



OTKRITIE

CAPITAL

Otkritie Capital Cyprus Limited

Registration # HE 165058

Date of Incorporation: 06/09/2005

License Number: 069/06

Issued by the Cyprus Securities and Exchange Commission

GDPR Policy

Amended by:	Position:	Date:	Comments on changes	Status:
Glushchenko Iuliia	Compliance manager	May 2018	Prepared with regards the General Data Protection Regulation (GDPR) 2016/679 (EU)	Approved by the Board of Directors on 01.06.2018

CONTENTS

INTRODUCTION	
.....	ERROR!
BOOKMARK NOT DEFINED.	
WHAT IS PERSONAL DATA?	3
EXAMPLES OF PERSONAL DATA	3
EXAMPLES OF DATA NOT CONSIDERED PERSONAL DATA	4
THE OBJECTIVES OF GDPR POLICY	4
PROCESSING PERSONAL DATA	4
WHAT CONSTITUTES DATA PROCESSING?	4
EXAMPLES OF PROCESSING	5
PERSONAL DATA COLLECTION	5
CREATION OF PERSONAL DATA	5
PROCESSING SENSITIVE PERSONAL DATA	7
THE PROCESSING OF PERSONAL DATA WILL BE DONE FOR THE FOLLOWING PURPOSES	7
DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES	8
INTERNATIONAL TRANSFER OF PERSONAL DATA	9
DATA SECURITY	9
ACCURACY	9
DATA MINIMISATION	10
DATA RETENTION	10
LEGAL RIGHTS	10
CONFIDENTIALITY	11
PECULIARITIES OF DISCLOSURE OF FOREIGN NOMINEE HOLDERS OF RUSSIAN SECURITIES	12
UPDATING THE POLICY	12
CONTACTS	13
WHAT ARE DATA PROTECTION AUTHORITIES (DPAs)?	13

INTRODUCTION

The General Data Protection Regulation (“GDPR”) (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union (EU) and the European Economic Area (EEA), it came in force as from 25/05/2018. This act replaces the Data Protection Directive 95/46/EC. While GDPR preserves many aspects of the Directive, it imposes changes designed to address the realities of evolving, digital world while increasing the level of accountability for organizations processing personal data.

Otkritie Capital Cyprus Limited (“OCCL”) is committed to ensuring compliance with GDPR across all products and services and in how OCCL manages the client relationships. OCCL know the clients are focused on matters of data privacy and security, and this overview is designed to give insight and visibility into the GDPR program.

In relation to the client accounts and services maintained with OCCL and in accordance with the Clients obligations under GDPR, OCCL hereby notifies the Client, that: OCCL, acting as data controller, may process information about the Client, the Client’s directors, officers, employees, affiliates, agents, which may constitute personal data under the General Data Protection Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regards to the processing personal data and on the free movement of such data (“Personal Data”).

WHAT IS PERSONAL DATA?

Personal data is any information that relates to an identified or identifiable living individual. Different pieces of information, which collected together can lead to the identification of a particular person, also constitute personal data.

Personal data that has been de-identified, encrypted or pseudonymised but can be used to re-identify a person remains personal data and falls within the scope of the law.

Personal data that has been rendered anonymous in such a way that the individual is not or no longer identifiable is no longer considered personal data. For data to be truly anonymized, the anonymization must be irreversible.

The law protects personal data regardless of the technology used for processing that data – it’s technology neutral and applies to both automated and manual processing, provided the data is organized in accordance with pre-defined criteria (for example alphabetical order). It also doesn’t matter how the data is stored – in an IT system, through video surveillance, or on paper; in all cases, personal data is subject to the protection requirements set out in the GDPR.

EXAMPLES OF PERSONAL DATA

- a name and surname;
- a home address;
- an email address such as name.surname@company.com;
- an identification card number;
- location data (for example the location data function on a mobile phone)*;
- an Internet Protocol (IP) address;
- a cookie ID*;
- the advertising identifier of your phone;

- data held by a hospital or doctor, which could be a symbol that uniquely identifies a person.

EXAMPLES OF DATA NOT CONSIDERED PERSONAL DATA

- a company registration number;
- an email address such as info@company.com;
- anonymized data.

THE OCCL'S GDPR POLICY SETS OUT RELEVANT INFORMATION REGARDING:

- a) collection and creation of Personal Data by the Company
- b) the categories of Personal Data Processed
- c) the lawful basis for such processing
- d) the purposes of such processing
- e) the disclosure of Personal Data to third parties
- f) the international transfer of Personal Data
- g) the data security measures applied by the Company
- h) the Company's compliance with the principles of data accuracy, data retention and data minimisation
- i) the rights of Data Subjects
- j) the contact details for enquiries and the exercise of data protection rights.

