

Privacy policy

1. person in charge

The controller within the meaning of the General Data Protection Regulation (GDPR) and other national data protection laws of the member states as well as other data protection regulations is:

Gymersive - Pascal Nobereit Rheinstraße 35 27570 Bremerhaven Germany

+49 176 31 577 055 email@pascalnobereit.de

2. general

2.1 Scope of the processing of personal data

As a matter of principle, we only process your personal data to the extent that this is necessary to provide a functioning website and app as well as our content and services. Your personal data is regularly processed only with your consent. An exception applies in cases where obtaining prior consent is not possible for actual reasons and the processing of the data is permitted by law.

2.2 Legal basis for the processing of personal data

Unless the legal basis is stated in our privacy policy, the processing of personal data is based on the following legal bases:

Insofar as we obtain your consent for processing operations of personal data, Art. 6 para. 1 lit. a EU Data Protection Regulation (DSGVO) serves as the legal basis.

When processing personal data that is necessary for the performance of a contract to which you are a party, Art. 6 (1) lit. b DSGVO serves as the legal basis. This also applies to processing operations that are necessary for the implementation of pre-contractual measures.

Insofar as the processing of personal data is necessary for the fulfillment of a legal obligation to which our company is subject, Art. 6 (1) lit. c DSGVO serves as the legal basis.

In the event that vital interests of you or another natural person require the processing of personal data, Art. 6 (1) lit. d DSGVO serves as the legal basis.

If the processing is necessary to protect a legitimate interest of our company or a third party and your interests, fundamental rights and freedoms do not outweigh the first-mentioned interest, Art. 6 (1) lit. f DSGVO serves as the legal basis for the processing.

2.3 Data deletion and storage period

Unless otherwise specified in our Privacy Policy in the following sections regarding data deletion and retention period, the following shall apply:

Your personal data will be deleted or blocked as soon as the purpose of storage no longer applies. Storage may also take place if this has been provided for by the European or national legislator in Union regulations, laws or other regulations to which the responsible party is subject. Blocking or deletion of the data will also take place if a storage period prescribed by the aforementioned standards expires, unless there is a need for further storage of the data for the conclusion or performance of a contract.

2.4 Marketing and promotion of our offer

We may use Personal Data to provide customized content and advertising as permitted by applicable law. This may include email campaigns and personalized and Custom Audience advertising. However, we will not use or share health and fitness data for advertising or marketing.

3. data that you enter yourself in the app

3.1 Description and scope of data processing

If you decide to register, you will need to provide your email address including a password of your choice to authenticate yourself.

To generate a training plan tailored to your needs, we need the following information from you:

(1) training frequency (2) training duration (3) muscle focus (4) periodization preferences

Furthermore, we store certain training data in order to a) present training progress to you and b) provide you with appropriate progression recommendations. This training data includes, for example, the following:

(1) Set count (2) Repetition count (3) Weight (4) Reps in reserve (5) Notes

In order for us to suggest exercises and parameters, you also have the possibility to enter the following information:

(1) Gender (2) Training experience (3) Body weight and height

3.2 Legal basis for data processing

The legal basis for the processing of personal data that you enter yourself in the app is Art. 6 (1) lit. b DSGVO, as the collection of this data serves in the context of the performance of a contract to which the user is a party or the implementation of pre-contractual measures.

3.3 Purpose of the data processing

We store data that you enter yourself in the app,

(1) to authenticate your access to your App account; (2) to generate a customized workout plan for you; (3) to provide you with appropriate progression recommendations; (4) to display your workout progress; (5) to display your workout duration and date; (6) to respond to your inquiries, conduct research, and resolve service issues; (7) to fulfill our business needs; (8) to improve and analyze the performance and use of our App; (9) to conduct research to further develop our products and provide you with an even better experience when using the App

Your data will be processed by us in accordance with all applicable laws and regulations and to fulfill our obligations.

