

Privacy Notice

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SM Capital Markets Ltd
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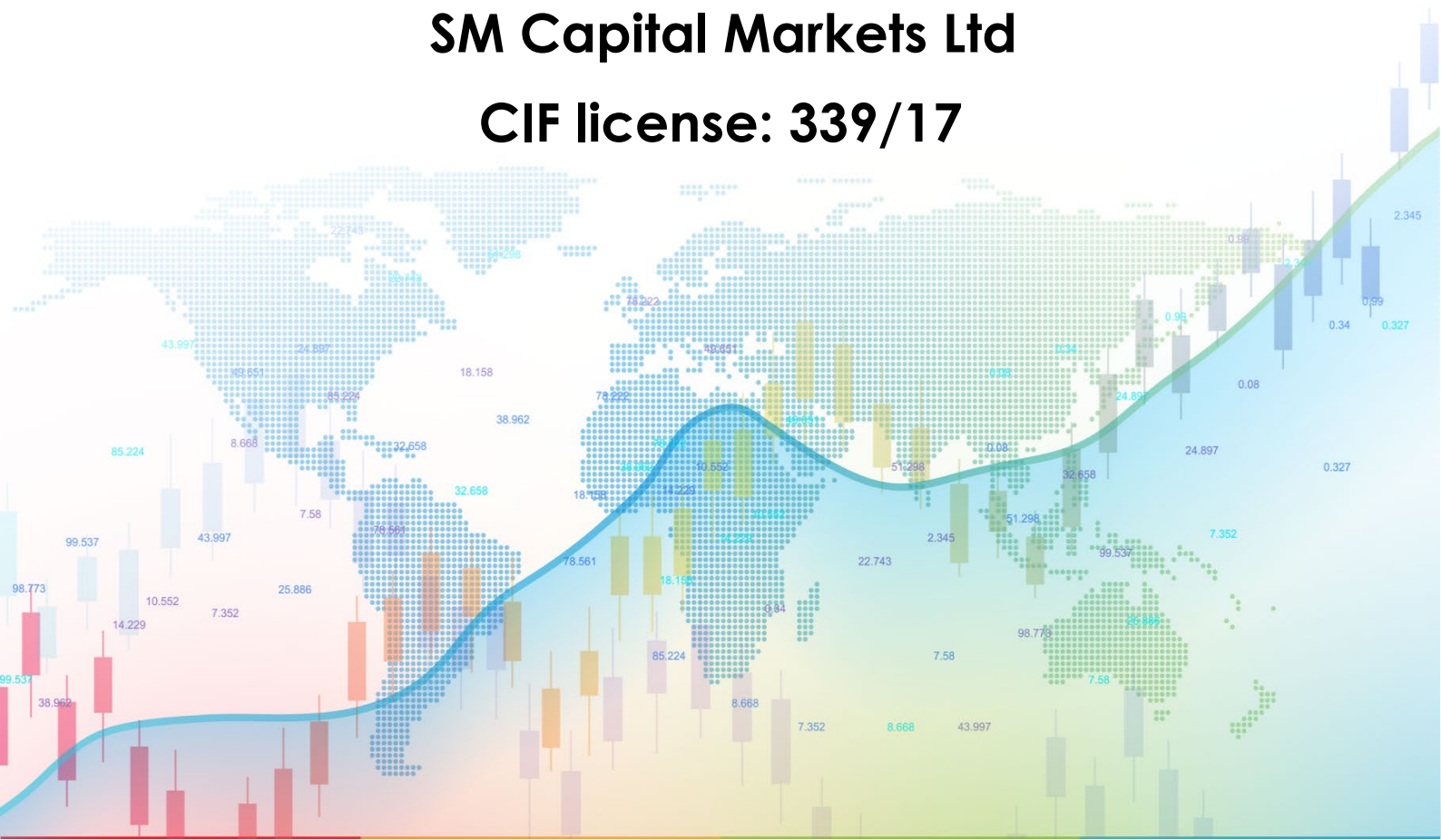


