

# Colmex Pro Limited

## PRIVACY AND COOKIE POLICY

*Applicable as of 15 September 2022*

**Colmex Pro Limited** (or "we", "us", "Colmex Pro", "the Company") is Cyprus Firm which provides investment services to its clients. The Company must possess personal data (including sensitive personal data) so that it can provide these services. The Company is proud in maintaining strong and professional relationships with our clients and other stakeholders ("the data subject" or "you"). Hence, we put emphasis in respecting and supporting each person's right to privacy.

This Privacy and Cookie Policy ("the Policy") applies to personally identifiable information that we collect and process through our website, [www.colmexpro.com](http://www.colmexpro.com), as well as any other related sites and applications (if applicable). This Policy does not apply to websites operated by other organizations and/or other third parties. The Policy also applies to personal information that we collect and process when you use or interact with our services through any correspondence made with us by e-mail, phone or otherwise. The Policy aims to inform you about the type of information we gather, who we share it with, what we use it for, and how we keep it secured.

When using any of our Services, you consent to the collection, transfer, storage, disclosure, and use of your personal information subject to this Privacy Policy.

**The protection of privacy and the safeguarding of our Clients' personal and financial information is of great importance to us.**

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

The Company is responsible for the protection of the privacy and the safeguarding of clients' personal and financial information. By opening an account or establishing a business relationship with us, you give your consent to such collection, processing, storage and use of personal information by the Company.

The Company respects the privacy of its clients, understands its importance and maintains personal data, trusted and confidential information provided by its clients as one of its highest priorities. The Company is committed to maintain the confidentiality, integrity and security of personal information in relation to current and prospective clients by respecting their right to keep their personal information confidential. In order to prevent unauthorized access and/or disclosure, the Company has in place suitable physical, electronic and/or managerial procedures and controls to ensure and/or safeguard and/or secure the security and confidentiality of the information provided by its clients and protect against unauthorized access and/or use of clients' records and/or information.

**Please view the following Privacy Statement which clearly explains how we collect, process, store and protect our Clients' information.**

References in this document to "Personal Data" means any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

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.

As a rule, the Company refrains from any type of disclosure of personal and/or non-public information when such disclosure is not directly linked to service its clients. The Company collects the necessary information required to open a client's account, establish a business relationship and to provide clients with the services they require.

The purpose of this Policy is to explain to you:

- what Personal Data of yours we collect;
- how we use your Personal Data;
- how, with whom and when your Personal Data is shared;
- your rights; and
- other useful privacy and security related matters.

When collecting, processing and storing Personal Data provided by you, we are subject to the provisions of the GDPR and the relevant Personal Data protection Laws and Regulations of the EU and the Republic of Cyprus.

#### **DEFINITIONS**

**'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;

**'processing'** means 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, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

**'filing system'** means any structured set of personal data which are accessible according to specific criteria, whether centralized, decentralized or dispersed on a functional or geographical basis;

**'controller'** means 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;

**'processor'** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

**'recipient'** means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not.<sup>2</sup> However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;

**'third party'** means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorized to process personal data;

**'consent'** of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

**'personal data breach'** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed.

## What personal information does Colmex Pro process and why?

When you apply for or maintain a trading account with Colmex Pro, we collect personal information about you for business purposes, such as evaluating your financial needs, processing your requests and transactions, informing you about products and services that may be of interest to you and providing customer service.

It also includes information such as follow:

- Identifying information: ID, full name, date of birth, occupation, age, any photographs included in your identity verification documentation, marital status, criminal records, CV;
- Contact details: email address, phone numbers, work address;
- Proof of residence: in the form of utility bill dated within the last 6 months, driving license etc;
- Signature;
- Records of our communications with you. We may record any communications, electronic or by telephone or otherwise, that we may have with you in relation to the services we provide and/or govern our business relationship with you. These recordings will be our sole property and will constitute evidence of the communications between the Company and the data subjects. Such telephone conversations may be recorded without the use of a warning tone or any other further notice. (It should be noted that such notification must be added prior the connection of the phone call at the company giving the option to the individual to hang out the phone prior the recording.)
- Information we may have obtained from other sources such as data sources or service providers in order to identify our client due to KYC requirements as required by relevant legislation;
- Proof of payment/deposit: copies of your credit card with only the last 4 digits shown if paid by card, copies of bank statement if payment was done by wire transfer;
- Financial Information, i.e. estimated annual income, net worth, liquid assets, previous trading experience, risk tolerance;
- Information from which they can be identified such as the times they log on (for instance, IP address, type of computer or telecommunication device used for accessing our corporate website, geographical Location and Internet Access Service Provider of an individual visitor) their volume of use of our corporate website, the types of data, systems and reports they access, duration of sessions and other similar data.
- Tax Identification Number.

