

KENT REAL ESTATE II, L.P.

PRIVACY POLICY

Effective Date: January 1, 2021

KENT REAL ESTATE II, L.P. (“Hill Country Indoor,” “HCI,” “we,” “us,” or “our,”) respects the privacy of our customers and visitors (“you” or “your”). This privacy policy (“Privacy Policy”) governs the websites we and our affiliates, subsidiaries and related entities operate.

Privacy Policy

We are committed to making commercially reasonable efforts to protect the privacy of our applicants, customers, prospective customers, visitors and website visitors.

We collect personal information only as reasonably necessary for us to provide services to our customers and visitors. Personal information is data that can be used to directly or indirectly identify an individual. This Privacy Policy is intended to inform you of the personal information that we collect, use, and share (collectively, “process”), why we process this information, and the ways in which we will protect this information. For certain persons located in the European Economic Area (“EEA”), as and only if applicable, HCI is the data controller responsible for your personal data.

Our website(s) and software applications may contain links to our sponsors, preferred equipment suppliers, preferred vendors, or other sites for other entities or businesses that are not directly affiliated with HCI. Hill Country Indoor also maintains multiple social-networking sites to which our customers, prospective customers and visitors have access. HCI has no control over, and therefore disclaims any responsibility for the information displayed, collected or stored by, and the privacy practices of these sites. We encourage you to review the data collection and retention policies as well as the privacy statements of those particular social media sites.

Personal Information We Collect Directly

We receive and store any information you provide only in relation the services we provide and those we intend to develop, such as when you submit an application, book a class or workout session, communicate with us via phone or email, participate in surveys, or provide information to your online account. If you decline to give us such personal information, we may not be able to adequately provide you with our services, assist you with account management or membership maintenance, or respond to any communications regarding the same.

Information Submitted by Membership Applicants: In order for HCI to review and process a membership application, we collect information that includes your name, your physical address, your social security number, your date of birth, your telephone number(s) and email address, and your credit card information. This information will be used to identify and consider an application for membership, to authorize your use of our facilities for one or more sporting or fitness activities, and to identify and contact the primary account holder for anything related to your account or its management or maintenance.

Information Collected from Prospective Members and Visitors: We may also request contact information from prospective members or visitors who visit or call our facility. The information we collect may be retained by HCI and its affiliates in order to operate and manage our services, and to develop new services. Such information may include the name, address, email address and telephone number of any prospective member or visitor, and may be used to contact any prospective member or visitor and inform the same of news updates, and/or membership or activity or service promotions.

For persons located in the EEA, we will have a valid basis to process your personal information if we need to process your information or application in order to provide you with the service you have requested; or for data analytics, enhancing or improving our services, or identifying usage trends related to the service requested.

Personal Information We Collect Indirectly

IP Addresses: We collect your IP address when you visit our websites to help us administer these websites, and diagnose problems.

First and third-party cookies: To enable our systems to recognize your browser or device and to provide our services to you, we use cookies, web beacons and similar tracking technologies. A “cookie” is a small text file that a website places on your computer’s hard drive to collect information about your activities on the site, to keep your account secure, to help us enhance your experience when using our website, and to gain insight on how to better serve our website users.

We use both first and third-party cookies on our website. First-party cookies are those set by us, but third-party cookies are set from a domain different from the domain of the website you are visiting for our advertising and marketing platforms. We use cookies to assist with your navigation of our website; to monitor interactions on our website, including particular features on our website; to remember your site preferences; and to promulgate and send advertisements to you based on your preferences, thereby providing you with a personalized marketing experience.

We may also use Local Shared Objects, sometimes called “flash cookies,” to store information relating to your use of our websites on your computer’s hard drive to personalize and enhance your experience.

We classify cookies into the following categories:

1. **Strictly Necessary Cookies.** These cookies are necessary for the website to function and cannot be disabled.
2. **Analytical/Performance Cookies.** These cookies are used to allow us to recognize and maintain logistical data, including the number of visitors that reach our website. These cookies assist us in improving our website functionality and response times.
3. **Functionality Cookies.** These cookies are used to recognize users when they return to our website, so we can personalize content and remember their preferences. If you choose to disable these cookies, we will not be able to automatically set your preferences when you visit our site (e.g., your preferred language or activity program).
4. **Targeting Cookies.** These cookies are set through our website by our marketing partners. These partners may use information obtained through these cookies about your visits to our website and other websites, in combination with information about your purchases and interests in order to provide advertisements about goods and services that appear relevant to you based on those visits and activity.
5. **Exercising Choices Regarding Analytics and Advertising.** HCI may use Google Analytics, Adobe Analytics or other website providers for analytics services. These analytics services may use cookies and other tracking technologies to help us analyze how users use our websites. Information generated by these services (e.g., your IP address and other online data) may be transmitted to, and stored by Google Analytics, Adobe Analytics and other website providers on servers in the U.S. (or elsewhere), and these website providers may use this information for purposes such as evaluating your use of our website, compiling statistic reports on our website’s activity, and providing other services relating our websites’ activity and other Internet usage. We only retain aggregated data from Google Analytics and Adobe Analytics.

