



PRIVACY POLICY

1. INTRODUCTION

This policy notice (hereafter the “**Privacy Policy**” “**Policy**”, “**Notice**”) is addressed to you the client or prospective client (hereafter the “**Client**”, “**you**”, “**your**”) of INSTANT TRADING EU Ltd (hereafter the “**Company**”, “**us**”, “**our**”, “**we**”). Employees, associates, service providers or any other third party that engages the Company in a business relationship, have their personal information treated as in accordance with the contractual agreement between the Company and that party.

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 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (“**GDPR**”) which is applicable as of 25 May 2018.

By accessing our Company’s website including using any of the communication channels to contact us, we consider that you have read, understood and accepted the terms of this Privacy Policy and how we process any information you disclose to us. Moreover, you agree that this Policy, including any amendments will govern how we collect, store, use, share and in any other form process your personal data and your rights during our relationship and after its termination.

By applying for an account with the Company you consent to the terms stipulated in this Policy Notice, including any amendments will govern how the Company collects, stores, uses, shares and in any other form process your personal data and your rights during the course or termination of your business relationship with the Company.

The information contained herein supersedes any information in relation to the processing of personal data that is included in any of the existing client agreement and associated forms on matters that are covered by this Privacy Policy. We may revise or update this Policy from time to time. The new version of this Policy will be available on the Company’s website.

As per the relevant sections of the GDPR, 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 purposes of this statement:

- (a) personal data means any information relating to an identified or identifiable natural person (data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors

- specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
- (b) processing 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;
 - (c) 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;
 - (d) processor shall mean a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

2. WHO ARE WE?

Instant Trading EU Ltd, is a Cyprus Investment Firm regulated and authorized by the Cyprus Securities and Exchange Commission ('**CySEC**') under license number 266/15 and registered with the Registrar of Companies in Nicosia under number HE 266937.

The Company's contact details are:

Address: *23A, Spetson, Leda Court, Block B, Office B203, Mesa Geitonia, CY- 4000 Limassol*

Phone(s): Cyprus: +35725030268 or +44203034425

Email: *support@forexmart.eu*

3. OUR COMMITMENT

We understand the importance of maintaining the confidentiality and privacy of your personal information. By entrusting us with your information, we would like to assure you of our commitment to keep such information private. We have taken measurable steps to protect the confidentiality, security and integrity of your personal information.

4. WHAT INFORMATION WE COLLECT

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 Cyprus Investment Firm ('**CIF**') and recordings of telephone

conversations, client transactions, the Foreign Account Tax Compliance Act ('FATCA') and Common Reporting Standard ('CRS').

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

- (a) name and surname;
- (b) date of birth;
- (c) place of birth;
- (d) nationality;
- (e) copy of the passport and/or of the identity card;
- (f) utility bill (including the full address of the Client);
- (g) Tax Identification Number;
- (h) tax residence;
- (i) telephone number;
- (j) email;
- (k) employer's name;
- (l) profession;
- (m) industry of employment;
- (n) gross annual income;
- (o) net worth;
- (p) anticipated turnover;
- (q) bank account details.

We 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.

We may also collect your personal information in regard to your use of our website(s), such as pages visited, frequency, duration of visit and trading activities (for more information refer to our '**Cookies disclaimer**').

We also keep 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.

We record 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.

5. USE OF INFORMATION COLLECTED

We will use, store, process and handle your personal information in accordance with the GDPR and the Law 125(I) of 2018 providing for the protection of natural persons with regard to the processing of personal data and for the free movement of such data, as amended or replaced from time to time.

Your personal data (not publicly available information and/or already possessed by the Company without abiding with the provisions of the general data protection regulation), will be collected and processed explicitly and specifically only for the purposes that have been collected for ('purpose limitation') while the Company must require only the information necessary in relation to the purposes for which they have been collected.

We may transfer your personal information outside the European Economic Area. If we will make such a transfer, we will 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.

