

## **PRIVACY POLICY**

### **Who are we?**

Exness Investment Bank Ltd holds a license to carry on Investment Banking Business from the Labuan Financial Services Authority (LFSA) with license number 210141BI. The registered office of Exness Investment Bank Ltd is at Kensington Gardens, No. U1317, Lot 7616, Jalan Jumidar Buyong, 87000, Labuan, Malaysia.

Exness Investment Bank Ltd is duly authorized to operate under the Exness brand and trademarks.

### **Purpose**

Exness Investment Bank Ltd (the “**Company**”) is committed to complying with the Personal Data Protection Act 2010 of Malaysia (“**PDPA**”). This PDPA Policy (“**Policy**”) contains the policies and practices of the Company to comply with the PDPA.

The purpose of this Privacy Policy is to explain to you:-

- The type of Data we collect and how we collect it;
- How we use your Data;
- The parties that we disclose the Data to;
- How we store your Data; and
- How we intend to deliver the rights and protection that you are entitled to, including how to access and update your Data.

### **What is Personal Data**

Personal Data is data (whether true or not) about an individual who can be identified:-

- (a) From such data alone; or
- (b) From such data and other organization has or is likely to have access;

### **How will Company use the personal data it collects about me?**

The Company will process (ie collect, store and use) the information you provide in a manner compatible with the applicable data protection legislation. We will endeavor to keep your information accurate and up to date, and not keep it for longer than is necessary. The Company is required to retain information in accordance with the law, such as information needed for income tax and audit purposes, and regulatory law. How long certain kinds of personal data should be kept may also be governed by specific business-sector requirements and agreed practices. Personal data may be held in addition to these periods depending on individual business needs and for statistical and historical purposes.

## What kind of personal data do we collect and process

We will collect, use, store and transfer different kinds of your personal data which we have grouped together as follows:

**Identity Data:** such as first name, maiden name, last name, username or similar identifier, title, date and place of birth, gender, country of residence and citizenship.

**Contact Data:** such as billing address, delivery address, email address, telephone number(s).

**Documentary Data:** such as information about you that are stored in different documents in various forms or copies of them, including your passport, identity card, driver license as well as documents for the proof of you address, utility bill, payslip/tax return as proof of source of funds, credit checks

**Financial Data:** such as your economic profile including assets, income, financial position/ source of wealth, employment status, profession and industry, bank account and bank statement, e-wallet and credit card details.

**Socio-Demographic Data:** such as your education, profession and/or details about your work, nationality.

**Contractual Data:** such as details about the services and or products offering.

**Trading information Data:** reason for opening the account, experience in trading, risk tolerance and risk profile.

**Transaction Data:** such as details about payments to and from you, information on products and services you have purchased from us, deposit methods, purpose of transactions with us.

**National identifier Data:** such as tax identification number, country of tax residence.

**Profile Data:** such as your username and password, purchases or orders made by you, historical data about the trades and investments you have made, your preference for certain types of products and services, products you trade with us, your interests, preferences, feedback, and survey responses.

**Public Records and Open Sources Data:** such as details about you that are available online, are in public records or other open available sources.

**Consent/permission:** such as your consents, any permission or preferences given to the Company.

**Marketing and Communications Data:** such as details about you from letter, email and conversation, chats between us and your preference in receiving marketing from us and any third-party companies on our behalf.

**Technical Data:** such as internet protocol (IP) address, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our website and mobile app and electronic services.

**Usage Data:** such as information about how you use our website, mobile app, products, and services.

We obtain this information in a number of ways through your use of our services and website, the account opening applications, our demo sign up forms, and from information provided in the course of ongoing customer service correspondence. We may also collect this information about you from third parties either through bought-in third party marketing lists, publicly available sources, social media platform, introducers brokers and affiliates, bankers and credit card

processors, subscription-based intelligence databases, credit references agencies, fraud prevention agencies, third authentication service providers, other financial institutions and the providers of registers, and other third party associates.

We also process personal data generated by us in the course of providing you with our services such as Transaction Data.

We may ask for other personal data from time to time (for example, through market research, surveys or special offers). If you choose not to provide the information we need to fulfill your request for a specific product or service, we may not be able to provide you with the requested product or service.

We also use cookies on our website to ensure that our website works effectively, for fraud prevention, security and to support your trading activities. Cookies are small text files sent from our web server to your computer. Information about type of cookies and how to manage cookie preferences [here](#).

We may enlist outside organisations to help us manage the website and collect and analyze statistical data. These outside organizations may install and use their own cookies on our behalf.

We may record any communications, electronic, by telephone, in person or otherwise, that we have with you in relation to the services we provide to you and our business relationship with you. These recordings will be our sole property and will constitute evidence of the communications between us for the purpose of complying with our regulatory obligations. Such telephone conversation may be recorded without a prior warning tone or any other further notice.

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

We collect, use, disclose, transfer and store data when needed to provide our services and for our operational and business purposes as stated herein. We want to be clear about our privacy practices so you can make informed choices about the use of your personal data. You can contact us at any time with questions or concerns.

