



## Privacy Policy

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## Content

1. Introduction.....	2
2. Scope.....	2
3. Application.....	3
5. The Use of Personal Information .....	7
6. Security .....	11
7. Updating Client's Information .....	11
8. Client's Rights; Choice and Opt-out .....	11
9. Amendments to Policy .....	12
10. DPO and Complaints Procedure .....	12
11. Governing Law .....	12

## 1. Introduction

**FXNET Limited** (hereinafter referred to as ‘**FxNet**’, the ‘**Company**’, the ‘**Firm**’, ‘**us**’, ‘**we**’, ‘**our**’) is a Cypriot Investment Firm (CIF) which is authorized and regulated by the Cyprus Securities and Exchange Commission (“**CySEC**”), under license number 182/12, incorporated and registered under the laws of the Republic of Cyprus (Certificate of Incorporation No. 300624), registered office at 4 Theklas Lysioti St, Harmony House, Office 31, 3rd floor, 3030 Limassol, Cyprus.

The Company respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data when you visit our website (regardless of where you visit it from) or have any dealings with the Company and tell you about your privacy rights and how the law protects you. We have taken measurable steps to protect the confidentiality, security and integrity of Your Information.

This Privacy Policy provides an overview of how the Company processes your personal data and sets out the information that the Company must provide to you for the purpose of the EU General Data Protection Regulation (“**GDPR**”) which is applicable as of 25 May 2018.

## 2. Scope

- 2.1** The Client Privacy Policy (the ‘**Policy**’) sets out the process and the procedure adopted by the Company when dealing with Client’s personal and sensitive information. The Policy describes how the Company collects and uses personal data of users of its website and clients through its website, directly obtained from clients or through third parties and publicly available sources.
- 2.2** The Company considers the privacy and integrity of the personal information of visitors or its website, clients and other third parties for which it holds personal data as one of its highest priorities and devotes the maximum amount of attention to keep the said information safely stored as well as used appropriately.
- 2.3** The Company incorporates strict rules and specific procedures into its day-to-day running in order to guarantee data subjects the maximum achievable level of security in handling their said information. Data subjects personal data is kept by the Company according to the Processing of Personal Data (Protection of the Individual) Law of 2001, its amendment (Law No. 37(I)/2003) and the Processing of Person Data (Protection of Individual) (Amending) Law of 2012 (Law No. 105(I)/2012), the Regulation of Electronic Communications and the General Data Protection Regulation (GDPR) (EU) 2016/679 effected as from the 25th of May 2018.

As per the relevant sections of the Law 2016/679, if you are a natural person, the Company is the personal data processor and controller of your personal data in relation to the processing activities which your personal data undergo as stated further below.

For the purpose of this statement:

- (a) Personal Data shall mean any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
- (b) Controller shall mean the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

Processor shall mean a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

- 2.4** It is important that you read this Privacy Policy together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This Policy supplements the other policies and is not intended to override them.

### 3. Application

- 3.1** In order to open an account with the Company, the Client must first complete the Online Account Opening Process, which requires him/her to provide sufficient information. While completing the Online Account Opening Process the Client is requested to disclose private information in order to enable the Company to evaluate his/her application and comply with relevant rules and regulations. This information may also be used by the Company to inform the Client regarding Company's services. Moreover, information about the Client may also be collected by any correspondence made with the Company by phone, e-mail or otherwise; including information which the Client enters when he/she registers to use the Company's Website, subscribes to the Company's service or any other activities carried out on the Company's Website or any connected applications.

### 4. Personal Data Collection and Use

- 4.1** As part of the Company's client account opening procedures and ongoing obligations, needs to abide with the legislative framework currently in place with the Cyprus Securities and Exchange Commission ('CySEC'). Specifically, the Company shall comply with its legal obligations under the AML Law (Law 13(I)/2018), as amended, and the AML Directive (Directive DI144-2007-08 of 2012) for the establishment on the Client's economic profile and prevention of money-laundering as well as abide with the relevant record keeping obligations under the European Commission Delegated Regulation (EU) 2017/565 ('Delegated Regulation') and Law 87(I)/2017 for establishing the suitability and appropriateness of each Client based on the services offered by each CIF and recordings of telephone conversations, client transactions, FATCA and CRS.