This information is collected when you:

- Register for an account with the Company and/or interested to know about our products and services;
- Apply for our products and/or services;
- Provide us with the information necessary to verify your identity;
- Give us some feedback;

- Examples also include background information we may receive about you from public records or from other entities for Know Your Customer (or “KYC”) purposes.

**Additional information we may collect:**

We may (but not necessary shall) also collect the following information:

- a) location data and other IT communication data (including IP address and browser type) collected when you access and use our electronic trading platforms or websites;
- b) information about devices that you use when accessing the Platforms including unique device identified;
- c) products you trade and their performance, including the amount invested;
- d) pages (including our official website and all of their inner pages/Landing pages/) visited and content viewed, links and buttons clicked, URLs visited before and after you visit our Website (the “Web Data”). For more information about cookies and how to manage them please see our Cookie Policy;
- e) Information about the anticipated and actual volume and value of your transactions with us, payment methods information provided in order to enable the construction of your economic profile;
- f) your telephone, email, SMS or Live Chat conversations with our customer support specialists;
- g) your social media profile details (name, profile photo and other information you make available to us, if any) when you connect with or contact us through a social media account; and
- h) information from third party databases to comply with our legal and regulatory obligations. Information necessary to verify your identity, such as an identification card, passport or driver’s license. This also includes background information we receive about you from public records or from other entities not affiliated with us.

We collect the necessary information required to open, transact and safeguard your client money and your privacy and to provide you with the services you require. To this end, we gather information from you and may, in certain circumstances, gather information from relevant banks and/or credit agencies, and/or other sources (such compliance verification databases and similar service providers) as legally and regulatory obliged. We may also collect personal information about you from a third party such as an introducing broker.

For the purposes of GDPR, we act as data controller in respect of the Personal Data that we collect from you. The legal basis that we rely on for processing your data will depend upon the circumstances in which it is being collected and used, but will in most cases fall into one of the following categories:

- Where you have provided your consent to allow us to use your data in a certain way;
- Where the processing is necessary to carry out the performance of a contract with you;
- Where the processing is necessary for us to comply with a legal and/or regulatory obligation;
- or
- Where it is in our legitimate interests to perform our functions.

**We will use the information you provide us to:**

The Company uses Personal Data only as required to comply with regulatory requirements and/or provide quality service to you. This information assists the Company to improve its services, customize browsing experience and enables it to inform its clients of additional products, services or promotions relevant to clients and in this respect the client needs to provide his/her consent to the usage of this data for such purposes. We process your Personal Data for the following purposes:

- **Account setup, verification and management.** verify your identity and carry out checks that we are required to conduct by applicable laws and regulations, including without limitation, “know your client”, and anti-money laundering; contact you on matters related to your account, including without limitation, to request any additional information and/or documentation; maintain administrative records relating to our business according to applicable laws; provide you with notices related to your account, general updates, market updates and other marketing materials, including without limitation, the services and products offered by us and related third parties;
- **Evaluate and respond to Complaints.**
- **Personalization** - tailoring the products and services offered to you;
- **Marketing.**
- **Risk Management.**
- **Diagnostics, research and development.**
- **Legal and regulatory obligations.**
- **Other purposes.** We may be required to use and retain your personal information for loss prevention or to protect our rights, privacy, safety, or property, or those of other persons in accordance with our legitimate interests.

### Sharing personal information with external parties

The Company reserves the right to disclose personal information to third parties where required by law, regulatory obligations and other Regulatory Bodies.

Third party disclosures may include sharing such information with our group companies, affiliates or non-affiliated companies that perform data processing and support services for your account or facilitate your transactions with Colmex Pro, including those that provide professional, legal, technological, processing payments or accounting services to Colmex Pro. We may share information with the Group Companies, Third Parties and Affiliates in the event such information is reasonably required, for a legitimate interest or for legally and/or regulatory purposes. We may share information within our Group in order to offer products and services that meet your needs and which are delivered in a manner that is useful and relevant.

Where you have been introduced to us by an Introducer, such an Introducer may have access to your personal information.

