

## Privacy Policy

### Introduction

**Formax Prime Capital (UK) Limited (“Formax”) is committed to protecting your privacy. This Privacy Policy explains how we collect and use your personal data and which rights and options you have in this respect. Your use of our website constitutes acceptance of this Policy. Any information we hold will be governed by our most recent 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; and**
- **Kept securely**

**This Policy set out how we comply with those requirements.**

### Who is responsible for your personal data?

Formax is responsible for your personal data. Formax Prime Capital (UK) Limited is a private limited company registered in England and Wales with company number 08891879 and with its registered office at Suite 627, 107 Cheapside, London, EC2V 6DN. It is authorised and regulated by the Financial Conduct Authority with Firm Registration Number 624225.

Formax is the data controller for your trading activity and ancillary activities in relation to your trading account(s) held with us as your broker. The data controller is responsible for deciding how your information is used and ensuring it is private and secure.

### Which types personal data do we collect?

Formax needs to collect certain personal information to be able to offer its range of financial products and services to its customers.

The personal data we collect may include:

- Personal information such as
  - Name, address and contact details including but not limited to phone number and email address;
  - Date of birth;
  - Gender;
  - Professional and employment details;
  - Passport and/or ID number;
  - National insurance/tax identification number;

- information about your income and wealth including details about your assets and liabilities, account balances, tax and financial statements;
- trading history and performance: this includes:
  - products you trade and their performance;
  - products we trade on your behalf and their performance;
  - historical data about the trades and investments you made including the amount invested;
  - your preference for certain types of services and products;
- any other similar information;
- Contact information, such as your name, job title, postal address, including your home address, where you have provided this to us, business address, telephone number, mobile phone number, fax number and email address;
- Payment data, such as data necessary for processing payments and fraud prevention, including credit/debit card numbers, security code numbers and other related billing information;
- Further business information necessarily processed in a project or client contractual relationship with Formax or voluntarily provided by you, such as instructions given, payments made, requests and projects;
- Your password for the Formax website or other password protected platforms or services, where you have one;
- Information collected from publicly available resources, integrity data bases and credit agencies;
- Special categories of personal data. In connection with the registration for and provision of access to an event or seminar, we may ask for information about your health for the purpose of identifying and being considerate of any disabilities or special dietary requirements you may have. Any use of such information is based on your consent. If you do not provide any such information about disabilities or special dietary requirements, we will not be able to take any respective precautions; and/or
- Details of your visits to our premises.

#### **How do we collect your personal data?**

We will collect and maintain most personal information from your use of our website. This may be through the use of the application and other types of forms and through active use of any trading account.

We may collect personal data about you in a number of other circumstances, including

- Directly from you;
- From a third party acting on your behalf e.g. an intermediary or another broker;
- From publicly available sources;
- From a third party contracted with ourselves to source information about you from publicly available sources in order to allow us to comply with laws and/or regulations as applied or required by regulatory authorities;
- When we generate it ourselves (e.g. Customer Due Diligence) and/or from other organisations
- When you or your organisation contract with us and/or use any on-line services;
- When you or your organisation browse, make an enquiry or otherwise interact on our website;
- When you attend a seminar or another Formax event or sign up to receive personal data from us, including training; or
- When you or your organisation offer to provide or provide services to us.

In some circumstances, we collect personal data about you from a third party source. For example, we may collect personal data from your organisation, other organisations with whom you have dealings, government agencies, a credit reporting agency and an information or service provider or from a publicly available record.

#### **Are you required to provide personal data?**

As a general principle, you will provide us with your personal data entirely voluntarily; there are generally no detrimental effects for you if you choose not to consent or to provide personal data.

There are, however, circumstances in which Formax cannot take action without certain of your personal data, for example because this personal data is required to process your instructions or orders, provide you with access to a web offering or newsletter or to carry out a legally required compliance screening. In these cases, it will unfortunately not be possible for us to provide you with what you request without the relevant personal data and we will notify you accordingly.