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Introduction

SM Capital Markets Ltd, (part of the Scope Markets Group) operating under the brand name Scope Markets, is a company registered in Cyprus with registration number: HE346068 and registered address Gladstonos, 116, M. Kyprianou House, 3&4th Floor, 3032, Limassol, Cyprus. SM Capital Markets Ltd is authorised and regulated by the Cyprus Securities and Exchange Commission under license number 339/17 as a Cyprus Investment Firm (hereinafter "the Company" or "we").

Scope of this Notice

This Privacy Notice sets out the way the Company collects, uses and manages personal information of individuals, such as potential and existing or former clients, visitors of Company's website(s) and mobile applications (hereinafter "the Client" or "you"). For the purposes of this Notice, the phrase "personal information" or "personal data" refers to any information which identifies you or you can be identified by it. The Company is committed to safeguarding the personal data it collects, uses and holds in accordance with the provisions of the European General Data Protection Regulation EU 2016/679 (hereinafter "GDPR") and any regulations of the Republic of Cyprus which implements or supplements the GDPR.

What Personal Information do we collect from you:

In order to provide you with our services, we need to process certain information about you. We ask for information as required in accordance with our legal and regulatory requirements, and information which enables us to offer and provide you with products and services tailored and customized to your interests and needs and perform our obligations as per our contract. Additionally, when you use our services we collect information from your use of our website, trading platform and mobile app, which helps us to better improve your experience and allows us to manage the services we provide.

We retain the personal information you provide when registering with us and as these may be updated from time to time, which might include but are not limited to the following:

- your full name;
- date and place of birth;
- nationality;
- citizenship;
- contact details such as email, address, phone numbers;
- copy of passport or national identity card or other form of identification document;
- a copy of a recent utility bill or other proof of address;
- your language preference;

- TICs (Tax Identification Codes);
- country of residence;
- Information as to criminal offences/convictions or PEP status;
- Information related to your financial status such as bank account(s) and credit card(s) details or other means of payments;
- the origin of funds;
- your annual income;
- deposits and withdrawals history along with information with regards to funds and financial instruments kept by the Company on your behalf;
- occupation;
- information related to knowledge and experience in the field of which the Company provides services;
- relevant data and types of transactions conducted.

We may also retain information such as how you use and the frequency with which you access our website, trading platform and mobile app, site areas visited, pages viewed, frequency and duration of visits, Internet Protocol (IP) address, computers and cellular devices, identification parameters, mouse clicks, mouse movements, scrolling activity as well as text you type in the website, trading platform and app, the website which referred you to ours or to which websites you link and your preferred languages.

Purpose of the processing of Personal Data and legal basis:

1. Compliance with Legal Obligations

The Company is required to collect, use, retain and otherwise process the personal data of its clients in accordance with the applicable legislation and regulations. Such processing is required in order to confirm its clients' identity, source of funds, suitability and appropriateness to receive the products and services offered, to categorize its clients and to manage and administer the products and services provided, and as required in order to ensure compliance with its legal and regulatory obligations.

2. For the performance of the Contractual Relationship

The Company is required to collect, process, and retain your personal data:

- a) In order to provide you with the products and services you request, including the processing of transactions, troubleshooting, maintain and manage your account and personal profile, to contact you when is necessary and/or appropriate in relation to the products and services being provided to you.

- b) To fulfill its contractual obligations and execute the provisions of the contractual arrangements with its clients, including but not limited to the Company's terms and conditions ('T&Cs') and the Client Agreement. The Company processes personal information to monitor if its clients' use of the Company's products and services are in breach and/or may be abusing the governing T&C, including with no limitation, in a case of dispute, or legal proceeding between the Company and its clients, or between the Company's clients, and other clients or third parties with respect to, or in relation with the services the Company provides.