If we deem it necessary to investigate possible fraud or other violations of our TOS or this Privacy Policy, we will process your data.

3.4 Duration of storage

The data will be deleted as soon as they are no longer required to achieve the purpose for which they were collected. This is the case, for example, when you delete your account.

3.5 Possibility of objection and removal

If you delete your account, all your data will be deleted.

If storage is legally necessary, a deletion request will not affect the data.

4. provision of the app and creation of log files

4.1 Description and scope of data processing

To use this app, you must be registered with the App Store or Google Play Store and provide them with your relevant personal information such as name, email address, account customer number, time of download, payment information, and individual device identification number.

We have no influence on this data collection and are not responsible for it. We process this data only insofar as it is necessary for the execution of the contract.

In order for you to use the app and for us to improve the app in the future, we collect the following data when you install the app on your mobile device:

(1) login data of your mobile device (including the device ID) (2) IP address anonymized (3) date and time of the call, time zone difference to Greenwich Mean Time (GMT), access jams/http status code (4) transmitted data volumes, messages about successful transmissions to your mobile device (5) data that you generate by using the app, namely the pages you call up and entries, for example in search

The data is stored separately from all other personal data provided by you.

4.2 Legal basis for data processing

The legal basis for the processing of this data is Art. 6 para. 1 lit. f DSGVO.

4.3 Purpose of the data processing

Our legitimate interest in data processing according to Art. 6 (1) lit. f DSGVO is that the data is technically necessary for us to offer you the functions of our app and to ensure stability and security.

4.4 Duration of storage

As soon as the data is no longer required to achieve the purpose for which it was collected, it is deleted. This is the case after 7 days at the latest, if the data is stored in log files. A storage of your data beyond this is possible. In this case, your IP address will be deleted or alienated.

4.5 Possibility of objection and elimination

The collection of data for the provision of the app and the storage of the data in log files is mandatory for the operation of the app. You therefore do not have the option to object.

5. establishment of a contractual relationship

5.1 Description and scope of data processing

When you subscribe to the Pro version or Starter version, we store the start and end dates and transmit this data to the App Store or Play Store. When you complete the subscription via the app, your data is collected directly by the App Store or Play Store for payment processing.

Apple's privacy policy can be found here: <https://apple.com/de/privacy>

Google's privacy policy can be found here: <https://policies.google.com/privacy>

5.2 Legal basis for data processing

The legal basis for the processing of personal data is Art. 6 para. 1 lit. b DSGVO, as the processing of this data serves in the context of the performance of a contract to which the user is a party.

5.3 Purpose of the data processing

We process the data so that the Pro version can be successfully activated and deactivated and the correct amount can be transferred with your deposited payment method.

5.4 Duration of storage

The data is deleted from our app as soon as it is no longer required to achieve the purpose for which it was collected.

Please also read Apple's or Google's privacy policy, as the retention period of your data by Apple or Google is explained within their privacy statements.

Apple's privacy policy can be found here: <https://apple.com/de/privacy>

Google's privacy policy can be found here: <https://policies.google.com/privacy>

5.5 Possibility of objection and elimination

The processing of the data is mandatory for the activation and deactivation of the Pro version or Starter version and the correct billing. You therefore have no possibility to object.

6. provision of the website and creation of log files

6.1 Description and scope of data processing

Each time our website is called up, our system automatically saves data from the operating system of the calling end device in so-called server log files.

The following data is collected:

(1) your browser type and version (2) your operating system (3) your internet service provider (4) your IP address (5) the date and time of your access (6) websites from which your system accessed our website (7) websites accessed by your system through our website

Option 2: The log files do not contain any IP addresses or other data that allow them to be assigned to you.

The data is also stored in the log files of our system. Not affected by this are your IP addresses or other data that allow the data to be assigned to you. A storage of this data together with your other personal data does not take place.

6.2 Legal basis for data processing

The legal basis for the processing of this data is Art. 6 para. 1 lit. f DSGVO.

