



## Privacy & Cookies Policy

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**Date:** 24<sup>th</sup> of May 2018

STO Cyprus

## PRIVACY & COOKIES POLICY

Last Modified: 24<sup>th</sup> of May 2018

### 1. Introduction

STO trading as AFX Capital Markets Ltd (hereinafter referred to as “STO”, “we”, “us” or “our”) a company registered in Cyprus, authorised and regulated by the Cyprus Securities and Exchange Commission CySEC with licence no. 119/10 and registration no.253014 operates the website [m/](#) and [m/](#) (hereinafter the “Website”) and is the data controller for the processing of our customer’s and potential customer’s (hereinafter referred to as “you”, “the client”, “yours”, or “yourself”) personal information, collected from your use of our services, and/or through the use of our Website, or which is supplied to us by you or a third party in connection with our provision of services to you.

We respect your privacy and are committed to protecting it through our compliance with applicable privacy and data protection laws and regulations. Please read this privacy policy carefully to understand our policies and practices regarding your personal information and how we will process and manage it.. By using our Website, you are accepting the practices described in this privacy policy.

Data protection law says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely

### 2. Application of the Privacy Policy

If you have any questions about our privacy practices, please refer to the end of this privacy policy for information on how to contact us.

This privacy policy and the privacy standards and procedures of STO, applies to personal information we collect:

- on this Website,
- on e-mail, text and other communications between you and this Website,
- directly from you,

- through mobile and desktop applications you download from this Website, which provide dedicated non-browser-based interaction between you and the trading platforms
- when you interact with our advertising and applications on third-party websites and services, if those applications or advertising include links to this privacy policy.

This privacy policy and the privacy standards and procedures of STO does not apply to personal information collected by the following means, please check with each third party regarding their privacy standards and procedure:

- Collected by us offline or through any third-party websites (such as our affiliates and subsidiaries) where the third party is also the data controller; or
- any third party (including our affiliates and subsidiaries), through any application or content (including advertising) that may link to or be accessible from or on the Website.

This privacy notice applies to the processing activities of AFX Capital Markets Ltd, trading as STO. STO provides online CFD trading services to its clients and is the data controller of your personal information in relation to those services.

### 3. Collection of Personal Information

We collect and use several types of information from and about users of our Website, including information by which you may be personally identified and that is defined as personal data or personally identifiable information under applicable law (referred to as “**Personal Information**”), such as the following:

- your first and last name,
- address
- date of birth and gender
- ID and/or passport number
- e-mail address,
- billing information,
- Profession and employment details
- Country of registration, nationality and residence
- IP addresses,
- demographics,
- passwords,

- landline or mobile number, or
- other (online) contact information.
- information about your income and wealth including details about your assets, liabilities, savings and financial statements,
- details about your trading account balances, trading statements and trading performance
- national/tax identification number

#### **4. Categories of Personal Information**

The categories of Personal Information we collect and use on or through our Website include:

- Personal Information that you provide by filling in forms on our Website for a demo or live trading account, in particular at the time of registering to use our Website and services, subscribing to our services, taking part in surveys for research purposes or requesting further services.
- We also collect Personal Information when you enter a contest or promotion sponsored by us, where permitted by applicable laws and regulations that STO is subject to, and when you report a problem with our Website or services.
- Records and copies of your correspondence which may contain your Personal Information (such as names and e-mail addresses), , during the course of our ongoing customer service and relationship with you.
- Collation of Personal Information may also be through your completion of webinar, education training courses or seminar sign up forms including when subscribing to newsletters and fundamental analysis.
- Details of deposits and withdrawal transactions you carry out through our Website on your client area. You may be required to provide us evidence of financial statements before a transaction can be accepted.
- We also keep records of your trading behavior on our Trading Platforms, , and records of the fulfillment of your orders, including products you trade with us and their performance, products traded on your behalf and their performance, historical data about the trades and investments you have made including the amount invested, your preference for certain types of products and services.
- You may be required to provide financial information before placing an order through our Website or Trading Platforms.
- In some cases, we also collect and store Personal Information about other people that you may introduce to us. Similarly, if you use our Website to upload, share or distribute content (including videos, comments or other

submissions), and such content contains Personal Information about others, such information will be stored in order to allow for such uploading, sharing or distribution.

