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## *Privacy Policy*

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## Contents

Introduction .....	3
Purpose .....	3
Our Commitment to You .....	3
Legal basis for the processing of your Personal Data .....	4
Collection of Personal Data .....	5
What kind of personal information/data do we collect and store? .....	5
Use of the Information.....	6
Processing of personal information .....	7
Security and Safeguard measures of Personal Information .....	9
Recording of Telephone Conversations and Electronic Communications.....	10
Security and policy for transmission of payment card details .....	10
Cookies.....	10
Contacting You.....	11
Change of Information.....	11
Right of Access.....	12
Restricted responsibility .....	12
Consent.....	12
Privacy Policy Updates.....	13

## Introduction

FINMARKET is a brand name owned and operated by K-DNA Financial Services LTD (hereinafter called the “Company” or “K-DNA Financial Services LTD”, “us”, “we”), regulated company by the Cyprus Securities and Exchange Commission (hereinafter called the “CySEC”) under license number 273/15, incorporated and registered under the laws of the Republic of Cyprus, registration No. 335683, registered office at 56 Griva Digeni Avenue, Anna Tower, 1st Floor, 3063, Limassol, Cyprus, in accordance with the Investment Services and Activities and Regulated Markets Law of 2017 (Law 87(I)/2017) (the “Law”), as amended from time to time, and subject to the European Parliament Markets in Financial Instrument Directive II (“MiFID II”)

The EU General Data Protection Regulation (“GDPR”) came into force across the European Union on 25th May 2018 and brought with it the most significant changes to data protection law in two decades. Based on privacy by design and taking a risk-based approach, the GDPR has been designed to meet the requirements of the digital age.

The 21st Century brings with it a broader use of technology, new definitions of what constitutes personal data, and a vast increase in cross-border processing. The new Regulation aims to standardise data protection laws and processing across the EU; affording individuals stronger, more consistent rights to access and control their personal information.

## Purpose

Our Privacy Policy below describes in detail how we use your personal data, how it is collected, how it is stored & how it is processed. It also explains your protection of all confidential Client’s information. The Company acts as a controller of your personal data under GDPR, which means that it determines solely or jointly with others, the purposes and means of the processing of your personal data.

## Our Commitment to You

We understand the importance of ensuring the security and protection of the personal information that we process, and we are committed to provide a compliant and consistent approach to data protection. We have an effective data protection program in place which complies with existing law and abides by the data protection principles. The Company recognizes its obligations in updating and expanding this program to meet the demands of the GDPR and the Protection of Natural Persons Against the Processing of Personal Data and the Free Circulation of Data Law of 2018 (L.125(I)/2018). Therefore, **K-DANA Financial Services Ltd** is committed to protect the privacy of all personal data which is obtained from you, including the data we obtain during your visits to the **Company’s** websites.

**K-DNA Financial Services Ltd** handles, retains and processes your data only insofar as this is in accordance with the applicable legal requirements and only to the extent it is necessary for the achievement of the purposes set out herein.

The Company, our associates, any members, agents and/or sub-contractors which we engage or work through for the purpose of collecting, storing and processing Personal Data and any third parties acting on our behalf, may collect, process, use and store Personal Data provided by you for the purposes of carrying out transactions, and/or other services, operational support and development of our or their business.

This Privacy Policy concerns natural persons who are current or potential customers of the Company or act as authorised representatives of legal entities or natural persons which/ who are current or potential customers of the Company or are the directors or beneficial owners of legal entities who are current or potential customers of the Company (hereinafter “you or your”). This Privacy Policy concerns also natural persons who had such business relationships with the Company in the past.

## **Legal basis for the processing of your Personal Data**

The protection of your privacy and personal information is of great importance to us. Your personal data is processed lawfully, fairly and in a transparent manner on the following bases:

### **For the performance of a contract**

The processing of your personal data is necessary for the performance of a contract, namely the client agreements for the performance of investment services to which you are party, or in order to take steps at your request prior to entering into an agreement. In order to be able to render investment services to you and administer our relationship, we need to collect certain information about your identity, financial background and investment objectives.