Third parties are required to maintain the confidentiality of such information and to use your personal information for the purposes that Colmex Pro dictates and within the ambit of the applicable laws.

Other Third Parties your Personal Data may be shared with may include, but are not limited to:

- an agent, professional advisor or service provider we engage with for e.g. affiliates, auditors, accountants, insurance, research and other services such as our counterparty banks, liquidity providers, marketing agencies, sponsors and IT service providers;
- financial institutions involved in managing our payments, such as banks or payment service providers; and
- regulatory bodies, government agencies, law enforcement bodies and courts.

We do not sell, license, lease or otherwise disclose personal information to third parties, except as described in this Privacy Statement.

Also, we may share personal information with any competent law enforcement body, regulatory, government agency, court or other third party where such disclosure is necessary (i) as a matter of

applicable law or regulation, (ii) to exercise, establish or defend our legal rights or (iii) to protect your vital interests or those of any other person.

All third parties with which we share personal information are required to protect such personal information in accordance with all relevant applicable legislation and in a manner similar to the way we protect the same. We will not share personal information with third parties which we consider that will not afford its Clients the required level of protection.

### Our legal basis for using your personal information

Entering into and performing the contract with you: If you have a Colmex Pro trading account or have registered to the website or have applied for our services, our legal basis for processing your personal information is that it is necessary for the performance of Colmex Pro terms and conditions, and to provide our services to you. With respect to a trading Colmex Pro account, this includes facilitating access to our platform, processing payments and executing trades.

#### For other justifiable grounds, including legal obligation and legitimate interests:

We process your personal information, necessary for us to comply with our legal and regulatory obligations, and also where it is necessary, for legitimate interests we have in conducting our business. These include without limitation:

- Learning about your interests and preferences in order to contact you with information that is relevant to you and helping us maintain promotional communications with you.
- Analysing and continually improving the website and our services and helping us pilot test versions of the website internally to develop new features and ensure the efficient running of Colmex pro services.
- Detecting and reducing fraud and credit risk.

### Your rights under the General Data Protection Regulation (GDPR)

Data subjects, according to their place of residence, in EU and/or other regions, are *inter alia* entitled to :

1. **Right of access** - request access to any personal data we hold about them;
2. **Right of rectification** -have any personal data which we hold about them which is inaccurate or incomplete rectified;
3. **Right to be forgotten** - have personal data erased;
4. **Right to restriction of processing** - have the processing of individual's personal data restricted;
5. **Right of portability** – To be provided with the personal data that the individual has supplied to us in a portable format that can be transmitted to another organisation without hindrance;
6. **Right to object** - object to certain types of processing, including processing based on legitimate interests, automated processing (which includes profiling) and processing for direct marketing purposes; and
7. **Right to object to automated processing, including profiling** -not be subject to a decision that is based solely on automated processing which produces a legal effect, or which has a similar significant effect for the individual.

Any such requests to exercise your rights under GDPR (“request”) should be submitted in writing to: [dpo@colmexpro.com](mailto:dpo@colmexpro.com). Please note some of these rights are restricted in some circumstances. If you make a request, we have 1 (one) month to respond to you, unless the request is particularly complex or you have made a number of requests. In this case, we will notify you within 1 (one) month of the

receipt of your request and keep you updated. Individuals also have the right to complain about the use of their personal information to the Supervisory Authority which in Cyprus is the Office of the Commissioner for Personal Data Protection. For more detailed information please refer to the following website: <http://www.dataprotection.gov.cy>.

If the individual has provided his/her consent to any of the processing of his/her personal data, he/she has the right to withdraw his/her consent to that processing at any time, where relevant. He/she must contact the Data Protection Officer if he/she wishes to do so.

If he/she objects to processing based on legitimate interests, we must no longer process that personal data unless we can demonstrate compelling legitimate grounds for the processing which override his/her interests, rights and freedoms or that the processing is required for the establishment, exercise or defence of legal claims.

**There are specific provisions when we are handling sensitive personal data as these are aligned below:**

“Special Category Data” means information or an opinion about:

- Racial or ethnic origin
- Political opinions
- Membership of political association
- Religious beliefs or affiliations
- Philosophical beliefs
- Membership of a professional or a trade association
- Membership of a trade union
- Sexual orientation or practices
- Criminal record that is also personal information
- Health information about an individual
- Genetic information about an individual that is not otherwise health information
- Biometric information that is to be used for the purposes of automated biometric identification or verification, or
- Biometric templates

### Use of Cookies:

Cookies are tiny pieces of data that are sent to your computer by a website and stored on your computer. Cookies are non-executable and cannot be used to install malware. They allow websites to recognize visitors when they return and include basic information about them that is checked and updated every time you visit the website. This helps us to provide you with a good experience when you browse our website and allows us to improve our site. By continuing to browse the site, you are agreeing to our use of cookies.