## **5. Information Collected Through Automatic Data Collection Technologies**

As you navigate through and interact with our Website and/or Trading Platforms, we use automatic data collection technologies to collect certain information about your equipment, browsing actions and patterns, including:

- details of your visits to our Website, including any form of aggregate data, navigational data, location data, click-stream data, or historical data, number of clicks and how you interact with links on the Website, domain names, landing pages, pages viewed, referral data (*e.g.*, the URL of the last page you visited prior to clicking through to the Website and the address of the exit page when you left our Website), log files and other communication data and the resources that you access and use on the Website; and
- information about your computer and internet connection, including your IP address, operating system and browser and platform type (*e.g.*, a Firefox browser on a Macintosh platform) and language, access times, the content of any undeleted cookies that your browser previously accepted from us. We use this information to track how users are accessing and using the Website.

The information we collect automatically is statistical data and includes Personal Information, or we maintain it or associate it with Personal Information we collect in other ways or receive from third parties. Above information helps us to improve our Website and Services and to deliver a better and more personalized service, including by enabling us to:

- estimate our audience size and usage patterns;
- store information about your preferences, allowing us to customize our Website and services according to your individual interests;
- speed up your searches; and
- recognize you when you return to our Website.

We also use these technologies to collect information about your online activities over time and across third-party websites or other online services (behavioral tracking). The technologies we use for this automatic data collection may include:

### **5.1 Cookies (or browser cookies).**

Cookies are small text files that are stored in your web browser or downloaded to your device when you visit a website. Cookies are then sent back to the originating website on each subsequent visit, or to another website that recognizes that cookie, and allow a website to recognize a user's device.

We currently use the following types of cookies:

- *Cookies that are strictly necessary:* These are cookies that are required for the operation of our Website. These include, for example, cookies that enable a user to log into the members' area of our Website and to check if a user is allowed access to a particular service or content.
- *Analytical cookies:* These cookies allow us to recognize and count the number of users and to see how users use and explore our Website. These cookies help us to improve our Website, for example by ensuring that all users are able to find what they are looking for easily.
- *Functionality cookies:* We are always glad to see you back. This type of cookies allows us to recognize you when you return to our Website in order to greet you by name and to remember, for example, your choice of language.
- *Targeting cookies:* These cookies record the visit of a user on our Website, the pages a user has visited and the links a user has followed in order to enable us to make our Website more relevant to the users' interests. In addition, these cookies are used to identify the websites and the marketing materials you are accessing our Website from in order to target content (for example, to automatically show you our Website according to your language settings).

We do not require that you accept cookies and you may withdraw your consent to our use of cookies at any time by adjusting your browser's privacy settings. However, if you decline to accept cookies, some functionality on our Website may be disabled and you may be unable to access certain parts of our Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website. Cookies can be either session cookies or persistent cookies. A session cookie expires automatically when you close your browser. A persistent cookie will remain until it expires or you delete your cookies. Expiration dates are set in the cookies themselves; some may expire after a few minutes while others may expire after multiple years.

## **5.2 Web Beacons.**

Pages of our Website and our e-mails may contain small electronic files known as web beacons (also known as clear gifs, pixel tags, single-pixel gifs and web bugs) that are tiny graphics with a unique identifier, similar in function to cookies, and are used to track the online movements of web users or to access cookies. Unlike cookies, which are stored on the

user's computer hard drive, web beacons are embedded invisibly on the web pages (or in an email) and are about the size of the period at the end of this sentence. Web beacons may be used to deliver or communicate with cookies, to count users who have visited certain pages or opened an e-mail, to understand usage patterns and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity). We also may receive an anonymous identification number if you come to our site from an online advertisement displayed on a third-party website.

Where your personal information is completely anonymised, we do not require a legal basis as the information will no longer constitute personal information. However, where your personal information is not in an anonymised form, it is in our legitimate interest to continually evaluate that personal information to ensure that the products and services we provide are relevant to the market.