#### **For which purposes will we use your personal data?**

We may use your personal data for the following purposes only ("**Permitted Purposes**"):

- For the purpose of opening and maintaining a trading account;
- Confirming your identity and address;
- Managing your profile and trading account;
- Providing on-line services or solutions as instructed or requested by you or your organisation and otherwise carrying out your instructions;
- To enable us to provide you with the products and services that you have requested from us and, unless you advise us to the contrary, we will also communicate with you about relevant information and opportunities relating to existing and new products and services which we consider suitable for you;
- 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;
- To assist us in recovering any losses arising out of a breach of our terms and conditions;
- To analyse and improve our services and communications to you;
- Managing and administering your or your organisation's business relationship with Formax, including processing payments, accounting, auditing, billing and collection, support services;
- Compliance with our legal obligations (such as record keeping obligations), compliance screening or recording obligations (e.g. under antitrust laws, export laws, trade sanction and embargo laws, for anti-money laundering, financial and credit check and fraud and crime prevention and detection purposes), which may include automated checks of your contact data or other information you provide about your identity against applicable sanctioned-party lists and contacting you to confirm your identity in case of a potential match or recording interaction with you which may be relevant for compliance purposes;
- Protecting the security of and managing access to our premises, IT and communication systems, online platforms, websites and other systems, preventing and detecting security threats, fraud or other criminal or malicious activities;
- For insurance purposes;
- For monitoring and assessing compliance with our policies and standards;

- To identify persons authorised to contract or trade on behalf of our clients, customers, suppliers and/or service providers;
- To comply with our legal and regulatory obligations and requests anywhere in the world, including reporting to and/or being audited by national and international regulatory bodies;
- To comply with court orders and exercises and/or defend our legal rights; and
- For any purpose related and/or ancillary to any of the above or any other purpose for which your personal data was provided to us.

Where you have expressly given us your consent, we may process your personal data also for the following purposes:

- Communicating with you through the channels you have approved to keep you up to date on the latest legal developments, announcements, and other information about Formax services, products and technologies (including client briefings, newsletters and other information) as well as Formax events and projects;
- Customer surveys, marketing campaigns, market analysis or other promotional activities or events; or
- Collecting information about your preferences to create a user profile to personalise and foster the quality of our communication and interaction with you (for example, by way of newsletter tracking or website analytics).

In addition, we may share your personal information with cooperation partners who provide services on our behalf or your behalf or who 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.

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.

With regard to marketing-related communication, we will - where legally required - only provide you with such information after you have opted in and provide you the opportunity to opt out anytime if you do not want to receive further marketing-related communication from us. We will not use your personal data for taking any automated decisions affecting you or creating profiles other than described above.

Depending on for which of the above Permitted Purposes we use your personal data, we may process your personal data on one or more of the following legal grounds:

- Because processing is necessary for the performance of a client instruction or other contract with you or your organisation;
- To comply with our legal obligations (e.g. to keep records for tax purposes); or
- Because processing is necessary for purposes of our legitimate interest or those of any third party recipients that receive your personal data, provided that such interests are not overridden by your interests or fundamental rights and freedoms.

In addition, the processing may be based on your consent where you have expressly given that to us.

**Website information**

Our web pages and e-mails may contain cookies, 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.

**With whom will we share your personal data?**

We may share your personal data in the following circumstances:

- We may share your personal data within the Formax group of companies on a confidential basis where required for the purpose of providing advice or other products or services including IT and for administrative, billing and other business purpose;
- We may also instruct service providers within or outside of Formax, domestically or abroad, e.g. third parties who provide services to us such as regulatory reporting, liquidity providers, payment providers, shared service centres who need access to or to process personal data for the Permitted Purposes on our behalf and in accordance with our instructions only. Formax will retain control over and will remain fully responsible for your personal data and will use appropriate safeguards as required by applicable law to ensure the integrity and security of your personal data when engaging such service providers;
- We may share your personal data with companies providing services for money laundering checks, credit risk reduction and other fraud and crime prevention purposes and companies providing similar services, including financial institutions, credit reference agencies and regulatory bodies with whom such personal data is shared;
- in the Formax group of companies on a confidential basis;
- We may share your personal data with any third party to whom we assign or novate any of our rights or obligations;
- We may share your personal data with courts, law enforcement authorities, regulators or attorneys or other parties where it is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim, or for the purposes of a confidential alternative dispute resolution process;
- We may also use aggregated personal data and statistics for the purpose of monitoring website usage in order to help us develop our website and our services.

Otherwise, we will only disclose your personal data when you direct us or give us permission, when we are required by applicable law or regulations or judicial or official request to do so, or as required to investigate actual or suspected fraudulent or criminal activities.