The Company based to the above-mentioned, is obliged to request, collect and maintain for at least five (5) years the following:

- i. Name and Surname
- ii. Date of Birth
- iii. Place of Birth
- iv. Nationality
- v. Copy of the Passport and/or of the Identity card
- vi. Utility bill (including the full address of the Client)
- vii. Tax Identification Number
- viii. Tax Residence
- ix. Telephone number
- x. Employer's name
- xi. Profession
- xii. Industry of employment
- xiii. E-mail
- xiv. Address
- xv. Funding Details
- xvi. Financial Situation/Gross annual income
- xvii. Net worth
- xviii. Anticipated turnover
- xix. Bank account details
- xx. Trading Activity
- xxi. Profile Data includes your username and password, purchases or orders made by you, your interests, preferences, and feedback and survey responses.
- xxii. Usage Data includes information about how you use our website, products and services.

The Company may collect the said information directly from you (during the account opening procedure) and/or from other persons including for example, credit reference agencies, fraud prevention agencies, banks, other financial institutions, third authentication service providers and the providers of public registers.

The Company may also collect your Information in regard to your use of our website(s), such as pages visited, frequency, duration of visit and trading activities. The Company also keeps records of your trading behaviour, including a record of:

- a) Products you trade and their performance
- b) Historical data about the trades and investments you have made including the amount invested
- c) Historical data about your payment activities and your withdrawal activities.

Further to the above, the Company may also request further information to improve its Service to you (Existing or Potential Clients) or our activities (if you are our Provider for Trading Data) under our relevant Agreement, as the case may be, or comply with Applicable Regulations. The Company records any communications, electronic, by telephone, in person or otherwise, that we have with you in relation to the services that were provided by the Company to you and the relationship with you. The said recordings

will be the Company's sole property and will constitute evidence of the communications between the Company and you.

We do not collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

#### 4.2 We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you]:
  - apply for our services;
  - create an account on our website;
  - subscribe to our service or publications;
  - request marketing to be sent to you;
  - enter a competition, promotion or survey; or
- Feedback received for our website or services.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our cookie policy (<https://www.fxnet.com/eu/en/cookies-policy>) for further details.

**Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources. In relation to Technical Data we may receive these from analytics providers, advertising networks and search information providers. We may, for the purpose of administering the terms of our Agreement between us, from time to time, make direct contact with you by telephone, fax, email or post.

If you agree, we or any of our Affiliates of the Company may make contact with you from time to time, by telephone, fax, email or post for marketing purposes to bring to your attention products or services that may be of interest to you or to conduct market research.

#### 4.3 Circumstances in which we will use your personal data are the following:

We will only use your personal data when the law allows us for example in the following instances:

- Where we need to perform the contract, we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or

text message. You have the right to withdraw consent to marketing at any time by Contacting us.

#### 4.4 Third parties and International Transfers

The Clients' personal information may be, in limited amounts, distributed and further used by trusted third parties, in particular, banks, through which trading operations and the related transactions will take place. When the Client uses the Company's Website, he/she may be able to link to other websites. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. This Policy does not apply to those other sites which the Company links to and the Company is not responsible for any personal information collected by third parties via those other sites. When you leave our website, we encourage you to read the **privacy** notice of every website you visit.

We might need on certain occasions for the purposes of carrying out our services to transfer your personal data outside the European Economic Area (**EEA**).

Whenever we transfer your personal data out of the EEA, we ensure that the transfer is lawful and that there are appropriate security arrangements in place to safeguard your personal data as provided by Applicable regulations. In furtherance, the Company follows the European Commission instructions in respect to this matter and it shall ensure that the third country that your data may be transferred is recognised by the EU Commission, as adequate in respect to the protection of your personal data.

We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.

- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US.

Please contact us at [gdpo@fxnet.com](mailto:gdpo@fxnet.com) if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

#### 4.5 Change of Purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please Contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law. The following are considered to be the most relevant:

- (a) Processing is necessary for compliance with legal obligation to which the controller is subject.
- (b) Processing is necessary for the performance of a contract to which the person is party, or in order to take measures of the person's request prior entering into a contract.
- (c) Processing is necessary in order to protect the vital interests of the data subject.
- (d) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of public authority or a third party to whom the data are communicated.
- (e) Processing is necessary for the purposes of the legitimate interests pursued by the controller or by the third party to whom the personal data are communicated, on condition that such interests override the rights, interests and fundamental freedoms of the persons.

## 5. The Use of Personal Information

The Company will use, store, process and handle your personal data in accordance with the General Data Protection Regulation 2016/679 and the Processing of Personal Data (Protection of the Individual) Law of 2001, as amended or replaced from time to time.

### 5.1 **Anonymous Statistical Data**

The Company may collect anonymous statistical information in order to ensure that it meets the needs of its Clients. By collecting such data, the Company is able to monitor and improve the services which it offers to its existing and potential Clients. The Company may share such information with third parties.

### 5.2 **Identifiable Information**

The information received from Clients is used by the Company in order to, inter alia, confirm the Client's identity at any given time. This is done in order to minimize the risk of any sort unauthorized and unprecedented access to the Clients' account within the System of the Company. The other use of Client's Information includes:

- to provide the Client with services that he/she has requested including processing transactions;
- to assess Client's suitability to the products and services we provide (the Appropriateness Test);
- to maintain Client's personal profile;
- to manage Client's account;
- to contact the Client when necessary or appropriate in relation to the services being provided to him/her, including via a third-party mailing platform;



- to keep the Client updated in relation to matters such as contracts he/she traded and activities of the Company;
- to manage and administer the products and services provided to the Client;
- for marketing purposes, including, but not limited to providing the Client with information regarding the products and services offered by the Company and its partners;
- to develop an understanding of the products and services that the Client may be interested in obtaining from the Company and to tailor the Website to Client's needs and interests;
- to create impersonalized statistical data;
- to conduct surveys and questionnaires;
- to enforce the governing Terms and Conditions of Use;
- if the Company believes that the Client has breached the governing Terms and Conditions of Use, or abused his/her rights to use the services, or performed any act or omission that the Company believes to be violating any applicable law, rules, or regulations, then the Company may share Client's information with law enforcement agencies and other competent authorities as well as with other third parties, as may be required;
- if the Company is required, or believes that it is required by law to share or disclose Client's information to financial authorities or to any other third party;
- In any case of dispute, or legal proceeding of any kind between the Client and the Company, or between the Client and other clients or third parties with respect to, or in relation with the services that the Company provides;
- In any case where the Company believes that sharing information is necessary to prevent imminent physical harm or damage to property.

**5.3** The Company may use Client's personal information and share it with its partners, contractors, service providers, advisors, transaction processors and affiliates for the above purposes only, or subject to Client's explicit consent.

#### **5.4 DATA RETENTION**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. For regulatory purposes we have to keep basic information about our clients (including Contact, Identity, Financial and Transaction Data) for five years after they cease being our clients.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by contacting us.

## 5.5 YOUR LEGAL RIGHTS

Your rights under data protection laws are the following:

- Request access to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it. Additionally, you may also request the reasoning of holding such information. To make a request, please contact us, verifying your identity and specifying what information you require. You may contact us via e-mail at [backoffice@fxnet.com](mailto:backoffice@fxnet.com).
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data’s accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

#### 5.6. Disclosure of Information

As part of using your personal information for the purposes set put above, we may disclose your information to:

- (a) Service providers and specialist advisers who have been contracted to provide us with IT, financial, regulatory, compliance, accounting and/or other services.
- (b) Partners or Tied Agents with whom the Company has closed relationships and who are exclusively working for the Company.
- (c) Regulatory Authorities.
- (d) Anyone authorised by you.
- (e) Relevant authorities to investigate or prevent fraud, money laundering or other illegal activity.
- (f) Trade Repository or similar.
- (g) The Company's employees so as to exercise their duties to further the Agreement between us, or to assure the efficient functioning of our Platform, the Automatic Orders and the Trading Data functions.