### **5.3 Device identifiers.**

When you use a mobile device like a tablet or phone to access our Website, we may access, collect, monitor, store on your device, or remotely store one or more "device identifiers". Device identifiers are small data files or similar data structures stored on or associated with your mobile device, which uniquely identify your mobile device. A device identifier may be data stored in connection with the device hardware, data stored in connection with the device's operating system or other software, or data sent to the device by the Website. A device identifier may deliver information to us or to a third-party partner about how you browse and use the Website and may help others or us provide reports or personalized content and ads. Some features of the Website may not function properly if use or availability of device identifiers is impaired or disabled.

### **5.4 Analytics and Advertising Tools.**

We use third party analytics and advertising tools and technologies, in particular Google Analytics, Google AdWords Conversion, Google Tag Manager and DoubleClick provided by Google, Inc., USA ("Google"). These tools and technologies collect and analyze certain types of information, including IP addresses, device and software identifiers, referring and exit URLs, onsite behavior and usage information, feature use metrics and statistics, usage and purchase history, media access control address (MAC Address), mobile unique device identifiers, and other similar information via the use of cookies. The information generated by Google Analytics and DoubleClick about your use of the Website (including your IP address) may be transmitted to and stored by Google on servers in the United States. The privacy policy for Google Analytics, Google AdWords Conversion, Google Tag Manager, DoubleClick can be found here: <http://www.google.com/intl/en/policies/privacy/>.



## **6. Purposes for Which We Use Your Personal Information**

In general, we use information that we collect about you or that you provide to us, including Personal Information and Sensitive Personal Information, for following purposes:

### **6.1 Provision, improvement and development of products and services:**

We need to use your Personal Information in order to present our Website, its contents and offer our services to you and comply with our obligations to you, including any interactive features on our Website, and to provide you with information including our products or services that you request from us. It is in our legitimate interests to ensure that we provide you with the best products and services so we may regularly review your needs to ensure that you get the best possible products and services from us. We may from time to time use personal information provided by you through your use of our services and/or through customer surveys to help us improve our products and services. It is in our legitimate interests to do so. We also collect and use Personal Information to verify your eligibility and deliver prizes in connection with contests and sweepstakes where permitted by applicable laws and regulations that STO is subject to.

### **6.2 Customer support, identity verification and management:**

As part of providing services, or information about our services, to you, we will need to verify your identity to set you up as a client and we will need to use those details in order to effectively manage your account with us to ensure that you are getting the best possible service from us. This may include third parties carrying out credit or identity checks on our behalf. It is in our legitimate interest to do so and the use of your personal information in this way is necessary for us to know who you are, as we also have a legal obligation to comply with certain Know Your Customer, also known as Customer Due Diligence, regulatory obligations. We also need your Personal Information to provide you with customer support and with notices about your account or subscription, provision of your login details, including expiration and renewal notices, and notices about changes to our Website or any products or services we provide;

### **6.3 Customization of content:**

We may need to process your Personal Information to perform research and analysis about your use of, or interest in, our Website content, products, or services, or products, services in order to develop and display content and advertising tailored to your interests on our Website and other sites; It is in our legitimate interest to use your personal information in such way to provide you with our services.

### **6.4 Advertising & Marketing:**

We may collect your name and contact details (such as your email address, phone number or address) in order to send you information about our products and services which you might



be interested in. We may collect this directly from you, or through a third party. If a third party collected your name and contact details, they will only pass those details to us for marketing purposes if you have consented to them doing so. It is in our legitimate interest to use your personal information in such way.

You always have the right to “opt out” of receiving our marketing. You can exercise the right at any time by contacting us. If we send you any marketing emails, we will always provide an unsubscribe option to allow you to opt out of any further marketing emails. If you “opt-out” of our marketing materials you will be added to our suppression list to ensure we do not accidentally send you further marketing.

We never share your name or contact details with third parties for marketing purposes unless we have your “opt-in” consent to share your details with a specific third party for them to send you marketing. We do use third party service providers to send out our marketing, but we only allow them to use that information on our instructions and where they have agreed to treat the information confidentially and to keep it secure. It is in our legitimate interest to use your personal information in such way.

We retain your details on our marketing list until you “opt-out” at which point we add you to our suppression list. We keep that suppression list indefinitely to comply with our legal obligations to ensure we do not accidentally send you any more marketing. We use the information we have collected from you to enable us to display advertisements to our advertisers’ target audiences. Even though we do not disclose your Personal Information for these purposes without your consent, if you click on or otherwise interact with an advertisement, the advertiser may assume that you meet its target criteria.