The Company utilizes “cookies” to identify users when they connect to the site and to enhance the performance of the website. A cookie is a small piece of data that we store on your browser or the hard drive of your computer if you have enabled the relevant functionality from your browser to accept cookies. Cookies contain information that is transferred to your computer's hard drive. Cookies used by the Company do not contain personal information or other sensitive information. When a current or prospective Client accesses the Company's website a cookie is created and placed on the user's machine. In addition to information related to authentication, information may be stored in the cookie in order to direct a user to the correct site location.



The Company may share web site usage statistics with reputable advertising companies and with its affiliated marketing companies. It is noted that the information collected by such advertising companies is not personally identifiable. This assists us to provide you with a good experience when you browse our website and also allows us to improve our site. By continuing to browse the site, you are agreeing to our use of cookies. To administer and improve the website, the Company may use third parties to track and analyze usage and statistical volume information. The third party may use cookies to track behaviour and may set cookies on behalf of the Company. These cookies do not contain any personally identifiable information.

A cookie is a small file of letters and numbers that we store on your browser or the hard drive of your computer if you agree. Cookies contain information that is transferred to your computer's hard drive.

Some of the cookies that Colmex Pro sets when you visit any of our websites are essential to the working functionality of the website.

Performance cookies are another type of cookies used to provide with you a better user experience and to improve how content on our website is presented.

Marketing cookies are also set usually by third party advertising networks, to ensure we are providing you with targeted adverts more relevant to you and your interests. If you do not want to receive nonmandatory cookies, you can manage your preferences. If you use our web services without blocking cookies, you are actually consenting to the cookies.

We may use the following cookies:

**Strictly necessary cookies.** These are cookies that are required of the operation of our website/web portal. They include, for example, cookies that enable you to log into the secure areas of our website/web portal.

**Analytical/performance cookies.** They allow us to recognize and count the number of visitors and to see how visitors move around our website when they are using it. This helps us to improve the way our website works, for example, by ensuring that users are finding what they are looking for easily.

**Functionality cookies.** These are used to recognize you when you return to our website. This enables us to personalize our content for you, greet you by name and remember your preferences.

If you don't want to receive cookies, you can modify your browser to refuse cookies altogether, or to simply notify you when cookies are sent. You can also delete cookies that have already been sent. You can do this by modifying your browser settings; the Help function within your browser should tell you how. Alternatively, you may wish to visit <http://www.aboutcookies.org>, which contains comprehensive information on how to manage cookies on a wide variety of desktop browsers.

## How does Colmex Pro keep my personal information secure?

We use appropriate technical and organizational measures to protect the personal information that we collect and process about you. The measures we use are designed to provide a level of security appropriate to the risk of processing your personal information. In particular, we:

- Hold personal information in secure facilities and where the information is held electronically, on secured servers.
- Use encrypted transmission links whenever we can.
- Use other safeguards such as firewalls, authentication systems (e.g., passwords), and access control mechanisms to control access to systems and data.

## Retention of personal information

We are legally obligated to keep your Personal Data provided to us, including but not limited to your name, address, email, phone number, your trading and transaction history, deposits and withdrawals history, for at least 5 (five) years after our relationship with you has terminated. We will hold your personal data for the longest of the following periods: (a) the period required for the performance of the relevant activity or services, (b) any retention period required by law, (c) the end of the period of any litigation and/or investigation by a public authority which arises in respect of the relevant activity and/or the services, or (d) where the company has justifiable legitimate interest.

Kindly note that data protection terms will be included in the Terms and Conditions for the establishment of a business relationship between us. Any personal data collected will be retained for carrying out the establishment of the business relationship between us.

The period for which we will retain personal information will vary depending on the purposes that it was collected for, as well as the requirements of any applicable law or regulation. The retention of your personal information will be subject to periodic review. We may keep an anonymized form of your personal information, which will no longer refer to you without time limits, to the extent that we have a legitimate and lawful interest in doing so.