6. CONTACTING YOU

We may, for the purpose of providing our services to you or for administering the terms of our agreement with you, from time to time, make direct contact with you by telephone, fax, email, or post.

Subject to your consent, the Company may contact 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.

7. DISCLOSURE OF INFORMATION

Through our engagement with you we may disclose your personal information as part of our service offering or to fulfil our legal obligations. In this respect your personal information will be disclosed in the following situations:

- a. where required by law or by a competent court;
- b. where requested by the CySEC or any other regulatory authority having control or jurisdiction over the Company or the Client or their associates or in whose territory the Company has Clients;

- c. to relevant authorities to investigate or prevent fraud, money laundering or other illegal activity;
- d. to such an extent as reasonably so as to execute orders and for purposes ancillary to the provision of the services;
- e. to credit reference and fraud prevention agencies, third authentication service providers, banks and other financial institutions for credit checking, fraud prevention, anti-money laundering purposes, identification or due diligence checks of the Client. To do so they may check the details the Client supplied against any particulars on any database (public or otherwise) to which they have access. They may also use Client details in the future to assist other companies for verification purposes. A record of the search will be retained by the Company;
- f. to the Company's professional advisors provided that in each case the relevant professional shall be informed about the confidential nature of such information and commit to the confidentiality herein obligations as well;
- g. to other service providers who create, maintain or process databases (whether electronic or no), offer record keeping services, email transmission services, messaging services or similar services which aim to assist the Company collect, storage, process and use Client information or get in touch with the Client or improve the provision of the Services under this Agreement;
- h. to a trade repository or similar under the Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties (CCPs) and trade repositories (TRs) (EMIR);
- i. to other service providers for statistical purposes in order to improve the Company's marketing, in such a case the data will be provided in an aggregate form;
- j. to market research call centers that provide telephone or email surveys with the purpose to improve the services of the Company, in such a case only the contact details the data will be provided;
- k. where necessary in order for the Company to defend or exercise its legal rights to any court or tribunal or arbitrator or Ombudsman or governmental authority;
- l. at the Client's request or with the Client's consent;
- m. to an Affiliate of the Company or any other company in the same group of the Company;
- n. to successors or assignees or transferees or buyers, with five (5) business days prior written Notice to the Client.

We require 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.

8. LEGAL BASIS FOR DATA PROCESSING AND YOUR CONSENT

We will process your personal data for the purposes and to the extent that is necessary for the performance of an agreement to which you are party or in order to take steps at your request prior to entering into an agreement. When you desire to become our Client you have statutory and contractual obligation to provide and keep up to date and accurate the personal data required to conclude an agreement. Failure to provide such data will not allow us to commence or continue our business relationship.

We may also process some of your personal data of base of your freely given consent. When the use of your personal information requires your consent, such consent declaration will be provided to you during the account opening procedure and is also available on the Company's website(s). We shall rely on the provided consent as its legal basis for processing your personal data. You have the right at any time to withdraw that consent by contacting us via phone or via email at compliance@forexmart.eu. The withdrawal of consent shall not affect the lawfulness of the processing based on consent before its withdrawal.

Where you are a natural person and the use of your personal data requires your consent, the Company will request for your consent to be provided freely, specific, informed and an unambiguous indication of your desires, which by statement or by clear affirmative action, signifies agreement to the processing.

If at any case you feel compelled to consent or you will endure negative consequences if you do not, then your consent will not be valid. Additionally, your consent shall not be bundled-up as a non-negotiable part of terms and conditions, because such action would indicate that you haven't freely provided your consent.

In certain circumstances the Company can process your data without your consent. Additionally to the performance of an agreement, the following are considered to be the most relevant:

- a) processing is necessary for compliance with legal obligation to which the Company is subject;
- b) processing is necessary in order to protect your vital interests or of another natural person;
- c) processing is necessary for the performance of a task carried out in the public interest or in the exercise of public authority vested in the Company;
- d) processing is necessary for the purposes of the legitimate interests pursued by the Company or by the third party, except where such interests are overridden by your interests or fundamental rights and freedoms of the data subject which require protection of personal data..

