



**EMAR MARKETS**

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[www.emarmarkets.com](http://www.emarmarkets.com)

# **EMAR MARKETS LTD. PRIVACY POLICY**

## **EMAR MARKETS LTD. CLIENT AGREEMENT**

### **Introduction**

Emar Markets will need to collect personal information from our clients and prospective clients in order to provide them with our products and services and ensure that we can meet their needs when providing these products and services as well as when providing them with the respective information.

Your privacy is of utmost importance to us and it is our policy to safeguard and respect the confidentiality of the information and the privacy of individuals. This Privacy Policy sets out how Emar Markets operating under Emar Markets Ltd (the “Company” or “Emar Markets”) collects, uses and manages the personal information we receive from you or a third party in connection with our provision of services to you or which we collect from your use of our services and/or our website and/or any other related websites and applications including, among others, the Emar Markets members Area. The Privacy Policy also informs you of your rights with respect to the processing of your personal information.

Our Privacy Policy is reviewed regularly to ensure that any new obligations and technologies, changes to our business operations and practices are taken into consideration, as well as that it remains abreast of the changing regulatory environment. Any personal information we hold will be governed by our most recent Privacy Policy.

Please note that if you are an existing and/or former employee of the Company, a job applicant, a contractor to the Company or a third-party service provider, your personal information will be used in connection with your employment contract, or your contractual relationship.

This Privacy Policy applies to the processing activities performed by Emar Markets to the personal data of its clients/potential clients, website visitors and employees. This Privacy Policy does not apply to websites operated by any other organisations and/or other third parties.

### **Safeguarding the confidentiality of your personal information and protecting your privacy**

The Company respects the privacy of any users who accesses its website(s), and it is therefore committed to taking all reasonable steps to safeguard any existing or prospective clients, applicants and website visitors.

The Company keeps any clients’/potential clients’ personal data in accordance with the applicable data protection laws and regulations.

We have the necessary and appropriate technical and organisational measures and procedures in place to ensure that your information remains secured at all times. We regularly train and raise awareness to all of our employees on the importance of maintaining, safeguarding and respecting your personal information and privacy. We regard breaches of individuals' privacy very seriously and will impose appropriate disciplinary measures, including dismissal where necessary. The personal information you provide us with when registering yourself as a user of the Company's site(s) and/or of its services is classified as registered information, which is protected in several different ways. You can access your registered information after logging in to the Members Area by entering a username and a password that you select. It is your responsibility to make sure that your password is only known to you and not disclosed to anyone else. The registered information is securely stored in a safe location and only authorised personnel have access to it via a username and a password. All personal information is transferred to the Company over a secure SSL connection and thus all necessary measures are taken to prevent unauthorised parties from viewing any such information. Personal information provided to the Company that does not classify as registered information is also kept in a safe place and accessible by authorised personnel only via a username and a password.

Transmission of information via the internet is not always completely secure but the Company endeavours to protect your personal data by taking serious precautions. Once we have received your information, we will apply procedures and security features to try to prevent unauthorised access.

### **What personal information do we collect?**

The personal information we collect about you generally includes the following:

- name;
- date of birth;
- postal or email address; or
- phone numbers, including home, mobile and work;
- fax number;
- information relating to an individual's source of wealth;
- occupation
- credit card details;
- bank account details, including institution name, branch, account name, bank identifier, and account number or IBAN
- information relating to your trading experience;

- identification documentation, as required under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (“AML/CTF Act”), including:
  - passport;
  - driving license; national identity card; utility bills;
  - trust deed;

We’re required by law to identify you if you’re opening a new account or adding a new signatory to an existing account. The AML/CTF Act requires us to sight and record details of certain documents (i.e. photographic and non-photographic documents).

Where necessary, we also collect information on the following individuals:

- trustees;
- partners;
- company directors and officers;
- officers of co-operatives and associations;
- client’s agents;
- beneficial owners of the client; and
- persons dealing with us on a “one-off” basis.