## **6.5 Analytics:**

We may use your Personal Information to determine whether users of the Website are unique, or whether the same user is using the Website on multiple occasions, and to monitor aggregate metrics such as total number of visitors, pages viewed, demographic patterns. It is in our legitimate interest to use your personal information in such way to provide you with our services.

## **6.6 Functionality and security:**

We may use your Personal Information to diagnose or fix technology problems, and to detect, prevent, and respond to actual or potential fraud, illegal activities, or intellectual property infringement. We do this not only to comply with our legal and regulatory obligations but because it may also be in our legitimate interest to do so.

## **6.7 Compliance:**

We may need to use your personal information to comply with applicable law, court order or other judicial process, or the requirements of any applicable regulatory authority. We do this not only to comply with our legal obligations but because it may also be in our legitimate interest to do so.

## **6.8 References and Surveys**

From time to time, third parties, such as credit agencies may approach us to provide a credit reference about you for credit and identity checks. It may be in our legitimate interest to comply with our legal obligations or we may be obliged to provide such a reference in order to comply with a legal obligation.

From time to time, we may send you surveys as part of our customer feedback process and it is in our legitimate interest to ask for feedback to ensure that we provide the best service to you. However, we may from time to time also ask you to participate in other surveys and if you agree to participate in such surveys we rely on your consent to use the personal information we collect as part of such survey. All responses to any survey we send out whether for customer feedback or otherwise will be aggregated and depersonalised before survey results are shared with any third parties.

## **6.9 Internal Business and Record Keeping**

We may need to process your personal information for internal business and research purposes and record keeping purposes. Such processing is in our own legitimate interests and is required in order to comply with our legal obligations. This may include any communications that we have with you in relation to the services we provide to you and our relationship with you. We will also keep records to ensure that you comply with your obligations under any contract you have entered into with us.

## **6.10 Settlement of Enquiries and Disputes**

Where we consider there to be a risk that we may need to defend or bring legal claims, we may retain your personal information as necessary for our legitimate interests in ensuring that we can properly bring or defend legal claims. We may also need to share this information with our insurers or legal advisers. How long we keep this information for will depend on the nature of the claim and how long we consider there to be a risk that we will need to defend or bring a claim. It is in our legitimate interests to use your personal information in such way.

## **6.11 Sharing with Cooperation Partners**

We may share your personal information with cooperation partners who provide services on our behalf or have introduced you to us. It is in our legitimate interest to use your personal information in such way to provide you with our services.

## **6.12 Sharing with Group Entities and Corporate Restructuring**

We may share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, and for system maintenance support and hosting of data. It is in our legitimate interest to use your personal information in such way.

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business where necessary in connection with the purposes which your information was collected for. It is in our legitimate interest to do so.

## **6.13 Our Premises**

We collect information about visitors to our premises. We may record information on your visit, including the date and time, who you are visiting, your name, employer, contact details and vehicle registration number. If you have an accident at our premises, this may include an account of your accident. It is in our legitimate interest to do so.

We may operate CCTV at our premises which may record you and your activities. We display notices to make it clear what areas are subject to surveillance. We only release footage following a warrant or formal request from law enforcement, or as necessary in relation to disputes. It is not only a legal requirement but also in our legitimate interest to do so.

## **6.14 Profiling**

We may from time to time use personal information about you to form profiles about you so that we understand your needs and provide the very best products and services we can. We may also make decisions about you through automated profiling or automated credit checks which could affect your ability to use our services. We may need to do this either to perform our legal obligations or because it is in our legitimate interest to use your personal information in such a way.

We may also collect and process your Personal Information in any other way that we may describe, when you provide your Personal Information; or for any other purpose, which would be with your explicit consent requested separately from this privacy policy.

## **7. Disclosure of Your Personal Information**

We want you to understand when and to whom we disclose Personal Information and other information we have collected about you or your activities on the Website. We do not share your Personal Information with third parties except as indicated below:

### **7.1 Introducers and Affiliates.**

We share above categories of Personal Information with our subsidiaries, affiliates and Introducers to the extent this is necessary for the purposes of provision of services, customer

management, customization of content, advertising, analytics, verifications, functionality and security, and compliance, or to the extent you have provided your consent provided separately from this privacy policy.

