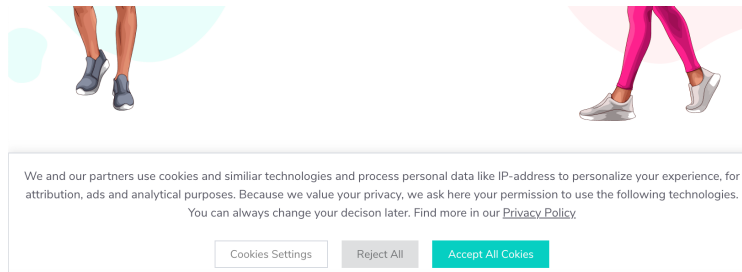


Dear Eva,

Thank you for raising the issues in your researches and allowing businesses to become better. We have launched an internal investigation regarding the discovered web flow. Irrespective of its findings, please note that the current version of this flow:

1. Features consent management platform and not necessary cookies should be blocked before consent is obtained.



2. Alerts users if they indicate a target weight lower than recommended by World Health Organization. We are also developing a feature that would not let users that enter a weight/height ratio lower certain level to finish the onboarding.

Measurements

IMPERIAL METRIC

AGE

25 YEARS

HEIGHT

180 CM

WEIGHT

80 KG

TARGET WEIGHT

55 KG

! This is lower than recommended by World Health Organization. Consider increasing your target weight. Consult your physician first.

CONTINUE

3. Illustrates one of our approved timelines that disclose and account for the average achievements of our users.



Additional comments

We also want to take this opportunity to clarify several statements from the draft of your report. Please find them below:

Your statement No. 1

“Looking at the website code, we can see that the gender is coded as a value of a data-gender field. Interestingly, none of the other questions display a similar field (say data-body-type) which would logically be used to collect this information. From here there are two explanations to this behaviour. Either BetterMe Meal Plan wanted to share the gender of the user with Facebook and Google and added this field on purpose, using a different, more visible, method to collect and process the data provided by the user. Or they actually only collect and process this one information and are inadvertently sharing it with Facebook and Google (a behaviour we encountered in the past with websites offering depression tests and inadvertently sharing answers with third parties). Given that the results of the test never change no matter what information the user provides, it’s indeed possible that the entire test doesn’t actually do anything apart from making you feel like you’ll get an individually tailored meal plan..”

Our comment

The answers from the web onboarding are collected into our database (hosted on servers of our cloud service provider) and are processed, in particular, to provide our services, to suggest daily calorie intake suitable for you or provide you with a vegetarian meal plan if you exclude meat from your food preferences. Therefore, the final product that the customer receives depends on this data (from your report it seems that this is not the case, thus we would appreciate clarifying this if possible).

Your statement No. 2

“It is also worth noting that they rely on “their legitimate interests” as a lawful basis for data collection and processing, including for marketing communications, analytics, sending push notifications... as it seems, practices for which the Privacy and Electronic Communications Regulations and the GDPR require opt-in consent.”

Our comment

Please note that when required by law, we rely on consent as a legal basis for marketing communication. As you may note from your experience with our product, you have not received any marketing communication on your email as you did not provide consent within the onboarding process. Consent is stated in our Privacy Policy as a legal basis for marketing communication, but you omitted to include this in the draft publication.

In addition to consent, we may sometimes rely on legitimate interest if permissible under the law. Therefore, to satisfy GDPR transparency requirements we state in our Privacy Policy that legitimate interest also may be used for specific cases, where consent is not the only possible legal basis according to local implementations of Privacy and Electronic Communications Regulations in certain jurisdictions. For example, in the UK opt-out (soft opt-in) approach may be used if certain requirements are satisfied.

We respect the data protection rights of our users and strive to follow best transparency practices and will continue to advance in our efforts. Thank you for being one of the drivers of such improvements for companies worldwide.

Kind regards,
BetterMe