The Company requires from organisations outside the Company who handle or obtain personal information to acknowledge the confidentiality of this information, undertake to respect any individual's right to privacy and comply with all the relevant data protection laws and this privacy policy.

## 6. Security

The Company makes efforts to maintain the appropriate safeguards in order to ensure that the security, integrity and privacy of the data and personal information provided by the Client is not misused. Such measures and safeguards include encryption during data transmission, strong authentication mechanisms and the separation of machines and data to provide secure areas. While such systems and procedures reduce the risk of security breaches, they do not provide absolute security. Therefore, the Company cannot guarantee that its service will be immune from any wrongdoings, malfunctions, unlawful interceptions or unauthorized access to the information stored therein and to other information security risks, or that Client's private communications on or through Company's service will remain private.

The Company has implemented procedures in respect to safeguarding your data. Access to your information have only employees and/or Partners/Tied Agents that need to have access to the information in order to enable the continuity of the agreement between you and the Company.

## 7. Updating Client's Information

The Client shall inform the Company regarding any changes of his/her personal data. Additionally, the Client shall inform the Company if he/she wishes to delete personal information that the Company holds about him/her. All requests regarding personal data shall be sent by the Client via email at [backoffice@fxnet.com](mailto:backoffice@fxnet.com). We will change or delete Client's personal information in accordance with his/her instructions, except to the extent where the Company is required to hold Client's personal information for regulatory or legal purposes, to provide him/her with the services that he/she has requested or to maintain adequate business records. In any case, the Company may keep any aggregated or anonymized information for the purposes described in this Privacy Policy, indefinitely.

## 8. Client's Rights; Choice and Opt-out

By visiting the Company's Website, the Client is not obligated to provide the Company with any of the personal data. However, without providing the information requested during the Online Registration Process, the Company may not be able to open an account for the Client, or to provide the Client with any other services, information or assistance or to evaluate the appropriateness of the service the Client is requesting.

During the Online Registration Process with the Company, as a Client, you will be given the option to opt-out of subscribing to the following additional services:

- Marketing services, which provides you with information regarding the products and services offered by the Company or its partners;
- Newsletters;

- SMS (text) messages (if applicable);
- Other electronic communications.

If the Client wishes not to receive the abovementioned communications but he/she has requested to receive such information during the Online Registration Process, the Client may opt-out of receiving them by following the instructions included in each communication.

## 9. Amendments to Policy

The Company may change and update the terms of this Privacy Policy from time to time. All amended terms shall be effective five (5) calendar days after their initial posting on the Company's Website, or as of the first time that the Client access and or uses Online Trading Facility after such amendments were made, whichever is sooner, unless the Company amends the Privacy Policy to comply with legal or regulatory requirements. In the latter cases the amendments will become effective as required, or ordered.

## 10. DPO and Complaints Procedure

The Company has appointed a data protection officer (DPO) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

### CONTACT DETAILS

Our full details are:

**Full name of legal entity:** FxNET Limited

**Name or title of DPO:** Data Protection Officer

**Email address:** [gdpo@fxnet.com](mailto:gdpo@fxnet.com)

**Postal address:** FxNET Limited, 4 Theklas Lysioti St, Harmony House Office 31, 3rd Floor, 3030 Limassol, Cyprus:

**Telephone number:** +357 25 108 111

You have the right to make a complaint at any time to Cyprus Data Protection Commissioner. We would, however, appreciate the chance to deal with your concerns before you approach the Commissioner so please contact us in the first instance.

## 11. Governing Law

In respect of issues not addressed in the present Privacy Policy, the law of Cyprus will apply.

Last Revision Date: October 2018

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