## **7.2 Service providers.**

This includes for example our insurers, agents, specialist advisers, suppliers and subcontractors who provide us with insurance, administrative, IT, financial, verification, regulatory, compliance research or other services.

We may disclose your Personal Information to our authorised service providers that perform certain services on our behalf, including for purposes of provision of services, customer management, customization of content, advertising, analytics, verifications, functionality and security.

These services may also include fulfilling of orders, processing credit card payments, risk and fraud detection and mitigation, providing customer service and marketing assistance, performing business and sales analysis, supporting our Website functionality, and supporting contests, sweepstakes, surveys and other features offered through our Website.

These service providers may have access to Personal Information needed to perform their functions but are not permitted to share or use such information for any other purposes.

Please be aware that where your Personal Information has been shared with third parties, such as credit reporting and reference agencies, they may keep a record of any searches and may use the search details to assist other companies in performing their searches.

## **7.3 Legal successors.**

To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which personal information held by us about our Website users is among the assets transferred. Should such a sale or transfer occur, we will use reasonable efforts to try to ensure that the entity to which we transfer your personal information uses it in a manner that is consistent with this privacy policy.

## **7.4 Professional advisors**

Such as our solicitors in connection with any ongoing or prospective legal proceedings or in order to establish, exercise or defend our legal rights, and our auditors and accountants in order to satisfy our regulatory and financial reporting obligations.

## **7.5 Relevant regulatory, governmental, or law enforcement authority**

We may be required to share your Personal Information with such authorities as required by law or as agreed with you.

In response to a subpoena or similar investigative demand, a court order or other judicial or administrative order, or a request for cooperation from a law enforcement or other government agency; to establish or exercise our legal rights; to defend against legal claims; to comply with applicable law or cooperate with law enforcement, government or regulatory agencies; or to enforce our Website terms and conditions or other agreements or policies; or as otherwise required by law (including responding to any government or regulatory request). In such cases, we may raise or waive any legal objection or right available to us, in our sole discretion.

To the extent a disclosure is necessary in connection with efforts to investigate, prevent, report or take other action regarding illegal activity, suspected fraud or other wrongdoing; to protect and defend the rights, property or safety of our company, our users, our employees, or others; to maintain and protect the security and integrity of our Website or infrastructure.

#### **7.6 Anyone authorised by you**

You have the right to request us to disclose your Personal Information to any of those listed in 7.1 to 7.6 above.

#### **7.7 Transfer outside European Economic Area (EEA)**

We may transfer your personal information outside the EEA to other of our group companies as well as processors who are engaged on our behalf. To the extent we transfer your information outside the EEA, we will ensure that the transfer is lawful and that there are appropriate security arrangements.

In order to transfer personal information to third parties in territories where applicable legislation may not be adequate, we will enter into arrangements with such third parties to ensure appropriate and suitable measures based on standard contractual terms and conditions adopted by the European Commission.

Where we are required to transfer your Personal Information to third parties, such as Tax authorities in the US, we may in some cases rely on applicable standard contractual clauses, binding corporate rules, the EU-US Privacy Shield or any other equivalent applicable arrangements.

#### **7.8 Other.**

To the extent this is necessary to fulfill any other purpose not mentioned above for which you provided Personal Information and, if applicable, your consent separately from this privacy policy. Third-parties to whom we may disclose Personal Information may have their own privacy policies which describe how they obtain, use and manage your Personal Information. You should be aware that where any third party uses your personal data as data controller,

such use is not covered by this privacy notice and is not subject to STO's privacy standards and procedures. If you want to learn more about their privacy practices, we encourage you to visit the websites of those third parties.

We may disclose aggregated information about our users, and information that does not identify any individual, without restriction. In particular, we may transfer Non-Personal Information and process it outside your country of residence, wherever the Website, its affiliates and service providers operate. We may combine Non-Personal Information we collect with additional Non-Personal Information collected from other sources. We also may share aggregated information with third parties, including advisors, advertisers and investors, for the purpose of conducting general business analysis. For example, we may tell our advertisers the number of visitors to our Website and the most popular features or services accessed. This information does not contain any Personal Information and may be used to develop content and services that we hope you and other users will find of interest and to target content and advertising.

