



# Privacy Policy

(Cayman Islands)

IMPORTANT: PLEASE READ THIS PRIVACY POLICY AS IT APPLIES TO ANY PERSONAL DATA YOU PROVIDE US OR WE COLLECT ABOUT YOU. FOR EXAMPLE, IF YOU ACCESS THE WEBSITE AT ATCBROKERS.COM/EN-KY, ATC BROKERS LTD, INCORPORATED IN CAYMAN ISLANDS, COMPANY # 326602, OFFICE ADDRESS FLOOR 4, WILLOW HOUSE, CRICKET SQUARE, GRAND CAYMAN, KY1-9010, CAYMAN ISLANDS, ('WEBSITE' AND 'ATC', 'US', 'WE' RESPECTIVELY) OR USE ANY OF OUR PRODUCTS OR SERVICES ('SERVICES'). WE DO NOT MARKET TO OR ENTER INTO CONTRACTS WITH CHILDREN NOR WE DO COLLECT PERSONAL DATA FROM ANY PERSON UNDER 18 YEARS OF AGE. PLEASE DO NOT ACCESS OR USE THE WEBSITE OR SERVICES IF YOU ARE UNDER 18 YEARS OF AGE.

## THIS POLICY

Whilst '**personal data**' is a defined term in Cayman Islands law, we use it here to also cover '**personally identifiable information**' as defined in US law, and other similar legal definitions. Essentially '**personal data**' means any information relating to an identified or identifiable natural person, namely one who can be identified, directly or indirectly from that information alone or in conjunction with other information.

This Policy sets out what personal data we might collect, how we process and protect that data, the lawful grounds for that processing, and your related rights. In most cases, the lawful ground will be that the processing: (i) is necessary for our legitimate interests in carrying out our business, including to grow and improve our Services, provided those interests are not outweighed by your rights and interests ('**Legitimate Interests**'), (ii) is necessary to perform a contract with you ('**Contract**'), or (iii) we have a legal obligation to carry out the processing ('**Legal Obligation**'). Where processing is based on your consent ('**Consent**'), we will identify the processing purposes and provide you with relevant information to make the processing fair and transparent.

As data protection law and practice are constantly developing, we'll need to update this policy from time to time, which we'll do by posting a new policy on the Website. It is your responsibility to return to the Website from time to time and check for changes.

## PERSONAL INFORMATION - HOW DO WE OBTAIN PERSONAL DATA?

When you apply for or maintain an account with ATC, 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. The personal information we collect about you may include the following items listed below:

- Application information: Information you provide to us on applications and other forms, such as your name, address, date of birth, Government Issued Identification, occupation, assets, and income.
- Transaction information: Information about your transactions with us and with our affiliates as well as information about our communications with you. Examples include your account balances, trading activity, your inquiries, and our responses;
- Verification information: Information necessary to verify your identity, such as a passport or driving license. Examples also include background information about you we receive from public records or from other entities not affiliated with ATC. Cayman Islands Money Laundering Regulations require us to collect information and take actions necessary to verify your identity.

When you provide us with personal data about yourself or another person, you are confirming to us that you are authorised to provide us with that information and that any personal data you give us is accurate and up-to-date. Provision of personal data to us is never a requirement, however if you do not provide us with the personal data necessary for us to carry out an action at your request or under a contract with or relating to you, for example to respond to your query or provide Services to you, we may not be able to respond to your query or provide Services to you.

### SENSITIVE PERSONAL DATA

Given the nature of our business, we do not ask for ‘sensitive’ or ‘special categories of personal data’, such as information about your health, political opinions, racial origins or sexual life and we would ask you not to send any to us. However, if at any time you choose to transmit sensitive personal data over our Website or Services for any reason, you must have full authority or consent to do so and you agree that it will be dealt with according to this Privacy Policy, including possible transfer to our offices or the third parties, inside or outside the Cayman Islands, as described in this policy.

### HOW DO WE USE PERSONAL DATA?

We use personal data in the ‘normal course’ of our business, including to provide and improve our Services and to meet any binding contractual or legal obligations. For example:

- to respond to enquiries, to provide the Websites and Services, to provide advice and support, and to invoice accordingly. Lawful basis: Legitimate Interests or Contract.

- to analyse and improve the Website and Services, for example for technical or security purposes and to improve the customer experience. Lawful basis: Legitimate Interests, however where for example applicable law requires your consent to use certain cookies, we will ask for your Consent having provided you with relevant information.
- to market and sell our Services, including to communicate with you about same or similar services that we offer - if we do so, we will provide you with an easy and free way to opt-out of receiving such communications in the future. Lawful basis: Legitimate Interests (or Consent as above).
- in certain circumstances, to share it with a limited number of third parties as described in this policy, for example for operational requirements and business continuity purposes. Lawful basis: most processing will be based on Legitimate Interests, some processing is based on Contract and, where necessary (as above) some processing may be based on your prior Consent.