### **For compliance with a legal obligation**

The processing of your personal data is necessary for compliance with the legal obligations emanating from a number of laws to which K-DNA Financial Services Ltd is subject, e.g. the European Markets in Financial Instruments Directive II (‘MiFID II’) and the corresponding Investment Services and Activities and Regulated Markets Law of the Republic of Cyprus L.87(I)/2017, the European and Cyprus legislation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, the Common Reporting Standard (‘CRS’), the Market Abuse Regulation (‘MAR’), and the Foreign Account Tax Compliance Act (FATCA) inter alia. Compliance with these legal obligations requires, inter alia, identity verification

procedures and processes, anti-money laundering controls, the retention of personal data for a certain period of time, the disclosure of personal data to the supervisory and other regulatory and public authorities.

### **For the purposes of the legitimate interests pursued by K-DNA Financial Services Ltd**

The processing of your personal data is necessary for the purposes of the legitimate interests pursued by K-DNA Financial Services Ltd, where those interests do not infringe your interests, fundamental rights and freedoms. These legitimate interests include business or commercial interests and examples of relevant processing activities include: preparing our defense in litigation procedures; preventing fraud and money laundering activities; managing business and further developing and marketing of products and services.

## **Collection of Personal Data**

If you decide to apply to open an account or a demo account with us (or in any other circumstances that is deemed necessary in the course of our business relationship) and hence enter into a contract with us by becoming our Client, you will have a statutory and contractual obligation to provide and keep up to date and accurate the personal data set out in this Privacy Policy We are required to collect, process and retain these personal data in accordance with the mandatory legal requirements. Failure to provide such data will not allow us to commence or continue our business relationship, as compliance with our legal obligations will be deemed impossible.

## **What kind of personal information/data do we collect and store?**

*As part of our business, we collect, process and retain personal data from customers and potential customers that include, but not limited to the following:*

- Personal information such as First name, last name, , date of birth, residential address, Passport and/or ID Card number, Citizenship, nationality;
- Contact details such as email address, telephone number;
- Financial information such as annual income, Income source, net worth, source of wealth, bank account details and investment objectives;
- FATCA/ CRS information (tax residency, tax identification number);
- Information on whether you hold/held a prominent public function (for PEPs);
- Profession and employment details;

- Trading knowledge and experience, risk tolerance and risk profile;
- Information from documents that you provide to us to verify your identity, residency and financial status, such as your passport, utility bills, bank statements etc;
- Payment Details including credits cards/ debit cards, bank account details, e-wallets etc.

In order to provide our products and services, we may collect your information through several different sources, including but not limited to:

- Website and forms
- Website Live Chat
- CRM system
- Via Phone
- Via Email
- Other Third Party Processors
- Third Party Service Providers, for example: credit reference agencies, fraud prevention agencies, banks, other financial institutions, third authentication service providers and the providers of public registers.
- Existing Clients
- Partners, Employees

## Use of the Information

**Finmarket** collects and processes personal information about you, which is necessary in order to provide you with its services, as listed further below in this Policy. This includes information about you when you complete an online application or another type of form and when you access and trade through your **Finmarket** account. Additionally, we may also obtain personal information as a result of authentication or identity checks, including checks with credit reference agencies (who may keep a record of the information) to prevent fraud.

**Finmarket** may also derive information from your use of our websites and software client and may store this information with your personal profile. This information may include site areas visited, pages viewed, frequency and duration of visits, Internet Protocol (IP) address, computer identification parameters, types of transactions conducted, documents downloaded, mouse clicks, mouse movements, scrolling activity as well as text you type in this website and which website referred you to ours or to which websites you link.

If the clients do not want to receive information of this nature for any reason, they can contact the Company at the following email [support@finmarket.com](mailto:support@finmarket.com).

### Processing of personal information

Any personal information is treated as confidential and may be shared only within the Company, by its employees and affiliates who need it in order to perform their responsibilities, as permitted by the applicable law and will not be used for any purpose other than in connection with the provision, administration and improvement of our Services to you or the furthering of our Agreement between us, establishing and maintaining your account or a relationship between us, reviewing your ongoing needs, enhancing customer service and products, giving you ongoing information or opportunities that we believe may be relevant to you, improving our relationship, anti-money laundering and due diligence checks, for research and statistical purposes and for marketing purposes (according to the Agreement between us), as applicable. Those with access to personal information are obligated to comply with strict standards of confidentiality when managing personal and other data.

The information may be disclosed to third parties, such as the **Company Partners** and **Affiliates** for the purposes stated above only. Our Company Partners, Affiliates, and Business Introducing maintain the privacy of your information to the same extent the Company does in accordance with this policy.