## **7.9 Financial Information**

Financial information (including Personal Information) that you have provided to us will only be shared with our third-party processors in order to initiate and complete any orders placed on your account. All credit card transactions and such are processed with industry standard encryption through third party processors who only use your financial information and Personal Information for that purpose. All financial data and related Personal Information will not be shared by us with third parties except with your authorization or when necessary to carry out all and any transactions requested by you with the understanding that such transactions may be subject to rules, terms, conditions and policies of a third party. All such information provided to a third party is subject to their terms and conditions.

## **8. Third Party Login Functionality**

We may permit users with accounts on certain third-party services, including but not limited to, social networking, search, sharing, and other services delivered by third parties, to bypass the standard applicable registration process. If you connect through an authorized third-party service, you will be able to use your third-party login information to log in to your account or access our content and Website. We are not responsible for the sharing, posting, commenting, or other content and information gathering practices of any third-party services that may be triggered by using these third-party login services. Please review their terms of service and privacy policies carefully before using third party login functionality to access our Website.

By using any third-party services to log in to your account or access our Website, you permit us to collect, and use all information, including Personal Information, related to your third-party account that may be accessible to us through the third party service, including through its application programming interface (API), pursuant to this privacy policy.



## 9. How We Store Your Personal Information

The information that we collect about you, including Personal Information, will be stored and processed in London and in remote cases in the Countries in which we and the third parties mentioned above maintain facilities. If you are located in the European Economic Area (EEA) or other regions with laws governing data collection and use that may differ from European data protection laws, please note that in the course of providing you with the service you requested, we may transfer Personal Information to some of these countries and jurisdictions that have data protection laws that do not provide the exact same level of protection as in your jurisdiction, however we make every effort possible to verify and audit that the processor and sub processors provide the best level of protection of personal data.

## 10. Security and Storage of Personal Information

STO takes the safeguarding of your data very seriously. STO has taken measures and precautions to protect the security of your personal information. Our employees understand to respect the confidentiality of your personal information. We have a Data Protection Officer to ensure our compliance with this privacy policy and applicable laws and regulations.

To the extent we have collected your Personal Data for purposes of provision of services, customer management, and customization of content (for descriptions of these purposes see above), we keep your Personal Information for as long as you have an account with us, as needed to provide you with our respective services and in compliance with relevant laws of England and Wales. For further information regarding specific retention period please contact us at [dpo@afxgroup.com](mailto:dpo@afxgroup.com).

If you delete your account, or if your account is closed for any reason, we retain your information to the extent this should be necessary to comply with legal, regulatory, auditing or account obligations or it is in our archive system and cannot be separated from other information. Where possible, your Personal Information will be anonymized.

Personal Information used for functionality and security purposes will be stored as long as necessary to ensure the proper operation and the security of our Website and services, usually for a period of 6 months.

Personal Information used for analytics purposes will be stored as long as necessary to analyze the usage of our Website and services, usually for a period of 50 months.

Personal Information used for advertising purposes will be stored for a period of 24 months.

Please note that we are subject to certain laws and regulations which require us to retain a copy of the documents we used to comply with our customer due diligence obligations, and supporting evidence and records of transactions with you and your relationship with us for a period of five (5) years after our relationship with you has terminated.



If we hold any personal information in the form of a recorded communication, by telephone, electronic, in person or otherwise, this information will be held in line with local regulatory requirements which will either be five (5) or ten (10) years after our relationship with you has terminated.

Where you have opted out of receiving marketing communications we will hold your details on our suppression list so that we know you do not want to receive these communications.

## **11. Legal Bases for Collection, Use and Disclosure of Your Personal Information**

There are different legal bases that we rely on to collect, use and disclose your Personal Information, namely:

### **11.1 Consent**

We will rely on your consent to use (i) technical information collected by automatic data collection technologies as described above; (ii) Personal Information that qualifies as Sensitive Personal Information for the purposes described above; (iii) your Personal Information for marketing and advertising purposes; (iv) your Personal Information for other purposes when we ask for your consent separately from this privacy policy.