6.3 Purpose of the data processing

Our legitimate interest in data processing pursuant to Art. 6 (1) lit. f DSGVO is that the data is technically necessary for us to provide you with the functions of our website and to ensure stability and security.

6.4 Duration of storage

As soon as the data is no longer required to achieve the purpose for which it was collected, it is deleted. This is the case after 7 days at the latest, if the data is stored in log files. A storage of your data beyond this is possible. In this case, your IP address will be deleted or alienated.

6.5 Possibility of objection and elimination

The collection of data for the provision of the website and the storage of the data in log files is mandatory for the operation of the website. You therefore do not have the option to object.

7. use of cookies

The first time you visit our site, you will see a cookie banner. Scripts and cookies from 9. and 10. will only be loaded or set after you have given your explicit consent.

Cookies are stored on your terminal device and transmitted from it to our site. Therefore, you as a user also have full control over the use of cookies. By changing the settings in your browser, you can disable or restrict the transmission of cookies.

You can delete already stored cookies at any time. This can also be done automatically. If you deactivate cookies for our website, it may no longer be possible to fully use all functions of the website.

8. google analytics

We use Google Analytics, a web analytics service provided by Google LLC ("Google"), for our website on the basis of our legitimate interests (i.e. interest in the analysis, optimization and economic operation of our online offering within the meaning of Art. 6 para. 1 lit. f. DSGVO) Google Analytics, a web analytics service provided by Google LLC ("Google"), for our website.

Google uses cookies. The information generated by the cookie about your use of the online offer is usually transferred to a Google server in the USA and stored there.

Google is certified under the Privacy Shield agreement and thereby offers a guarantee of compliance with European data protection law:

<https://www.privacyshield.gov/participant?id=a2zt000000001L5AAI>

Google will use this information on our behalf for the purpose of evaluating your use of our website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage. In doing so, a pseudonymous usage profile can be created from your processed data.

We only use Google Analytics with IP anonymization enabled. This means that your IP address is shortened by Google within member states of the European Union or in other contracting states of the Agreement on the European Economic Area. Only in exceptional cases will the full IP address be transferred to a Google server in the USA and shortened there.

The IP address transmitted by your browser is not merged with other data from Google. You can prevent the storage of cookies by selecting the appropriate settings on your browser software. In addition, you can prevent the collection of data generated by the cookie and related to your use of the online offer to Google, as well as the processing of this data by Google, by downloading and installing the browser plugin available at the following link: <https://tools.google.com/dlpage/gaoptout>

For more information on Google's use of data, settings and opt-out options, see Google's privacy policy and the settings for the display of advertisements by Google.

Google's privacy policy can be found here: <https://policies.google.com/privacy>

The settings for the display of advertisements by Google can be found here: <https://adssettings.google.com/authenticated>

Your personal data will be deleted or anonymized after 14 months.

9. facebook marketing services

We use the "Facebook Pixel" of the social network Facebook (Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland) on our website based on our legitimate interests in the analysis, optimization and economic operation of our online offering.

This allows us to track user behavior after users have been redirected to the provider's website by clicking on a Facebook ad. This allows us to measure the effectiveness of Facebook ads for statistical and market research purposes. The data collected in this way is anonymous to us, which means that we cannot view the personal data of individual users.

The data will be stored and processed by Facebook. Facebook can assign this data to your Facebook account and use it for its own advertising purposes in accordance with Facebook's privacy policy.

Facebook's privacy policy can be found here: <https://facebook.com/policy.php>

You can object to the collection of data by Facebook Pixel or the use of your data for the purpose of placing Facebook ads by contacting us at the following address: <https://facebook.com/settings?tab=ads>.

Facebook is certified under the Privacy Shield agreements and thus guarantees compliance with European data protection legislation (<https://www.privacyshield.gov/participant?id=a2zt000000001L5AAI>).