9. MANAGEMENT OF YOUR PERSONAL INFORMATION AND SAFEGUARD MEASURES

We have taken all the appropriate technical and organisational measures to ensure that your personal data are secured. Moreover, the Company has established an internal educational

trainings for its employees so as to mitigate any risks that may affect your data. The employees that are processing your data are being trained to respect the confidentiality of customer information and the privacy of individuals. We consider breaches of your privacy as top priority and the Company will enhance its internal procedures to prevent any such event.

We have implemented procedures in respect to safeguarding your data. 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, have access to such information.

Furthermore, we hold personal information in a combination of secure computer storage, secure servers and from time to time and if it is deemed necessary we will store them in paper-based files. The Company has taken all the necessary steps to protect the personal information that it holds from misuse, loss, unauthorised access, modification or disclosure.

While we will use all reasonable efforts to safeguard your personal information, you acknowledge that the use of the internet is not entirely secure and for this reason we cannot guarantee the security or integrity of any personal data transferred from you, or to you via the internet.

10. HOW LONG WE HOLD YOUR INFORMATION

We shall keep your personal data for as long as the Company has business relationship with you (natural person). Once the business relationship has been ended, we may keep your data for up to five (5) years in accordance with the Laws governing the Company.

We may keep your personal data for longer than five (5) years for legal, regulatory and/or any other obligatory reason. Retention periods will be determined taking into account the type of information that is collected and the purpose for which it is collected, bearing in mind the requirements applicable to the situation and the need to destroy outdated, unused information at the earliest reasonable time.

We hold personal information in hard-copy and soft-copy format. We use secure computer storage facilities for soft-copies and implement a security access policy for hard-copies. The Company has measures in place to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure.

11. YOUR RIGHTS

You have the right to obtain from the Company confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, access to your personal data and the information regarding the processing of your data.

Should you find any inaccuracies you have the right to the rectification of inaccurate personal data concerning you and taking into account the purposes of the processing, you also have the right to have incomplete personal data completed, including by means of providing a

supplementary statement. You may inform the Company at any time that your personal information have changed and we will change your personal data in accordance to your instructions. If any change impacts the provision of our services to you we will inform you accordingly.

You have the right to obtain from the Company restriction of processing if one of the following applies:

- a) the accuracy of your personal data is contested by you and we need we verify it within a reasonable period;
- b) your personal data has been processed unlawfully and you have opposed the erasure and restrictions;
- c) we no longer need your personal data for the purposes of the processing, but we still need to keep them for the establishment, exercise or defence of legal claims;
- d) you have objected to the processing of your personal data and the verification whether we have legitimate grounds for the processing of your data is pending.

You have the right to receive the personal data concerning you, which you have provided to the Company, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from us.

We may process some of your data automatically, which will help us to conclude and perform an agreement with you, like appropriateness test, suitability test or monitoring of your account and transactions. Notwithstanding the foregoing, our decision to enter into agreement or to perform the agreement with you is not based solely on automated processing, nor profiling. You may also object to processing and request to erasure the personal information we hold, however, should you choose to do so you acknowledge that we may not be able to continue providing our services to you and we may need to discontinue our business relationship.

All your request can be sent to compliance@forexmart.eu and we will reply accordingly within a period of five (5) business days.

12. QUESTIONS

If you have any questions regarding this Policy, wish to access or change your information or have a complaint, or if you have any questions about security on our website, you may email us at compliance@forexmart.eu.

Furthermore, in case you are not happy with the quality of services we have provided you with in regard to the personal data processing, you as a natural person have the right to lodge a complaint with our supervisory authority which is the Commissioner for Personal Data Protection in the Republic of Cyprus.

13. UPDATES

We may change this Policy at any time at our discretion without any prior notice to you. We will post any and all updates on our website and for this reason you are advised to look for updates from time to time.