Herbalife provides Personal Information to a Distributor, he or she is responsible for it and must keep it strictly confidential.

Distributors may only use this Personal Information as a data controller to develop their Herbalife business relationship with their downline, Customers or referrals.

Distributors may only use this Personal Information for other purposes if they have informed the individual and have secured a proper legal basis for this additional use. Examples of proper legal basis for use are:

- consent from the person,
- your compliance with a legal obligation,
- your execution of a contract with the person (such as an agreement to sell them products), or
- your legitimate business interest, provided this interest is not outweighed by the privacy interest of the person.

The use of data for marketing purposes requires express consent of the individual.

One way that Herbalife shares information with Distributors is through Lineage Reports. These reports contain information regarding other Distributors and Preferred Customers within a Distributor’s downline, such as their name and contact information, their Herbalife Identification Number, and business metrics such as their level or rank, volume and sales statistics. Lineage Reports are provided to Distributors in the strictest confidence and for the sole purpose of supporting the Distributors in further developing their Herbalife businesses. Lineage Reports, including all Personal Information and other data contained therein, constitute confidential, proprietary trade secrets of Herbalife.

Distributors may not collect, distribute or gather confidential information or personal or aggregate information about other Herbalife Distributors, their Customers or the Preferred Customers, except in connection with their downlines and solely for the purposes of promoting their Herbalife businesses, and to manage, motivate and train their downlines.

Distributors may also collect Personal Information from individuals directly or by other means, such as when they collect contact and payment information from Customers to process product orders. Distributors must abide by applicable privacy and data protection laws, including international data transfer restrictions, with respect to all Personal Information obtained by Distributor (from Herbalife or otherwise) in connection with the Distributor’s Herbalife business. In the event a Distributor collects Personal Information and/or shares Personal Information it collects with Herbalife, the Distributor agrees to provide all necessary notices and obtain all necessary consents under applicable law. Distributors may not use Personal Information for purposes other than the specific purpose in which it was collected, unless the individual has explicitly authorized them to do so or unless they have other proper legal basis for this additional use as pointed out above.

In addition, it is the Distributor’s responsibility to maintain the security of all Personal Information that he or she receives and to retain such information only for as long as required for the purposes for which it was collected or as required by law, whichever is longer.

Moreover, depending on applicable laws, individuals may have various rights with respect to their Personal Information, such as a right of access, rectification, restriction of or objection to processing, portability to another controller, and erasure. These rights are subject to limitations set out in law.

Please be aware that privacy and data protection laws often have stricter consent, security, and retention requirements for special categories of Personal Information, such as health and wellness data, biometric data, and data relating to children/minors. For example, Distributors may collect information related to health and

wellness such as body weight and measurements and lifestyle (e.g., in connection with Wellness Evaluations or contests, such as Sweepstakes, Weight Loss Challenges, and Body Transformation Challenges) only if it has obtained express consent to do so, and such consent may be withdrawn by the individual at any time.



[What is Privacy](#)

[What is Data Security](#)



[What you Need to Know: What is Privacy](#)

[What you Need to Know: What is Data Security](#)



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