The legal basis for this processing is Art. 6 para. 1 lit. b and f DSGVO.

10. social media appearances

We use social networks and platforms for customer communication and information. On these platforms, the terms and conditions and privacy statements of the operators apply. We process your data when you contact us on these platforms.

11. youtube

On our website, we embed videos from the YouTube platform (Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA).

The provider's privacy policy can be found here: <https://google.com/policies/privacy>

12. your rights

The following list includes all your rights against the controller according to the GDPR. Rights that are not relevant to our website and app do not need to be mentioned. In this respect, the list can be shortened.

12.1 Right to information

You may request confirmation from the controller as to whether personal data concerning you is being processed by us.

If there is such processing, you can request information from the controller about the following:

(1) the purposes for which the personal data are processed; (2) the categories of personal data which are processed; (3) the recipients or whom the personal data concerning you have been or will be disclosed; (4) the planned duration of the storage of the personal data concerning you or, if specific information on this is not possible, criteria for determining the storage period; (5) the existence of a right to rectification or erasure of the personal data concerning you, a right to restriction of processing by the controller or a right to object to such processing; (6) the existence of a right to lodge a complaint with a supervisory authority (7) any available information on the origin of the data if the personal data are not collected from you; (8) the existence of automated decision-making including profiling pursuant to Art. 22 (1) and (4) DSGVO and - at least in these cases - meaningful information about the logic involved and the scope and intended effects of such processing for you.

You have the right to request information about whether the personal data concerning you is transferred to a third country or to an international organization. In this context, you may request to be informed about the appropriate safeguards pursuant to Art. 46 DSGVO in connection with the transfer.

12.2 Right to rectification

You have a right to rectification and/or completion vis-à-vis the controller if the personal data processed concerning you is inaccurate or incomplete. The controller shall carry out the rectification without undue delay.

12.3 Right to restriction of processing

Under the following conditions, you can request the restriction of the processing of personal data concerning you:

(1) if you contest the accuracy of the personal data concerning you for a period enabling the controller to verify the accuracy of the personal data; (2) the processing is unlawful and you object to the erasure of the personal data and request instead the restriction of the use of (3) the controller no longer needs the personal data for the purposes of processing, but you need it for the establishment, exercise or defense of legal claims; or (4) if you object to the processing pursuant to Art 21 (1) DSGVO and it has not yet been determined whether the legitimate grounds of the controller outweigh your grounds.

Where the processing of personal data concerning you has been restricted, such data may be processed, with the exception of their storage, only with your consent or for the establishment, exercise or defense of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or a Member State.

If the restriction of processing has been restricted in accordance with the above conditions, you will be informed by the controller before the restriction is lifted.

12.4 Right to deletion

a) Obligation to delete

You may request from the controller that the personal data concerning you be deleted without delay, and the controller is obliged to delete such data without delay, if one of the following reasons applies:

(1) The personal data concerning you are no longer necessary for the purposes for which they were collected or otherwise processed. (2) you revoke your consent on which the processing was based pursuant to Art. 6 (1) (a) or Art. 9 (2) (a) of the GDPR and there is no other legal basis for the processing. (3) you object to the processing pursuant to Art. 21 (1) DSGVO and there are no overriding legitimate grounds for the processing, or you object to the processing pursuant to Art. 21 (2) DSGVO. (4) The personal data concerning you have been processed unlawfully. (5) The erasure of the personal data concerning you is necessary for compliance with a legal obligation under Union or Member State law to which the controller is subject. (6) The personal data concerning you has been collected in relation to information society services offered pursuant to Article 8(1) of the GDPR.

b) Information to third parties

If the controller has made the personal data concerning you public and is obliged to erase it pursuant to Article 17(1) of the GDPR, it shall take reasonable steps, including technical measures, having regard to the available technology and the cost of implementation, to inform controllers that process the personal data that you, as the data subject, have requested that they erase all links to or copies or replications of such personal data.