#### SHARING DATA WITH OUR AFFILIATES AND/OR THIRD PARTIES

We may share personal information described above with our affiliates for purposes, such as, but not limited to, servicing customer accounts and informing customers about new products and services, or to aid in the trading activity of the company, its affiliates, or employees, and as permitted by applicable law. Our affiliates may include companies controlled or owned by us as well as companies that have an ownership interest in our company. The information we share with affiliates may include any of the information described above, such as your name, address, trading and account information. Our affiliates maintain the privacy of your information to the same extent ATC does in accordance with this policy.

ATC does not disclose your personal information to third parties, except as described in this policy. Third party disclosures may include sharing such information with non-affiliated companies that perform support services for your account or facilitate your transactions with ATC, including those that provide professional, legal, or accounting advice to ATC. In addition, third party disclosures may include sharing such information with non-affiliated companies that clients select as their agent that offer money managed account services that are licensed and regulated in their jurisdiction. Non-affiliated companies that assist ATC in providing services to you are required to maintain the confidentiality of such information to the extent they receive it and to use your personal information only in the course of providing such services and only for the purposes that ATC dictates. We may also disclose your personal information to the third parties to fulfil your instructions or pursuant to

your expressed consent. We want you to know that ATC will not give, sell or rent your personal data to third parties so they can market their services to you.

In each case, we have written contracts in place incorporating relevant wording to safeguard that personal data and comply with applicable laws, and we will only share such data as is necessary for the purpose in question. Where possible, we keep personal data within the Cayman Islands. However in order to carry out the above purposes, we may use third parties and their facilities outside the Cayman Islands. In all such cases we will ensure that appropriate security measures are in place to protect your personal data and a valid legal basis for the transfer applies.

## COOKIES

As and when our websites or Services use cookies and/or similar technologies, we will update our [Cookie Policy](#), which is part of (and incorporated into) this Privacy Policy. Please review our [Cookie Policy](#) for more information, including on how to refuse or selectively accept cookies and/or similar technologies.

## SECURITY TECHNOLOGY

The security of data is very important to our business. In accordance with our legal obligations, we take appropriate technical and organisational measures to protect your personal data and keep those measures under review. However, we can only be responsible for systems that we control and we would remind you that the internet itself is not a secure environment.

ATC uses Secure Socket Layer (SSL) encryption technology in order to protect certain information that you submit. This type of technology protects you from having your information intercepted by anyone other than ATC while it is being transmitted to us. We work hard to ensure that our websites are secure and that they meet industry standards. We also use other safeguards such as firewalls, authentication systems (e.g., passwords and personal identifications numbers), and access control mechanisms to control unauthorized access to systems and data.

## RETENTION

As a default position, we will only retain personal data for any statutory retention period, then a reasonable period (if any) for the above purposes. This is subject, for example, to any valid opt-out or withdrawal of consent where processing is based on consent, or other valid exercise of your data subject rights.

## ANONYMISED DATA

We may create anonymised data from personal data, and any anonymisation would be carried out in accordance with applicable law as well as relevant guidelines from. Anonymisation may, for example, be achieved by aggregating data to the point that no individual can be identified such as aggregating website use statistics to see which web content is working well and which could be improved. Anonymised data does not allow for the identification of any individual person and, as it is no longer personal data, neither data protection laws nor this Privacy Policy would apply to such data.

## YOUR RIGHTS

You have the right to know if we process any personal data about you and, if we are, with certain limitations, to a copy of that personal data. You also have the right to ask us to remove or correct any of that personal data that is inaccurate, to object to certain processing and to withdraw any consent you may have given us for any processing of your personal data.

You are not required to supply any of the personal information that we may request; however, failure to do so may result in our being unable to open or maintain your account or to provide services to you. While we make every effort to ensure that all information we hold about you is accurate, complete, and up to date, you can help us considerably in this regard by promptly notifying us if there are any changes to your personal information.

You have the right, at any time, to object to the processing of your personal data for direct marketing.

As from 25 May 2018, you will also have the right to ask us to restrict processing certain of your personal data and to 'port' certain of your personal data to you or another provider, provided in each case that we have such data and certain conditions are met.

## CONTACT US

If you do not wish to have your personal information disclosed to our affiliates or other third parties as described in this policy or have any queries, please contact us via e-mail at: [compliance@atcbrokers.com](mailto:compliance@atcbrokers.com).