The personal data we collect will be used for the following **purposes**:

- To provide services to you in accordance with the agreement(s) you or your organisation may have with us, for record-keeping and compliance procedures;
- To provide you or your organisation with brokerage and other services available on our platforms and/or to deal with any requests or inquiries you may have;
- To respond to requests for information from you and to follow up afterwards to see if any further assistance is required.
- To review your registration for the Company services and products
- To Register Personal Areas, open and configure trading accounts, and issue activation codes and passwords
- To provide secure high-quality services and products
- To manage fees and charges and collect and recover money due to the Company

- To improve our products and services, including customer services and develop and market new products and services and promptly communicate to you the availability of additional services, features, and promotions we may be offering
- To maintain various reports, registers, relating to our legal obligations imposed by relevant laws to which we are subject, as well as specific statutory requirements (ie, anti-money laundering laws, financial services laws, corporation laws, privacy law and tax laws) - we do so not only to comply with our legal obligations but because it may also be in our legitimate interest to do so
- To manage risk for the Company and the Company's clients
- For the purposes of preventing and detecting money-laundering, terrorism, fraud or other crimes and/or abuses of our services;
- To comply with any legal, regulatory or good practice requirement and to fulfill our obligations under any reporting agreement entered into with any tax authority or revenue services from time to time.
- To investigate or settle enquires or disputes or respond to complains- we may need to use your information in such cases as it is in our legitimate interests to ensure that disputes or issues are investigated and resolved quickly and in an efficient manner
- To comply with any applicable law in the countries we operate in, court order, other judicial process, or the requirements of any applicable regulatory authority- we do this not only to comply with our legal obligations but because it may also be in our legitimate interest to do so.
- To communicate with you through the available channels so as to keep you up to date on latest developments, announcements and other information about or information about other opportunities that we believe will be of interest to you.
- To study how the customers, use products and services from the Company, to conduct client surveys, marketing campaigns, market analysis or promotional activities;
- To develop and carry out marketing activities, to collect information about your preferences, to create a user profile to personalize and foster the quality of our communication and interaction with you (for example, by way of newsletter tracking or website analytics).
- To exercise the Company's rights set out in the agreements or contracts
- To run the Company's business in an efficient and proper way including to manage our financial position, planning, communication, corporate governance, audit
- To develop and manage the Company's intellectual property rights, services and products
- To test and develop new products/ services and features
- To diagnose or fix technology problems, security issues and vulnerabilities
- To manage how the Company works with other companies that provides services to the Company and/or the Company's customers
- To communicate with you and contact you and to provide you with products and services that you requested from us, to notify you about updates to the website, changes to our services and relevant matters
- To conduct monitoring by us or any other person on our behalf using various methods, such us the use of "intelligent" automated monitoring tools; or through

random monitoring of systems, for example systematically via electronic communication recording tools; specific monitoring of systems for example in relation to investigations, regulatory requests, subject access requests, litigation, arbitration or mediation or; data tracking, aggregation and analysis tools that pull data from various disparate data sources to draw linkages and/or detect behavioral patterns, interactions or preferences for analysis (including predictive analysis); and/or using other similar monitoring technology that may become available from time to time.

We record, monitor and process any telephone conversations and/or electronic communications between us through various communication channels such as fax, email, social media, and electronic messages, either initiated from Company or by you. All communications are recorded and/or monitored and/or processed by us, including any telephone conversations and/or electronic communications that result or may result in transactions or client order services even if those conversations or communications do not result in the conclusion of any arrangements and or transactions. The content of any in person conversations and/or communications with you may be recorded by minutes or notes. Any such records can be provided to you upon request at the same language as the one used to provide services to you.

We will use your personal data for the purposes for which we collect it, unless we reasonably consider that we need to use it for another reason and that such reason is compatible with the original purpose and the law (in which case your knowledge or consent for use thereof is not required). If we need to use your personal data for an unrelated purpose, we will notify you accordingly and explain the legal basis which allows us to do so.

### **Legal basis for processing**

We may collect, use and/or disclose all the categories of the information in the list above, without your consent, in the following circumstances: -

- for the performance and/or compliance of our contract with you;
- for the taking of steps at your request with a view to entering into a contract with us;
- for the compliance with any legal obligation to which we are subjected, other than an obligation imposed by a contract;
- to protect your vital interests;
- the collection, use, or disclosure is necessary for any purpose which is clearly in your interests, if your consent cannot be obtained in a timely manner;
- the collection, use, or disclosure is necessary to respond to an emergency that threatens the life, health or safety of you or another individual;
- the personal data is publicly available;
- for the administration of justice;
- the collection, use or disclosure is necessary for evaluative purposes;
- for the exercise of any functions conferred on any person by or under any law in Malaysia; and/or
- in any other circumstances set out in the PDPA.