You may exercise choices regarding the use of cookies from Google Analytics by going to <https://tools.google.com/dlpage/gaoptout> or downloading the Google Analytics Opt-out Browser Add-on. You may exercise choices regarding the use of cookies from Adobe Analytics by going to <http://www.adobe.com/privacy/opt-out.html> under the section labeled “Tell our customers not to measure your use of their websites or tailor their online ads for you.”

We may engage and work with third parties to create advertisements for our websites, and/or on Third Party Services, and to provide analytics about the performance of our ads. Some information about your browsing of our website and certain Third Party Services may be collected across time and services and shared with third parties to deliver ads and/or other content to you on our websites and certain Third Party Services. We may receive information about Third Party Services that you have visited and use it for marketing purposes—a practice sometimes termed “(re)-targeting,” “interest-based advertising,” and “online behavioral advertising” (collectively, “Interest-based Ads”). We may participate in online advertising networks and exchanges that display Interest-based Ads to you on the websites of Third Party Services. These entities may use cookies and other tracking technologies to automatically collect information about you and your activities, such as registering a unique identifier for your device and tying that to your online activities on and off of our website. Certain companies we work with to serve Interest-based Ads participate in the Digital Advertising Alliance (“DAA”) AdChoices Program and may display within the ads an Advertising Option Icon for Interest-based Ads that links to an opt-out tool which allows you to exercise certain choices regarding targeting. You can learn more about the DAA AdChoices Program at <http://www.youradchoices.com/> and its opt-out program for mobile apps at <http://www.aboutads.info/appchoices>.

In addition, certain advertising networks and exchanges we work with to serve Interest-based Ads may participate in the Network Advertising Initiative (“NAI”). NAI has developed a tool that allows consumers to opt out of certain

Interest-based Ads delivered by NAI members' ad networks. To learn more about opting out of such targeted advertising or to use the NAI tool, see <http://www.networkadvertising.org/choices/>.

Even if you are able to opt out of certain kinds of Interest-based Ads, you will continue to receive non-targeted ads. Further, opting out of one or more NAI or DAA members only means that those selected members should no longer, under the DAA / NAI rules, deliver certain targeted ads to you. This selective opting out will affect our websites and other services but does not mean you will no longer receive any targeted content and/or ads (e.g., from other ad networks).

Also, if your browsers are configured to reject cookies when you visit this opt-out page, or you subsequently erase your cookies, use a different device or web browser(s), or use a non-browser-based method of access (e.g., mobile app), your NAI / DAA browser-based opt-out may not, or may no longer, be effective. Mobile device opt-outs will not affect browser-based Interest-based Ads even on the same device, and you must opt-out separately for each device.

HCI is not responsible for the effectiveness of, or compliance with, any third-parties' opt-out options or programs or the accuracy of their statements regarding their programs. However, we support the ad industry's 2009 Self-regulatory Principles for Online Behavioral Advertising (<http://www.iab.net/media/file/ven-principles-07-01-09.pdf>) and expect that ad networks we directly engage to serve you Interest-based Ads will do so as well, though we cannot guarantee their compliance.

How to Disable Cookies. Some cookies are required for our website to function, as outlined above, and disabling them may prevent you from using certain aspects of our site. However, to protect your privacy, you may choose to change your browser settings to disable non-essential cookies. The "Help" feature on most browsers provides instructions on how to prevent your browser from allowing new cookies and how to disable cookies. For more information regarding cookies, please see www.aboutcookies.org or www.allaboutcookies.org.

Sharing Personal Information. HCI does not sell personal information; however, certain circumstances may require us to share your information.