3. Based on our legitimate interest

We may process personal information to enhance our business objectives and manage our risks, such as to keep our website, trading platform and mobile app safe and secure and constantly optimize our products and services. This includes, but is not limited to, developing better understanding of the products and services our clients and potential clients may be interested in and to tailor them in accordance with their needs and requests; this may also include use your information to request feedback and to contact you about your use of our websites and services; to measure and understand the effectiveness of advertising and to deliver most relevant advertising to clients and potential clients, including to provide you with communication and/or material which is customized to your trading style and/or market our products according to your preferences ; to improve our website, trading platform and mobile app to ensure that content is presented in the most effective manner; if applicable, to allow clients to participate in interactive features of our service, when they choose to do so; to conduct surveys and questionnaires and creating aggregated anonymized and/or statistical information to this effect.

4. For Marketing Purposes

Provided that we have obtained your explicit consent, we may process personal information to keep our clients and potential clients updated, by communicating promotional material regarding any additional products and/or services that we may offer. For marketing purposes, the Company might use means of newsletters, SMS (text) messages, emails and/or any other electronic communications as may be applicable.

If you have already agreed to receive marketing, and should you wish to opt-out from receiving such marketing information you may do so at any time. You

can update your preferences on the company's trading platform or send an email to info@scopemarkets.eu.

Please note that opting out from marketing communication (i) might affect your ability to explore new products and services and customization to your needs and requirements, and (ii) will not prevent completely all forms of communications to you, since the Company is required by law to communicate and inform the Client of the legal aspects related to the products and services provided.

Automated decision – making and profiling:

We might use advanced automated decisions making tools for compliance with legal and regulatory obligations that we are subject to, i.e. to comply with assessment of appropriateness and AML obligations.

Cookies:

Cookies are small text files, given ID tags that are stored on your computer's browser directory or program data subfolders. Cookies are created when you use your browser to visit a website that uses cookies to keep track of your movements within the site, help you resume where you left off, remember your registered login, theme selection, preferences, and other customization functions. The website stores a corresponding file (with same ID tag) to the one they set in your browser and in this file they can track and keep information on your movements within the site and any information you may have voluntarily given while visiting the website, such as email address.

Cookies are often indispensable for websites that have huge databases, need logins, have customizable themes, other advanced features.

Cookies usually don't contain much information except for the URL of the website that created the cookie, the duration of the cookie's abilities and effects, and a random number. Due to the little amount of information a cookie contains, it usually cannot be used to reveal your identity or personally identifying information.

The Company's website uses cookies to provide the functionality you need to browse our site correctly.

The Company's website issues cookies upon landing on our website, unless the user has changed their cookie settings in their browser to refuse cookies. Please note that with cookies switched off, some areas of our website and services might not be made available to you.

The Company does not use cookies to personally collect information about you – the cookies that we use only collect anonymous information to optimize

our services and do not collect personal information.

The Company may maintain a separate Cookies Policy in its website and otherwise, outlining the way it places cookies and their functionality. Please read such policy to learn more and customize your preferences.

The Recipients of Personal Data:

Access to personal information is restricted to those employees, partners, contractors, advisers, affiliates and service providers of the Company (including, with no limitation, parent, sister and subsidiary companies in the Scope Markets Group, credit reference agencies, fraud prevention agencies, marketing and advertising service providers, companies we have a joint venture or agreement to co-operate with, market researchers and professional Advisors), who need to access such information for the purposes described in this Privacy Notice Those with access to personal information are obligated to comply with strict standards of confidentiality and protection of personal information and other information.

We may also share information with other third parties if we choose to sell, transfer, or merge parts of our business, or our assets or we may seek to acquire other businesses or merge with them.

We will only share information with other parties if they agree to keep your information safe and private and which provide sufficient guarantees that they implement appropriate technical and organizational measures to ensure your rights. We may share information with law enforcement agencies, information protection authorities, and other competent authorities as well as with other competent third parties, as may be required if we believe that you performed any act or omission violating any applicable law, rules, or regulations, or if we are required, or believe we are required by law to share or disclose your information to applicable authorities or to any other third party.