Information may also be provided to **non-affiliated companies**, providing professional, legal, and accounting services. Non-affiliated companies that assist the Company in providing services to you are required to maintain the confidentiality of such information and to use your personal information only in the course of providing such services for the purposes that the Company dictates and within the ambit of the applicable law. Such cases are:

- a) Where required by law or a court order by a competent Court; in case such disclosure is required to be made by law or any regulatory authority, it will be made on a 'need-to-know' basis, unless otherwise instructed by the regulatory authority;
- b) Where requested by 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 required 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 not), 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 third parties engaging with the Company to help carry out certain internal functions such as account processing, fulfillment, client service, or other data collection activities relevant to the Company's business;
- i) To credit reporting or collection agencies as reasonably required in order to provide the services to Company and/ or its clients;
- j) 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);
- k) 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;
- l) To market research call centers that provide telephone or electronic mail (e-mail) surveys with the purpose to improve the services of the Company, in such a case only the contact details data will be provided;
- m) 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;
- n) At the Client's request or with the Client's consent;
- o) To permitted successors or assignees or transferees or buyers, with fifteen (15) Business Days prior written notice to the Client;
- p) Client Information is disclosed in relation to US taxpayers to the Inland Revenue in the Republic of Cyprus, which will in turn report this information to the Internal Revenue Service (IRS) of the U.S. according to the Foreign Account Tax Compliance Act (FATCA) of the USA and the relevant intergovernmental agreement between the Republic of Cyprus and the U.S.

Client information is disclosed in compliance with the common reporting standard (CRS) for the automatic exchange of financial account information developed by the Global Forum of the Organization for Economic Co-Operation and Development (OECD); in the cases where your tax residence is located outside Cyprus, the Company may be legally obliged to pass on the information and other financial information with respect to your financial accounts to Cyprus tax authorities and they may exchange this information with tax authorities of another jurisdiction or jurisdictions pursuant to intergovernmental agreements to exchange financial account information. Under such circumstances, the Company shall expressly inform the third party regarding the confidential nature of the information.



Use of the shared information is strictly limited to the performance of the above and is not permitted for any other purpose. All third parties with which the Company shares personal information are required to protect such personal information in accordance with all relevant legislation and in a manner similar to the way the Company protects the same. The Company will not share personal information with third parties which it considers will not provide its clients the required level of protection.

In cases where clients have been introduced by a Business Introducer, such Business Introducer may have access to clients' information. Hence, clients hereby consent to the sharing of information with such Business Introducer.

By entering an Agreement with us (to become our Client), you will be consenting to the transmittal of Your Personal Information outside the European Economic Area, according to the provisions of Processing of Personal Data (Protection of the Individual) Law of 2001.

The Company will not sell or give away your name, mailing address, phone number, email address or any other information to anyone. The Company will use various security measures to protect your information from unauthorized users.

The account information (client account) will be secured by a password, the password will be encrypted and is known only to the client.

## **Security and Safeguard measures of Personal Information**

We have implemented appropriate technical and organisational measures to ensure appropriate security of your personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage. We have secure servers that your personal information is stored in. We limit access of your Information only to those employees or partners that need to know the information in order to enable the carrying out of the agreement between us. We use computer safeguards such as firewalls and data encryption. We also enforce physical access controls to our buildings and files to keep this data safe. We have procedures in place regarding how to safeguard and use your Information, for example by requesting our affiliates and employees to maintain the confidentiality of your Information. When we consider that the personal information is no longer needed, we will remove any details that will identify you and we will securely destroy the records.

We take reasonable steps to ensure that your personal data that we process are accurate and, where necessary, kept up to date. From time to time we may ask you to confirm the accuracy of your personal data. We take every reasonable step to ensure that personal data that are inaccurate, having regard to

the purposes for which they are processed, are erased or rectified without delay. We also make sure that all personal data we collect are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

Period for which your personal data will be stored

We will keep your personal data for the duration of our business relationship and for five (5) years after the termination of our business relationship, unless otherwise requested by a competent authority, in line with the provisions of the applicable European and Cyprus legislation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, the Markets in Financial Instruments Directive II ('MiFID II') and the corresponding Investment Services and Activities and Regulated Markets Law L.87(I)/2017 of the Republic of Cyprus. We may keep your data for longer if we cannot delete it for legal or regulatory reasons. In particular, the retention of data is not limited in time in the case of pending legal proceedings or an investigation initiated by a public authority, provided that in each case the Company has been informed of the pending legal proceedings or the investigation initiated by a public authority within the retention period described hereinabove.