We may take steps to verify the information we collect. For example, a birth certificate provided as identification may be verified with records held by the Registry of Births, Deaths and Marriages to protect against impersonation, or we may verify with an employer that employment and remuneration information provided in a credit application is accurate.

## **Job Applicants**

Personal data is kept in personnel files or within the Company's Human Resources systems. We have a separate employee non-disclosure agreement for employees, which will be provided to you upon being recruited. The following types of data may be held by the Company, as appropriate, on relevant individuals:

- name, address, phone numbers, date of birth, email address, gender, marital status, etc.;
- CVs and other information gathered during recruitment;
- references from former employers;
- National Insurance numbers;
- Criminal conviction data;
- job title, job descriptions and pay grades;
- conduct issues such as letters of concern and disciplinary proceedings;
- internal performance information;
- medical or health history/information;
- tax codes;
- terms and conditions of employment;
- training details.

## **Lawful basis for processing your personal information and purposes**

We may process your personal data on the following bases and for the following purposes:

### **1. Performance of a contract**

We process personal data in order to provide our services and products, as well as information regarding our products and services based on the contractual relationship with our clients (i.e., so as to perform our contractual obligations). In addition, processing of personal data takes place to be able to complete our client on-boarding/acceptance procedures.

In view of the above, we need to verify your identity in order to accept you as our client and we will need to use those details in order to effectively manage your trading

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. The use of your personal information is necessary for us to know who you are as we have a legal obligation to comply with certain Know Your Customer and Customer Due Diligence regulatory obligations.

## **2. Compliance with a legal obligation**

There are a number of legal obligations emanating from the relevant laws to which we are subject as well as statutory requirements (e.g., AML Laws, Investment Services Law, Tax laws, etc.). There are also various supervisory authorities whose laws and regulations we are subject to (e.g. the IFSC). Such obligations and requirements impose on us necessary personal data processing activities for credit checks, identity verification, compliance with court orders, tax law or other reporting obligations and anti-money laundering controls.

## **3. For the purposes of safeguarding legitimate interests**

We process personal data so as to safeguard the legitimate interests pursued by us or by a third party. A legitimate interest is when we have a business or commercial reason to use your information. But even then, it must not unfairly go against what is right and best for you. Examples of such processing activities include:

- Initiating legal claims and preparing our defence in litigation procedures;
- Means and processes we undertake to provide for the Company's IT and system security, preventing potential crime, asset security, admittance controls and anti-trespassing measures
- Measures to manage business and for further developing products and services;
- Sharing your personal data within the Emar Markets Ltd for the purpose of updating/verifying your personal data in accordance with the relevant anti-money laundering compliance framework;
- Risk management.

## **4. You have provided your consent**

Provided that you have given us your specific consent for processing (other than for the reasons set out hereinabove) then the lawfulness of such processing is based on that consent. Your consent allows us to send you our latest trading-related updates, current

promotions, special offers and market overviews. You have the right to revoke consent at any time by going to the Settings section of your Member Area and disabling any notifications. However, any processing of personal data prior to the receipt of your revocation will not be affected.

#### **5. To assess the appropriateness of our services/products for the Clients**

#### **6. To provide you with products and services, or information about our products and services, and to review your ongoing needs**

Once you successfully open a trading account with us, or subscribe to an update or webinar, we will need to use your personal information to perform our services and comply with our obligations to you. It is also in our legitimate interests to ensure that we are providing the best products and services so we may periodically review your needs to ensure that you are getting the benefit of the best possible products and services from us.

#### **7. To help us improve our products and services, including customer services, and develop and market new products and services**

We may from time to time use personal information provided by you through your use of the services and/or through client surveys to help us improve our products and services. It is in our legitimate interests to use your personal information in this way to ensure the highest standards when providing you with our products and services and to continue to be a market leader in the financial services industry.

#### **8. To form a profile about you**

We may from time to time use personal information about you to create profiles about you so that we can better understand you and your needs. We may also make decisions about you through automated profiling or automated credit checks which may 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.