Transfer Personal Data outside the European Economic Area:

The Company's aim is to safeguard Personal Data at all times and only transfer these outside the European Union only if it is required for performing the services to you. According to the GDPR, when Personal Data are to be transferred outside the European Economic Area, either of the following circumstances are to be applied:

- A) The third country that we send the Personal Data is considered as equivalent by the European Commission for providing an adequate level of protection of personal data;
- B) The recipient has provided appropriate safeguards and on the

condition that the data subjects' rights and effective legal remedies are available such as having entered into standard data protection clauses as adopted by the Commission;

- C) On the basis of the derogations offered by the GDPR in case where the transfer is necessary for the conclusion or performance of a contract between you as the data subject and the Company, as the controller or for the conclusion or performance of a contract concluded in the interests of the data subject between the Company as the controller and another natural or legal person;
- D) In case the you, as the data subject, has explicitly consented to the proposed transfer.

The Company takes appropriate protective measures if Personal Data need to be disclosed to a third party situated in a third country. The third parties that the Company may transmit Personal Data shall comply with the GDPR and will be bound by the provisions of the relevant agreement, taking into consideration the basis for the transfer of the Personal Data.

The Retention Period for the Personal Data:

In line with data protection principles, we only keep your data for as long as we need it for, which will be the duration of our contractual relationship and after the termination of the contract we will retain your information for the least period required to fulfil our legal or regulatory obligations.

We may retain personal information for longer periods than required by law in order to maintain adequate records based on our rights to establish, exercise or defend possible legal claims, or if it is in our legitimate business interests as far as the law does not restrict us from doing so. If we do so, we will make sure that your privacy is always protected and only use it for those purposes. Where we hold your data in relation to communications with clients, this will be held under our regulatory obligations.

Clients' Rights:

At any point in time when we process your personal information, you can exercise the following rights:

- **Right of Access***: You have the right to access the personal data that we hold as well as to ask us to confirm whether or not we process any of your personal information. If we provide you with access to the information we hold about you, we will not charge you for this unless your requests are manifestly unfounded or excessive, i.e. requests are manifestly abusive, based on unreasonable intervals or their number or repetitive or systematic nature. If you request further copies of this information from us, we may charge you a reasonable administrative fee.

- **Right to Data Portability***: You can request to obtain your personal data in a structured, commonly used and machine-readable format and the right to have your personal information transmitted directly from the Company to another recipient, where technically feasible

** In order to exercise the right of access and/or the right of data portability, you will be asked to prove your identity and give us sufficient information about your interaction with the Company, so that we can locate any relevant data.*

- **Right to rectification**: You can request to rectify any of your personal data we hold, that are inaccurate and/or incomplete. The completion and/or rectification of information may require for supplementary evidence to be provided to the Company.
- **Right to Erasure**: You can request to delete/remove your personal data only under the following grounds and provided that the Company is not required to hold the personal information for regulatory and/or legal purposes and/or to maintain adequate business records and adequate records for the Company's right for the establishment, exercise or defense of legal claims:
 - The personal information is no longer necessary for the purposes for which it was collected and/or processed.
 - Where the processing of information is based solely on your consent and such consent has been withdrawn.
 - Where you have objected to the processing of personal information and where the Company does not have legitimate grounds for further processing.
 - The processing of personal information is unlawful.
 - A member state law requires such action.
- **Right to Restrict Processing**: You can request from the Company to restrict the processing of your personal data based on the following grounds:
 - Such personal data is not accurate.
 - The processing is unlawful, or it is not relevant anymore, but you wish not to be deleted for any reason and you request restriction instead.
 - The Company no longer needs your personal data, but you want us to keep it for use in legal claims.