## **Who may we disclose your personal data to**

The following third parties (in or outside group of Exness's companies, domestically or abroad, hereinafter referred to as the "processor(s)") may receive your personal data for the purpose (s) set above as part of their processing activities:

- Other companies within the largest group of Exness's companies who may provide (without limitation) IT and financial services, customer support, identity checks, documents verification. We may pass your personal data onto third party authentication service providers when you use the system to perform identity checks and documents verification, and other providers of specialized and/or support services to us.
- Service providers and specialist advisers who have been contacted to provided us with administrative, accounting, IT, analytics, online marketing optimization, cloud storage, financial, regulatory, compliance, insurance, research or other services;
- Third party providers when you use our website, apps, communication systems and trading platforms, SMS gateways and authentication system including document and transaction check, face match check and databases check which are provided to us by third parties;
- We may share your personal data with companies providing services in the areas of fraud and crime prevention and with companies providing similar services, including financial institutions such as credit reference agencies and regulatory bodies;
- We may disclose information about you to any depository, stock exchange, clearing or settlement system, account controller or other participant in the relevant system, to counterparties, dealers, custodians, intermediaries and others where disclosure is reasonably intended for the purpose of effecting, managing or reporting transactions in connection with the provision of our services or establishing a relationship with a view to such transactions;
- Payment service providers and banks processing your transactions;
- Auditor or contractors or other advisers auditing, assisting with or advising on any of our business purposes;
- Government bodies and law enforcement agencies when required by law and in response to other legal and regulatory requests;
- In accordance with applicable law, we may share your personal data with courts, law enforcement authorities, regulators or attorneys or other parties for the establishment, exercise or defense of a legal or equitable claim or for the purposes of an alternative dispute resolution process;
- Any third party where such disclosure is required in order to enforce or apply our Terms of Business or other relevant agreements;
- Successor or assignees or transferees or buyers;
- Anyone authorized by you.

Generally, we will only disclose your Personal Data when you direct us or authorize us to do so, when we are allowed or required by applicable law or judicial or official request to do so, or as required to investigate actual or suspected fraudulent or criminal activities.

Please note that the use of your personal data by external third parties who act as data controllers of your personal data is not covered by this Privacy Policy and is not subject to our privacy standards and procedures.

Moreover, our websites may have links to external third-party websites. Please note, however, that third party websites are not covered by this Privacy Policy and those sites are not subject to our privacy standards and procedures. Please check with each third party as to their privacy practices and procedures.

### **International transfer of personal data**

Your personal data may be stored and processed in any country where we have facilities or in which we engage data processors in accordance with the applicable data protection laws and regulations.

Whenever we transfer your personal data, we will ensure a similar degree of protection is afforded to it by implementing at least one of the following safeguards:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data;
- In the absence of an adequate level of protection, we will transfer your personal data provided one of the legal safeguards is in place or with your consent;
- Personal data may be transferred to another country or territory on the basis of necessity if such a transfer is necessary for any of the purpose outlined under the applicable data protection legislation.

If you instruct us to cease using or processing your personal data, we have the right to terminate any existing services to you within a reasonable time or immediately, as determined by the Company.

### **Technical and Organisational Measures**

We have put in place appropriate and reasonable security measures to prevent your personal data from being accidentally lost, used, collected, disclosed, altered, disposed or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and third-parties who have a business need-to-know. They will only process your personal data on our instructions, and they are subject to confidentiality obligations. We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so. When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that personal data that we remain responsible for, is kept secure. We will ensure that anyone to whom we pass your personal data agrees to treat your information with the same level of protection as we are obliged to.

### **How do we store personal data and for how long?**

The Company will process personal data for as long as we have a business relationship with you, in a combination of secure computer storage facilities and paper-based files and other records and we will take the necessary measures to protect the personal data we hold about you from misuse, loss, unauthorized access, modification or disclosure.

When we consider that personal data is no longer needed for the purpose for which it was collected, we will remove any details that will identify you or we will securely destroy the records. However, we may need to maintain records for a significant period of time (after you cease to be our client) subject to certain AML laws that require us to retain a copy of the documents we used in order to comply with our customer due diligence obligations as well as supporting evidence and records of transactions with you and your relationship with us.

For the personal data held in the form of an email, telephone, electronic, in person or otherwise recorded communication, the information will be retained in line with the requirements of our Regulatory Authority.

If you have opted out of receiving marketing communications we will hold your details on our suppression list so that we know you do not want to receive these communications.

We may keep your data for a longer time than the retention period if for legal, regulatory or technical reasons we cannot delete it.

### **Your rights and Contacting us about this Privacy Policy**

You have the right to be informed about the personal data we maintain about you, where appropriate withdraw your consent for certain data processing activities and/or request that you access, update or correct your personal data or to object/opt-out from receiving marketing communication. If you have any queries about our protection internal practices (“PDP Internal Practices”) or the content of this Privacy Policy, would like to exercise any of those rights or would like to raise a complaint or comment, please contact us at [support@exnessbank.com](mailto:support@exnessbank.com).

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your interaction with us.