Where the use of your personal information by us requires your consent, such consent will be provided in accordance with the applicable customer terms and conditions available on our website(s) or any other contract we may have entered into with you or stipulated in our communication with you from time to time. Where we rely on your consent as our legal basis for processing your personal information, you have the right to withdraw your consent at any time by contacting us using the contact details set out below.

### **11.2 Performance of contract:**

The use of your Personal Information for purposes of providing the services, customer management and functionality and security as described above is necessary to perform the services provided to you under our term and conditions and any other contract that you have with us.

### **11.3 Legitimate interests:**

We use your Personal Information for our legitimate interests to customize the content on our Website and Trading Platforms and to analyze the use of our Website and Trading Platforms as described in this privacy policy. It is in our legitimate interests to ensure that we provide

you with the best products and services so we may regularly review your needs to ensure that you get the best possible products and services from us. The use of legitimate interests as a lawful basis for processing your Personal Information has been described in clauses 6.1 to 6.14.

#### **11.4 Compliance with legal obligation**

We are permitted to use your Personal Information to the extent this is required to comply with a legal and regulatory obligation to which we are subject.

### **12. How We Protect the Security of Your Personal Information**

We take appropriate security measures (including physical, electronic and procedural measures) to safeguard your Personal Information from unauthorized access and disclosure. For example, only authorized employees are permitted to access Personal Information, and they may do so only for permitted business functions. In addition, we use encryption in the transmission of your Personal Information between your system and ours, and we use firewalls to help prevent unauthorized persons from gaining access to your Personal Information.

The safety and security of your Personal Information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Website and/or Trading Platforms, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. We urge you to be careful about giving out information in public areas of the Website like message boards. The Personal Information you share in public areas may be viewed by any user of the Website. Users should also take care with how they handle and disclose their Personal Information and should avoid sending Personal Information through insecure email. We are not responsible for circumventions of any privacy settings or security measures contained on the Website.

### **13. Choices About How We Collect, Use and Disclose Your Personal Information**

We strive to provide you with choices regarding the Personal Information you provide to us.

- You can choose not to provide us with certain Personal Information, but that may result in you being unable to use certain features of our Website or services because such information may be required in order for you to register as a member; purchase products or services; participate in a contest, promotion, survey, or sweepstakes; ask a question; or initiate other transactions on our Website and/or on our Trading Platforms.

- You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies, please note that some parts of the Website may then be inaccessible or not function properly.
- When you register on our Website, you may be given a choice as to whether you want to receive email messages which include newsletters or advertising material about product updates, improvements, special offers, or containing special distributions of content by us. If you have given your consent but later on you decide you no longer want to receive commercial or promotional emails or newsletters from us, you will need to unsubscribe using the unsubscribe mechanism set out in the applicable communication. It may take up to seven days for us to process an opt-out request. We may send you other types of transactional and relationship e-mail communications, such as service announcements, administrative notices, and surveys, without offering you the opportunity to opt out of receiving them as these will be related directly to your relationship with us. Please note that opting out of receipt of promotional email communications will only affect future activities or communications from us. If we have already provided your information to a third party before you have changed your preferences or updated your information, you may have to change your preferences directly with that third party.
- If you submit Personal Information, you may delete your account with us at any time. If you delete your account, your Personal Information and any and all other account related information including, but not limited to, user profile data, sharing data and any other data, or content specifically associated with your account will no longer be accessible by you. After deleting your account, if you choose to have an account with us in the future, you will have to sign up for a new account by using a different email and phone number as the information you previously provided will be completely removed from our archived systems after a period of 5 years from the date the account was deleted.