## Recording of Telephone Conversations and Electronic Communications

Telephone conversations and electronic communications between the client and the Company will be recorded and kept by the Company for the duration of our business relationship and for five (5) years after the termination of our business relationship, unless otherwise requested by a competent authority. The Client accepts such recordings as conclusive evidence of conversations so recorded. Such recordings shall be provided to the client upon request.

## Security and policy for transmission of payment card details

In accordance with the recommendations of Payment Card Industry Security Standards Council, customer card details are protected using Transport Layer encryption — TLS 1.2 and application layer with algorithm AES and key length 256 bit.

## Cookies

The Company uses cookies to gather information about your access to FINMARKET website and other services we provide to you.

Cookies are small pieces of information which use a unique identification tag and are stored on your device as a result of you using FINMARKET website or other services we provide to you. Most internet browsers are set up to accept cookies.

If you do not wish to receive cookies, you may be able to change the settings of your browser to refuse all cookies or to have your computer notify you each time a cookie is sent to it, and thereby give yourself the choice whether to accept it or not. However, this may impair the quality of the services that we provide to you in relation to your account.

The client agrees and acknowledges that the company may use and collect existing or further information or both to treat you fairly, and to understand your financial objectives and to ensure that relevant services are appropriate to your profile as well as to improve the services we are providing to you and to inform you of additional products, new services, promotional offers or any other marketing information. In case you do not want to get any information or promotional emails you should send a request to [support@finmarket.com](mailto:support@finmarket.com)

## Contacting You

We may, for the purpose of administering the terms of our Agreement between us, from time to time, make direct contact with you by telephone, fax, email, or post. If you agree, we or any of our Affiliates of the Company or any other company in our group, may make contact with you from time to time, by telephone, fax, email or post for marketing purposes to bring to your attention products or services that may be of interest to you or to conduct market research.

Clients consent to the receipt of such contact when they consent to our terms and conditions of use when registering with the Company. Any person wishing to opt out of further contact with the Company at any time whatsoever is entitled to do so, simply by contacting the Company whether by phone +357 25254070 or email at [support@finmarket.com](mailto:support@finmarket.com) and requesting that no further contact on behalf of the Company be made.

## Change of Information

You may inform the Company at any time that Your Information has changed or that you wish the Company to delete information we hold about you by emailing us at [support@finmarket.com](mailto:support@finmarket.com). We will change or delete Your Information in accordance to your instructions, except to the extent that we are required to hold Your Information for regulatory or legal purposes, to provide you with the Services you have requested or to maintain adequate business records.

### Right of Access

Under the Processing of Personal Data (Protection of the Individual) Law of 2001, as amended or replaced from time to time, you as a natural person have the right to obtain a copy of any personal information which we hold about you and to advise us of any perceived inaccuracy. To make a request, please contact us, verifying your identity and specifying what information you require. We may charge an administrative fee. You may contact us via e-mail at [support@finmarket.com](mailto:support@finmarket.com).

### Restricted responsibility

K-DNA Financial Services LTD is not responsible for third party websites which are linked to [www.finmarket.com](http://www.finmarket.com) and has no control of the use or the protection of the information. Each time that a client is required to provide information for a link website which is a third party website the information is recorded by the third party and under his responsibility and is not subject to the Company's privacy standards and procedures.

### Consent

By visiting and/or accessing FINMARKET website, you consent to FINMARKET to collect, process and use your personal data as per this Policy.

By opening a trading account with the Company, the client hereby gives its consent to such collection, processing, storage and use of personal information by the Company as explained throughout this Policy..

This policy, forms part of the Client's agreement with the Company and therefore by entering into an agreement with the Company you also agree to the terms of this Policy, as set out in this document.

### Privacy Policy Updates

K-DNA Financial Services LTD reserves the right to update the privacy policy whenever this is deemed to be appropriate.

The update will be posted in FINMARKET website, the client accepts posting updated privacy policy as official notice to the client.

K-DNA Financial Services LTD encourage the client to check and to be updated regarding the privacy policy agreement and other agreement under the legal documentation section.

In case of further questions of information do not hesitate to contact us at [support@finmarket.com](mailto:support@finmarket.com).

Review date: March 2021.