- The Client objected to the processing of personal data, but the Company is considering whether its legitimate grounds override those of the Client.

In such cases the processing of the personal information might be restricted only to the extent the Company's legal and/or regulatory requirements of processing information and/or the Company's right for the establishment, exercise or defense of possible legal claims are not at stake.

- **Right to Object Processing (including automated decision making):** You can object to the processing of your personal information provided that such data are processed based on legitimate interests, direct marketing (including profiling to the extent that it is related to such direct marketing), and processing for scientific and/or historical research and statistics purposes. Subject to exceptions, the Company will stop processing your personal information except to the extent that the Company (i) won't be able to perform and/or provide its duties and/or services; (ii) is required to process personal information for regulatory and/or legal purposes; (iii) is required to maintain adequate business records or maintain adequate records for the Company's right for the establishment, exercise or defense of legal claims.

By objecting to the processing, the Company's ability to provide you any of the services requested, may be adversely affected.

You may request not be subject to a decision based solely on automated processing and profiling, and/or request human intervention on such decision making.

- **Right to Withdraw Consent:** You can withdraw consent at any time where we are relying on consent to process your personal data (i.e. for marketing purposes).
- **Right to complain:** If the Client has grounds to believe that the Company does not appropriately use his/her Personal Data, can submit a complaint to the Office of the Commissioner for Personal Data Protection.

You can exercise the abovementioned rights by submitting the GDPR request form available in Company's website through email at dpo@smcapitalmarkets.com or by post at postal address:

Building No. 23, Spyrou Kyprianou Avenue, Floor 4, 3070 Limassol, Cyprus

Security

The Company is aware of the requirement to ensure that its client data are protected against accidental loss, disclosure, destruction and or abuse. The Company has implemented appropriate technical and organizational measures and processes to guard against such breaches. Such measures and safeguards may include encryption during information transmission and storage, strong authentication mechanisms and the segmentation of digital architecture to zones that are policed and protected. The Company has implemented a strategy of 'least possible access' and periodically review existing access. While such systems and procedures significantly reduce the risk of security breaches and the inappropriate use of personal information, they do not provide absolute security. The Company will regularly review its security posture with reference to the latest standards to effectively eliminate the likelihood of any form of misuse.

Where the Company shares its clients' personal data with third parties as per the present Privacy Notice, the Company has already entered into a data processing agreement or equivalent document or provides written instructions to them to ensure that their data are held securely and in line with GDPR requirements. Third parties must implement appropriate technical and organizational measures to ensure the security of your data.

This Privacy Notice applies only to the Company and this website. If you click on any link directing you to any other website, you should read their privacy policy.

Changes of Privacy Notice:

The Company reserves the right to change or amend this Privacy Notice without further notice to you, provided that the changes do not significantly reduce your rights under this Privacy Notice. If we make material changes to this Privacy Notice, we will notify you by email or by means of a notice on Company's website, and such changes will become effective at least five (5) days after such notification, unless amendments are required by legal or regulatory requirements. In the latter cases the amendments will become effective as required or ordered. The latest and prevailing version of this Privacy Notice will at all times be available at Company's website.

Supervisory Authority:

The Company's supervisory authority with regards to GDPR matters is the Office of the Commissioner for Personal Information Protection ("OCPDP") of Cyprus. Should you wish to contact the OCPDP for any purpose, including for lodging a complaint, please contact the OCPDP at 1 Iasonos Street, 1082 Nicosia, P.O. Box 23378, CY-1682 Nicosia, Tel. +357 22 818 456 or by e-mail: commissioner@dataprotection.gov.cy

Company's Contact Details

Further information on Company's Privacy is available upon request from Company's offices at: Tel.: +357 25281811, or e-mail: dpo@smcapitalmarkets.com

Physical Address: Building No. 23, Spyrou Kyprianou Avenue, Floor 4, 3070 Limassol, Cyprus

Website: www.scopemarkets.eu