c) Exceptions

The right to erasure does not exist insofar as the processing is necessary to

(1) for the exercise of the right to freedom of expression and information; (2) for compliance with a legal obligation which requires processing under Union or Member State law to which the controller is subject, or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; (3) for reasons of public interest in the field of public health pursuant to Art.9(2)(h) and (i) and Art. 9(3) DSGVO; (4) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes pursuant to Art. 89(1) DSGVO, insofar as the right referred to in section a) is likely to render impossible or seriously prejudice the achievement of the purposes of such processing; or (5) for the establishment, exercise or defense of legal claims

12.5 Right to information

If you have asserted the right to rectification, erasure or restriction of processing against the controller, the controller is obliged to notify all recipients to whom the personal data concerning you has been disclosed of this rectification or erasure of the data or restriction of processing, unless this proves impossible or involves a disproportionate effort.

You have the right to be informed about these recipients by the data controller.

12.6 Right to data portability

You have the right to receive the personal data concerning you that you have provided to the controller in a structured, commonly used and machine-readable format. You also have the right to transfer this data to another controller without hindrance from the controller to whom the personal data was provided, provided that

(1) the processing is based on consent pursuant to Art. 6 para. 1 lit. a DSGVO or Art. 9 para. 2 lit. a DSGVO or on a contract pursuant to Art. 6 para. 1 lit. b DSGVO and (2) the processing is carried out with the aid of automated processes

In exercising this right, you also have the right to have the personal data concerning you transferred directly from one controller to another controller, insofar as this is technically feasible. The freedoms and rights of other persons must not be affected by this.

The right to data portability does not apply to processing of personal data necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

12.7 Right of objection

You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data concerning you that is carried out on the basis of Art. 6(1)(e) or (f) DSGVO; this also applies to profiling based on these provisions.

The controller shall no longer process the personal data concerning you unless it can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or for the establishment, exercise or defense of legal claims.

If the personal data concerning you is processed for the purpose of direct marketing, you have the right to object at any time to the processing of personal data concerning you for the purpose of such marketing; this also applies to profiling, insofar as it is related to such direct marketing.

If you object to processing for direct marketing purposes, the personal data concerning you will no longer be processed for these purposes.

You have the possibility, in connection with the use of information society services - notwithstanding Directive 2002/58/EC - to exercise your right to object by means of automated procedures using technical specifications.

12.8 Right to revoke the declaration of consent under data protection law

You have the right to revoke your declaration of consent under data protection law at any time. The revocation of consent does not affect the lawfulness of the processing carried out on the basis of the consent until the revocation.

12.9 Automated decision in individual cases including profiling

You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you. This does not apply if the decision

(1) is necessary for the conclusion or performance of a contract between you and the controller, (2) is permitted by legal provisions of the Union or the Member States to which the controller is subject and these legal provisions contain appropriate measures to protect your rights and freedoms as well as your legitimate interests, or (3) is carried out with your express consent

However, these decisions may not be based on special categories of personal data pursuant to Article 9(1) of the GDPR, unless Article 9(2)(a) or (g) of the GDPR applies and appropriate measures have been taken to protect the rights and freedoms and your legitimate interests.

With regard to the cases referred to in (1) and (3), the controller shall take reasonable steps to safeguard the rights and freedoms of, and the legitimate interests of, the data subject, which shall include, at least, the right to obtain the intervention of a person on the part of the controller, to express his or her point of view and to contest the decision.

12.10. Right to complain to a supervisory authority

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your residence, place of work or the place of the alleged infringement, if you consider that the processing of personal data concerning you infringes the GDPR.

The supervisory authority to which the complaint has been lodged shall inform the complainant of the status and outcome of the complaint, including the possibility of a judicial remedy under Article 78 GDPR.

13. amendment of the privacy policy

We reserve the right to change or adapt this data protection declaration at any time in compliance with the applicable data protection regulations.

The last change to this privacy policy was made on October 13, 2022.