#### **9. To investigate or settle enquiries or disputes**

We may need to use personal information collected from you to investigate issues and/or settle disputes with you as it is in our legitimate interests to ensure that issues and/or disputes get investigated and resolved in a timely and efficient manner.

## **10. To comply with applicable laws, court orders, other judicial process, or the requirements of any applicable regulatory authorities**

We may need to use your personal information to comply with any applicable laws and regulations, court orders 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.

## **11. To send you surveys**

From time to time, we may send you surveys as part of our customer feedback process. It is in our legitimate interest to ask for such feedback to ensure that we provide our services/products at the highest standards. 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.

## **12. Data analysis**

Our web pages and e-mails may contain web beacons or pixel tags or any other similar type of data analysis tools which allow us to track receipt of correspondence and to count the number of users that have visited our webpage or opened our correspondence. 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.

## **13. Marketing purposes**

We may use your personal information to send you marketing communications by email or phone or other agreed forms (including social media campaigns) to ensure that you are always kept up to date with our latest products and services. Where we send you marketing communications we will either do so based on your consent or if it is in our legitimate interest.

## **14. Internal business purposes and record keeping**



We may need to process your personal information for internal business and research purposes as well as for 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 and products we provide to you and our relationship with you. We will also keep records to ensure that you comply with your contractual obligations pursuant to the agreement governing our relationship with you.

## **15. Corporate restructuring**

If we undergo a corporate re-structuring or part or all of our business is acquired by a third party, we may need to use your personal information in association with that re-structuring or acquisition. Such use may involve sharing your information as part of a due diligence exercise. It is our legitimate interest to use your information in this way, provided we comply with any legal/regulatory obligation we have towards you.

### **Disclosure of your personal information**

The Company shall not disclose any of its clients' confidential information to a third party, except: (a) to the extent that it is required to do so by under and/or pursuant to any Applicable Laws, Rules and/or Regulations; (b) where there is a duty to the public to disclose; (c) where our legitimate business interests require disclosure; or (d) at your request or with your consent or to Persons described below. The Company will endeavour to make such disclosures on a 'need-to-know' basis, unless otherwise instructed by a regulatory authority. Under such circumstances, the Company shall expressly inform the third party regarding the confidential nature of any such information.

As part of using your personal data for the purposes set out above, the Company may disclose your personal information to the following:

- any members of the Emar Markets Ltd, which means that any of our ultimate holding companies and their respective subsidiaries may receive such information;
- our Associates, for business purposes, including certain third parties such as service providers and specialist advisers who have been contracted to provide us with administrative, financial, legal, insurance, research or other services;
- business introducers with whom we have a mutual business relationship;

- business parties, credit providers, courts, tribunals and regulatory authorities as agreed or authorised by law;
- payment service providers (PSPs) and/or banking institutions in relation to issues raised regarding deposits/withdrawals to/from trading account(s) held with the Company and/or for the purpose of commencing an investigation regarding such matters (e.g., third party deposits);
- anyone authorised by you.

In the event that the Company discloses your personal information to business parties, such as card processing companies or banks, in order to perform the services requested by clients, such third parties may store your information in order to comply with their legal and other obligations.

Generally, we require that organisations outside Emar Markets Ltd who handle or obtain personal information acknowledge the confidentiality of this information, undertake to respect any individual's right to privacy and comply with all relevant data protection laws and this Privacy Policy. Third-party service providers such as credit referencing agencies (if and when applicable) may keep a record of any searches performed on our behalf and may use the search details to assist other companies in performing their searches. Please note that the use of your personal information by external third parties who act as data controllers of your personal information is not covered by this Privacy Policy and is not subject to our privacy standards and procedures.

Clients accept and consent that the Company may, from time to time, analyse the data collected while visiting our website(s) or by other means, such as questionnaires, for statistical purposes in order to improve the Company's business activities.

### **Information collected from your use of our services**

Tracking systems used on the Company's website(s) may collect your personal data in order to optimise the services provided to clients/potential clients. The website collects information in the following ways:

#### **Device information**

By recognizing your device used to access and use the Company's website(s), we can provide you with the most appropriate version of our website(s).