If you have a trading account with Colmex Pro, we will store your personal information for as long as you maintain that account, and after you cease holding an account, for as long as we are required to by applicable laws and regulations. If we hold any personal information in the form of a recorded communication, by telephone, electronic, in person or otherwise, this information will be held in line with local regulatory requirements which will either be five (5) or ten (10) years after our relationship with you has terminated.

## Restriction & Limitation of Liability

The Company and/or its employees shall not be held liable for any loss(es) and/or damage(s) including without limitation, indirect and/or consequential loss (es) and/or damage (s) arising from loss (es) of data and/or profit(s) arising out of and/or in connection with, the use of this website. The material and/or information contained on this website is solely for information purposes only. Material and/or information on this website, including, but not limited to, images, texts, policies, forms, agreements is owned and/or otherwise provided by the Company; should not be reproduced, and/or distributed and/or published in whole and/or in part for any purpose without the explicit written consent and/or permission of the Company. The material and/or information within this website should not be interpreted and/or comprehended as an offer and/or a solicitation of an offer, to investment services/activities and/or any financial instruments.

The Company takes no responsibility for, and should not be liable for, the website being temporarily unavailable due to technical issues beyond the Company's control nor shall accept any liability for loss(es) and/or damage(s) as a result of reliance on the information contained within this website. Further, the Company is not liable for the privacy policies or the content of sites to which links are available and has no control of the use or protection of information provided by the clients or collected by those sites. Whenever a client elects to link to a co-branded web site or to a linked web site, the client may be asked to provide registration or other personal information. Please note that such information is recorded by a third party and will be governed by the privacy policy of that third party.

This website may be accessed worldwide, however the financial products mentioned on the website may not be allowed by law to all investors in all countries. Through this website you may be able to link to other websites which are not under the control of the Company. Such inclusion does not in any

way imply any recommendation and/or endorsement from the Company in relation to the views expressed therein; they are only offered as a convenience to all visitors. The access to this website may be restricted to certain jurisdictions due to domestic legal restrictions. For such visitors and were users of this website subject to such legal restrictions are not allowed to access it, the Company bears no responsibility as well as to visitors or users or towards any individual who may access this website illegally.

This website is not intended to constitute legal, investment, consulting, or other professional advice or services. The Client, before making any decision or taking any action that might affect his/her personal situation and/or business, should consult a qualified professional advisor.

## Minors

Our services are not available for users under the age of 18 (a “minor”). We do not knowingly collect personal information from or about minors. If you are a minor, you should not download or attempt to use any of our services nor provide any personal information to us.

If we become aware that a minor has shared any information with us, we will delete such information. If you have any reason to believe that a minor has shared any information with us, please contact us at [dpo@colmexpro.com](mailto:dpo@colmexpro.com).

## Personal Data transfers

Subject to certain conditions, we may transfer your personal information to a third party in countries outside the EEA for further processing, in accordance with the purposes set out in this Privacy Policy. In these circumstances we will, as required by applicable law, ensure that your privacy rights are adequately protected by appropriate technical, organization, contractual or other lawful means.

## REGULATORY DISCLOSURE

We reserve the right to disclose Personal Data to third parties where required by law, regulatory, law enforcement or other government authority of a competent jurisdiction in order to protect our rights and / or comply with such legal proceedings. Such disclosure shall occur on a ‘need-to-know’ basis, unless otherwise instructed by a regulatory or other government authority. Under such circumstances, we shall expressly inform the third part regarding the confidential nature of the information.

We, as a regulated firm, is required to comply with certain obligations under the Intergovernmental Agreement with the United States and has taken all reasonable steps to be considered in compliance with the Foreign Account Tax Compliance Act (FATCA) and the Common Reporting Standard (CRS), approved by the Organisation for Economic Co-operation and Development (OECD) for the exchange of information for tax purposes.

## Changes to this Privacy Policy

The Policy will be reviewed from time to time, in order to take account of changes to our operations or practices and to make sure it remains appropriate to any changes in law, technology and/or the business environment. Any personal information held, will be governed by our most current Policy. The updated Privacy Policy will be posted in the Company’s operated website, [www.colmexpro.com](http://www.colmexpro.com) and the client accepts posting the update as official notice to the client.

## HOW TO CONTACT US

Questions, comments, complaints and requests regarding your data or this privacy policy are welcomed and should be addressed to us at [dpo@colmexpro.com](mailto:dpo@colmexpro.com).

***When using any of our services you consent to the collection, transfer, storage, disclosure, and use of your personal information subject to this Privacy Policy.***