#### **14. Your Rights Related to Your Personal Information**

Subject to the provisions of the Data Protection Law and the General Data Protection Regulation, you have certain rights regarding the Personal Information we collect, use or disclose and that is related to you. Under certain circumstances, by law you have the right to:

- to request access to Personal Information we hold about you (commonly known as a “data subject access request”) and how such Personal Information is used. (right to access); This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

- to request rectification of inaccurate Personal Information concerning you (right to data rectification). This enables you to have any incomplete or inaccurate information we hold about you corrected.
- to request erasure of your Personal Information (right to erasure, or “right to be forgotten”). This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it (for instance, we may need to continue using your personal data to comply with our legal obligations). You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- to receive the Personal Information provided by you in a structured, commonly used and machine-readable format and to transmit those Personal Information to another data controller (right to data portability)
- to object to the processing of your Personal Information where such use is based on our legitimate interests, of a third party’s legitimate interests or on public interests (right to object), and there is something about your particular situation which makes you want to object to us using your information on this basis and we do not have a compelling legitimate basis for doing so which overrides your rights, interests and freedoms (for instance, we may need it to defend a legal claim). You also have the right to object where we are processing your personal information for direct marketing purposes.
- to request the transfer of your personal information to another party where you provided it to us and we are using it based on your consent, or to carry out a contract with you, and we process it using automated means (right to transfer).
- to request restriction of processing of your Personal Information (right to restriction of processing). This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- to withdraw consent. In the limited circumstances where we are relying on your consent (as opposed to the other bases set out above) to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate interest in doing so. (Right to withdraw consent).

- to lodge a complaint. If you think that we are using your information in a way which breaches data protection law, you have the right to lodge a complaint with your national data protection supervisory authority.

You may, at any time, send us an e-mail at [dpo@afxgroup.com](mailto:dpo@afxgroup.com) to exercise your above rights in accordance with the applicable legal requirements and limitations

Note that some requests to delete certain Personal Information will require the deletion of your user account as the provision of user accounts are inextricable linked to the use of certain Personal Information (e.g., your e-mail address). Also note that it is possible that we require additional information from you in order to verify your authorization to make the request and to honor your request.

## **15. Changes to Our Privacy Policy**

We may modify or revise our privacy policy from time to time to take into consideration new technology, changes to our operations and practices and new laws and regulations. Our most current privacy policy will govern any personal information we hold on you. Although we may attempt to notify you when major changes are made to this privacy policy, you are expected to periodically review the most up-to-date version found at our website so you are aware of any changes, as they are binding on you.

If we change anything in our privacy policy, the date of change will be reflected in the “last modified date”. You agree that you will periodically review this privacy policy and refresh the page when doing so. You agree to note the date of the last revision to our privacy policy. If the “last modified” date is unchanged from the last time you reviewed our privacy policy, then it is unchanged. On the other hand, if the date has changed, then there have been changes, and you agree to re-review our privacy policy, and you agree to the new ones. By continuing to use the Website and/or the Trading Platforms and/or our services subsequent to us making available an amended version of our privacy policy in a way that you can easily take notice of it, you thereby consent to such amendment.

## **16. Complaint**

We regularly review our compliance with this privacy policy. Please feel free to direct any questions or concerns regarding this privacy policy or our treatment of Personal Information by contacting us at [dpo@afxgroup.com](mailto:dpo@afxgroup.com) . When we receive a formal written complaint, it is our policy to contact the complaining party regarding his or her concerns. We will act upon your complaint as promptly as possible.

We will also cooperate with the appropriate regulatory authorities, including local data protection authorities, to resolve any complaints regarding the collection, use and disclosure of Personal Information that cannot be resolved by an individual and us.

### **17. No Rights of Third Parties**

This privacy policy does not create rights enforceable by third parties or require disclosure of any Personal Information relating to users of the Website.

### **18. No Error Free Performance**

We do not guarantee error-free performance under this privacy policy. We will use reasonable efforts to comply with this privacy policy and will take prompt corrective action when we learn of any failure to comply with our privacy policy. We shall not be liable for any incidental, consequential or punitive damages relating to this privacy policy.

### **19. Contact Information**

If you have any questions about this privacy policy or our information-handling practices, please contact us at [dpo@afxgroup.com](mailto:dpo@afxgroup.com).

You may also contact us on the following address:

AFX Capital Markets Ltd,  
Gladstonos 116  
Kyprianou House 1<sup>st</sup> Floor  
3032 Limassol, Cyprus

If you are not satisfied with our response to your complaint, you have the right to file a complaint with the Personal Data Protection Commissioner of Cyprus. You can find further details on the website at <http://www.dataprotection.gov.cy>