## **Log information**

Logging certain behaviours on the site enables the company to track user action and therefore troubleshoot any issues that may occur.

## **Location information**

Using your IP address helps us localize our website content, which we provide to you based on your country, and improve your user experience on our site(s).

## **Cookies**

Cookies are text files with a small amount of data sent from our website(s) to your browser and stored on your computer's hard drive. Cookies help us improve the performance of our website(s) and our website visitors' experience, track your referrer and improve our future advertising campaigns.

## **Local storage**

You must submit validation documents to us through the Company's Members Area in order to activate your trading account. These documents are transmitted over a secure 128-bit SSL connection and stored in a safe location.

## **Cookies**

Internet cookies are small pieces of data sent from our website(s) to your browser and stored on your computer's hard drive when using our website(s), and they may include a unique identification number. The purpose of collecting this information is to provide you with a more relevant and effective experience on our website(s), including the presentation of our web pages according to your needs or preferences.

Cookies are frequently used on many websites on the internet, and you can choose if and how a cookie will be accepted by changing your preferences and options in your browser. You may not be able to access some parts of our website(s) if you choose to disable the cookie acceptance in your browser, particularly in the Company's Members Area and other secure parts of our website(s). We therefore recommend you to enable cookie acceptance in order to benefit from all our online services.

Furthermore, we use cookies for re-marketing features in order to allow us to reach out to users who have previously visited our website(s) and have shown an interest in our products and services. Periodically, we may use third party vendors, such as Google

and AdRoll, to display our ads over the internet to you, based on your previous use of our website(s). You can opt out this particular use of cookies at any time by visiting Google's Ads Settings page and the DoubleClick opt-out page.

The Company uses session ID cookies and persistent cookies. A session ID cookie expires after a set amount of time or when the browser window is closed. A persistent cookie remains on your hard drive for an extended time period. You can remove persistent cookies by following directions provided in your web browser's 'Help' file.

### **How we obtain your consent**

Where our use of your personal information requires your consent, such consent will be provided in accordance with the Client Agreement/Terms and Conditions of Business which governs our business relationship and is available on our website(s), or any other contract we may have entered into with you or as set out in our communication with you from time to time.

If we rely on your consent as our legal basis for processing your personal information, you have the right to withdraw that consent at any time by contacting us using the contact details set out in this Privacy Policy.

### **Storage of your personal information and retention period**

Safeguarding the privacy of your information is of utmost important to us, whether you interact with us personally, by phone, by mail, over the internet or any other electronic medium. We will hold personal information, for as long as we have a business relationship with you, in a combination of secure computer storage facilities and paper-based files and other records and we take the necessary measures to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure.

When we consider that personal information is no longer necessary for the purpose for which it was collected, we will remove any details that will identify you or we will securely destroy the records. However, we may need to maintain records for a significant period of time. For example, we are subject to certain anti-money laundering laws which require us to retain the following, for a period of 5 years after our business relationship with you has ended:

- a copy of the documents we used in order to comply with our customer due diligence obligations;

- supporting evidence and records of transactions with you and your relationship with us

Also, the personal information we hold in the form of a recorded communication, by telephone, electronically, in person or otherwise, will be held in line with local regulatory requirements (i.e., 5 years after our business relationship with you has ended). 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.

We may keep your data for longer than (5) years if we cannot delete it for legal, regulatory or technical reasons.

### **Your rights regarding your personal information**

The rights that might be available to you in relation to the personal information we hold about you are set out below.

#### **Information and access**

If you ask us, we will confirm whether we are processing your personal information and, if so, what information we process and, if requested, provide you with a copy of that personal information (along with certain other details) within thirty (30) days from the date of your request. If you require additional copies, we may need to charge a reasonable administration fee.

#### **Rectification**

If the personal information we hold about you is inaccurate or incomplete, you are entitled to have it rectified. If we have disclosed your personal information to others, we will let them know about the rectification where possible. If you ask us, where possible and lawful to do so, we will also inform you who we have shared your personal information with so that you can contact them directly.