- 1. Service Providers and Storage of Information:** We use affiliates and third-party service providers to assist us in our business, and our website may include functionality that allows certain kinds of interactions between our website, or the website of our affiliates, including third-party independent service providers, and an outside, third-party website, platform, tool, application or other service, and access or display of third-party content via our website ("Third Party Services"). These affiliates and third-party service providers collect personal information (such as eCommerce information) in connection with online payments, process payment transactions, facilitate communications, perform website analytics, utilize online targeted advertising and perform other services related to our business. Our affiliates may use your personal information for business planning purposes. Service providers are only permitted to use your information for their own purposes if that information is aggregated, statistical and de-identified, or if they have your consent.
- 2. Advertisers:** We share our customer data and website usage information about our members, visitors and applicants with selected third-parties for the purpose of targeting internet advertisements on our website and other websites that display our advertisements. Read more about *Exercising Choices Regarding Analytics and Advertising* above.
- 3. Sale, Restructuring, Corporate Consolidation, and Finance:** If HCI enters into a business transaction with another party that involves the sale, transfer, or merger of all or a part of our business, or involves granting security over all or part of our business, HCI may disclose your personal information to the other party only for the purposes of the pending business transaction.
- 4. Law enforcement of legal requests:** We will disclose your personal information without your consent in response to a valid subpoena, warrant or order of a judicial or governmental authority with jurisdiction. We may also disclose your personal information in response to a lawful request from law enforcement officials or other governmental authorities, or if we have reasonable grounds to believe that the information is relevant to a breach of contract or laws, or in other cases where we are permitted by law in connection with protecting our legal rights, or those of others.]\]
- 5. Imminent Danger to Life or Property:** In matters involving an imminent danger to personal or public safety, we may voluntarily provide information to appropriate government authorities.

Security. HCI is committed to online privacy and security, and endeavors to implement commercially reasonable physical, administrative, and technical procedures to safeguard your non-public personal information both during transmission and once it is in our possession. While our security measures are intended to protect your non-public personal information, the complete security of any transmission over the public internet cannot be guaranteed. **As a result, we do not warrant the security of any electronically stored information, or information you transmit to us over the Internet.**

Retention of Personal Information. We keep your personal information for as long as necessary to fulfill the purposes outlined in this Privacy Policy, as may be required by law (e.g., for tax and accounting purposes), or as otherwise communicated to you. This is based on the nature of the data, why the data was collected and processed, and additional applicable legal retention requirements.

CALIFORNIA RESIDENTS:

Your California Privacy Rights. We do not share your personal information with unaffiliated third parties for their own independent marketing purposes without your consent. California Residents may request the categories of personal information that we shared with third parties for the third parties' direct marketing purposes during the previous calendar year, if any. Written requests may be sent to the following address:

Kent Real Estate II, L.P. ATTN: Director of Operations
13875 Bee Cave Parkway, Bee Cave, TX 78738

You must write "Your California Privacy Rights" at the top of your inquiry. We will respond to these requests within 30 days. Requests that come to HCI by other means may result in a delayed response.

How We Respond to Browser "Do Not Track" Signals

Some web browsers incorporate a "Do Not Track" feature that signals to websites you visit that you do not want to have your online activity tracked. California law requires that website operators disclose how they respond to a Do Not Track signal and whether other third parties may collect personally identifiable information about an individual's online activities from their site or service. We currently do not respond to "Do Not Track" signals. As the technology and communication between browser and website improves, we may make changes to our policy. Please refer to the sections titled "*Personal Information We Collect Directly*" and "*Personal Information We Collect Indirectly*" for additional information.

EEA DATA SUBJECT RIGHTS:

Certain persons located in the EEA have the following rights, subject to certain exemptions, related to the personal information we retain. This includes the right to request access to the personal data HCI retains; the right to request correction of any inaccurate or incomplete personal data; the right to request the deletion or erasure of personal data; the right to request that we restrict our processing of your personal data; and the right to object to the processing of your personal data; and the right to request that your data be ported to another controller.

Additionally, when our processing is based on your consent, you may withdraw this consent at any time. If you wish to exercise any of your rights above, please contact HCI at

Kent Real Estate II, L.P. ATTN: Director of Operations
13875 Bee Cave Parkway, Bee Cave, TX 78738

You must write "Your EEA Data Subject Rights" at the top of your inquiry. We will respond to these requests within 30 days. Requests that come to HCI by other means may result in a delayed response. If you are not satisfied with our answers to your questions, you also have the right to file a complaint with your supervisory authority.

Personal Information from Children. Because of the nature of our business, HCI provides services to minors subject to the express consent of their parents and/or legal guardians or custodians. However, HCI will never ask minors, specifically children under the age of 18, to provide personal information, other than their name, membership identification, or the identity or membership identification of their parent(s), legal guardian or custodian, and then only as reasonably necessary for HCI to provide its services in accordance with all observed safety procedures and operational protocols.

Privacy Policy Questions/Concerns. If you have questions or concerns about your privacy or this Privacy Policy, please contact us at:

Kent Real Estate II, L.P. ATTN: Director of Operations
13875 Bee Cave Parkway, Bee Cave, TX 78738
512-956-9531 ext. 107

Changes to this Privacy Policy. As our business changes, so will this privacy policy. If we make any material changes to this Privacy Policy, we will let you know by posting the updated policy on this page and updating the policy's "Effective Date" above.