**Personal data about other people which you provide to us**

If you provide personal data to us about someone else (such as one of your directors or employees, or someone with whom you have business dealings) you must ensure that you are entitled to disclose that personal data to us and that, without our taking any further steps, we may collect, use and disclose that personal data as described in this Privacy Policy. In particular, you must ensure the individual concerned is aware of the various matters detailed in this Privacy Policy, as those matters relate to that individual, including our identity, how to contact us, our purposes of collection, our

personal data disclosure practices (including disclosure to overseas recipients), the individual's right to obtain access to the personal data and make complaints about the handling of the personal data, and the consequences if the personal data is not provided (such as our inability to provide services).

#### **Keeping personal data about you secure**

We will take appropriate technical and organisational measures to keep your personal data confidential and secure in accordance with our internal procedures covering the storage, disclosure of and access to personal data. Personal data may be kept on our personal data technology systems, those of our contractors or in paper files.

#### **Transferring your personal data abroad**

Formax is a company based in England and Wales. However it is a member of an international group. We may therefore transfer your personal data abroad if required for the Permitted Purposes as described above. This may include countries which do not provide the same level of protection as the laws of your home country (for example, the laws within the European Economic Area). We will ensure that any such international transfers are made subject to appropriate or suitable safeguards as required by the General Data Protection Regulation (EU) 2016/679 or other relevant laws. You may contact us anytime using the contact details below if you would like further information on such safeguards.

All Formax offices throughout the world will at all times ensure a level of data protection at least as protective as that required in the European Economic Area. We will also require our agents, consultants and sub-contractors and others who are outside the European Economic Area and to whom we transfer your personal data to ensure a similar level of data protection. When doing so we will comply with applicable data protection requirements and take appropriate safeguards to ensure the security and integrity of your personal data,

#### **Third Party Websites**

Our websites or apps may have links to external third party websites. Please note that third party websites are not covered by this privacy notice and those websites are not subject to ETX Capital's privacy standards and procedures. Please check with each third party regarding their privacy standards and procedures.

#### **Updating personal data about you**

If any of the personal data that you have provided to us changes, for example if you change your email address or if you wish to cancel any request you have made of us, or if you become aware we have any inaccurate personal data about you, please let us know by sending an email to [dataprivacy@formaxprime.co.uk](mailto:dataprivacy@formaxprime.co.uk). We will not be responsible for any losses arising from any inaccurate, inauthentic, deficient or incomplete Personal Data that you provide to us.

#### **For how long do we retain your personal data?**

Your personal data will be deleted when it is no longer reasonably required for the Permitted Purposes or you withdraw your consent (where applicable) and we are not legally required or otherwise permitted to continue storing such data. We will, in particular, retain your personal data where required for Formax to assert or defend against legal claims until the end of the relevant retention period or until the claims in question have been settled. We will also retain it where we

may need it for our legitimate purposes e.g. to help the firm respond to queries or complaints or for other reasons e.g., fraud and financial crime and responding to requests from regulators.

### **Your rights**

Subject to certain legal conditions, you have the right to request a copy of the personal data about you which we hold, to have any inaccurate personal data corrected, to ask us to share it with another party and to object to or restrict our using your personal data. You may also make a complaint if you have a concern about our handling of your personal data.

If you wish to do any of the above please send an email to [dataprivacy@formaxprime.co.uk](mailto:dataprivacy@formaxprime.co.uk). We may request that you prove your identity by providing us with a copy of a valid means of identification in order for us to comply with our security obligations and to prevent unauthorised disclosure of data.

We reserve the right to charge you a reasonable administrative fee for any manifestly unfounded or excessive requests concerning your access to your data, and for any additional copies of the personal data you request from us.

We will consider any requests or complaints which we receive and provide you with a response in a timely manner. If you are not satisfied with our response, you may take your complaint to the relevant privacy regulator. We will provide you with details of your relevant regulator upon request.

### **Updates to this Privacy Policy**

This Privacy Policy was last updated in May 2018. We reserve the right to update and change this Privacy Policy from time to time in order to reflect any changes to the way in which we process your personal data or changing legal requirements. In case of any such changes, we will post the changed Privacy Policy on our website or publish it otherwise. The changes will take effect as soon as they are posted on this website.

### **How to get in touch with Formax**

We welcome your views about our website and our Privacy Policy. If you would like to contact us with any queries or comments, please send an email to [dataprivacy@formaxprime.co.uk](mailto:dataprivacy@formaxprime.co.uk) or send a letter to Data Manager, Formax Prime, Suite 626, 107 Cheapside, London, EC2V 6DN.