You may inform us at any time that your personal details have changed by e-mailing us at [support@emarmarkets.com](mailto:support@emarmarkets.com). The Company will change your personal information in accordance with your instructions. To proceed with such requests, in some cases we

may need supporting documents from you as proof, i.e. personal information that we are required to keep for regulatory or legal purposes.

## **Erasure**

You can ask us to delete or remove your personal information in certain circumstances such as where we no longer need it or you withdraw your consent (where applicable) provided that we have no legal obligation to retain that data. Such request will be subject to any retention limits we are required to comply with in accordance with applicable laws and regulations and subject to section 'Storage of Your Personal Information and Retention Period'. If we have disclosed your personal information to others, we will let them know about the erasure where possible. If you ask us, where possible and lawful to do so, we will also inform you who we have shared your personal information with so that you can contact them directly.

## **Processing restrictions**

You can ask us to 'block' or suppress the processing of your personal data in certain circumstances such as where you contest the accuracy of that personal information or object to us processing it. It will not stop us from storing your personal information though. We will inform you before we waive any restriction. If we have disclosed your personal information to others, we will inform about the restriction where possible. If you ask us, where possible and lawful to do so, we will also tell you who we have shared your personal information with so that you can contact them directly.

## **Data portability**

Under the General Data Protection Regulation (679/2016), you have the right, in certain circumstances, to obtain personal information you have provided us with (in a structured, commonly used and machine readable format) and to re-use it elsewhere or ask us to transfer this to a third party of your choice.

## **Objection**

You can ask us to stop processing your personal information, and we will do so, if we are:

- relying on our own or someone else's legitimate interests to process your personal information except if we can demonstrate compelling legal grounds for the processing;

- processing your personal information for direct marketing; or
- processing your personal information for research unless such processing is necessary for the performance of a task carried out in the public interest.

### **Automated decision-making and profiling**

If we have made a decision about you based solely on an automated process (e.g. through automatic profiling) that affects your ability to use the services or has another significant effect on you, you can request not to be subject to such a decision unless we can demonstrate to you that such decision is necessary for entering into, or the performance of, a contract between you and us. Even where a decision is necessary for entering into or performing a contract, you may contest the decision and require human intervention.

### **Choice to opt-out submitting your personal information**

Should you not want us to use your personal information, you must inform the Company by sending an email to [support@emarmarkets.com](mailto:support@emarmarkets.com). If you decide to do so, we may not be able to continue to provide information, services and/or products requested by you and we will have no liability to you in this respect.

### **Legal disclaimer**

The Company reserves the right to disclose your personally identifiable information as required by rules and regulations and when the Company believes that disclosure is necessary to protect our rights and/or to comply with any judicial and/or other proceedings, court order, legal process served or pursuant to governmental, intergovernmental and/or other regulatory bodies. The Company shall not be liable for misuse or loss of personal information and/or otherwise on the Company's website(s) that the Company does not have access to or control over. The Company will not be liable for unlawful or unauthorised use of your personal information due to misuse or misplacement of your passwords, negligent or malicious intervention and/or otherwise from your end.

### **Changes in this Privacy Policy**

Our Privacy Policy is reviewed from time to time to take into account new laws and technologies, changes to our operations and practices, and to ensure that it remains appropriate to the changing environment.

If we decide to change our Privacy Policy, we will post those changes to this Privacy Policy and other places we deem appropriate so that you are aware of what information we collect, how we use it, and under what circumstances, if any, we disclose it.

### **Should you have any Complain?**

If you have a concern about any aspect of our privacy practices, you can submit a complaint. This will be acted upon promptly. To make a complaint, please contact us via email [support@emarmarkets.com](mailto:support@emarmarkets.com).

### **Contact us**

If you have any enquiries regarding this Privacy Policy, please e-mail us at [support@emarmarkets.com](mailto:support@emarmarkets.com)