THE OBJECTIVES OF GDPR POLICY:

- to explain the GDPR Requirements;
- to provide greater detail affected individuals about the categories of personal data that are collected and processed by OCCL and the purpose of that processing (e.g. providing services to the Client. Complying with applicable law, etc.);
- to provide information about the third parties to whom OCCL may disclose personal data (e.g. other member of the group, service providers, law enforcement agencies);
- to explain the principles to which the Company adheres in its processing activities (e.g. data security, data accuracy, data minimisation);
- to provide affected individuals with information about their rights (e.g. right of access to data, right to object to processing and right to deletion) together with an explanation of how those rights can be exercised The key aim behind these objectives is to provide individuals with a detailed, clear, transparent explanation of what OCCL does with their personal data and why it does so.

PROCESSING PERSONAL DATA.

WHAT CONSTITUTES DATA PROCESSING?

Processing covers a wide range of operations performed on personal data, including by manual or automated means. It includes the **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** of personal data.

GDPR applies to the processing of personal data wholly or partly by automated means as well as to non-automated processing, if it is part of a structured filing system.

EXAMPLES OF PROCESSING

- staff management and payroll administration;
- access to/consultation of a contacts database containing personal data;
- sending promotional emails*;
- shredding documents containing personal data;
- posting/putting a photo of a person on a website;
- storing IP addresses or MAC addresses;
- video recording (CCTV) and phone recording.

PERSONAL DATA COLLECTION

OCCL collects Personal Data about the client from a variety of sources as follows:

- OCCL obtains the Client's Personal Data, when the Client provides it to OCCL (e.g. via email, telephone, or by any other mean)
- OCCL obtains the Client's Personal Data in the ordinary course of the relationship with the Client (I the course of managing transactions)
- OCCL obtains the Client's Personal Data, that the Client manifestly chooses to make public, including via social media
- OCCL obtains the Client's Personal Data from third parties who provide this to OCCL (e.g. the client's customers, credit reference agencies, law enforcement authorities, etc.)
- OCCL obtains the Client's Personal Data when the Client visit any of the Company's sites or uses any feature or resources available on or through the OCCL's site. When the Client visits a site, the device and browser may automatically disclose certain information (such as device type, operating system browser type, browser settings, IP address, language settings, dates and times of connecting to a Site and other technical communications information (some of which may constitute Personal Data.

CREATION OF PERSONAL DATA

OCCL creates a Personal Data about the Client, such as records of the client's interaction with OCCL, details of the accounts, subject to applicable law.

The Categories of Personal Data about the Client that OCCL processes, subject to applicable law:

- Personal Details:
 - given name(s),
 - preferred name(s),
 - nickname(s),

- gender,
- date of birth/age,
- place of birth,
- marital status,
- Social Security number,
- passport number(s),
- other government issued number(s),
- tax identification number(s),
- Green card number(s),
- driving license number(s),
- nationality,
- lifestyle and social circumstances,
- images of passports,
- signature,
- authentication data (responses to questions),
- photographs,
- visual images,
- personal appearance,
- behaviour

- Family Details:

- family members,
- dependents,
- where applicable contact details

- Contact Details:

- address,
- telephone number,
- email address,
- social media
- profile details

- Employment Details:

- industry,
- role,
- business activities,
- names of current and former employer,
- work address,
- work telephone number,
- work email address,
- work-related
- social media profile details.

- Education History:

- details of the education and qualification,
 - the client's knowledge and experience in specific financial instruments, products, investment and ancillary services.
- Financial Details:
- bank account details,
 - instruction records,
 - transaction details,
 - source of funds,
 - source of wealth,
 - overall financial situation
- Electronic Identifying Data:
- IP Addresses,
 - activity logs,
 - online identifiers,
 - unique device identifiers and geolocation data.

PROCESSING SENSITIVE PERSONAL DATA

The Company does not collect or otherwise process the sensitive personal data, except where:

- the processing is necessary for compliance with a legal obligation (e.g. to comply with the diversity reporting obligations)
- the processing is necessary for the detection and prevention of crime (including the prevention of fraud) to the extent permitted by applicable Law)
- the Client has manifestly made the Sensitive Personal Data public
- the processing is necessary for the establishment, exercise or defence of legal rights
- OCCL in accordance with applicable law, obtained the explicit consent prior to Processing the sensitive personal data (as above, this legal basis is only used to Processing that is entirely voluntary – it is not used for Processing that is necessary or obligatory in any way); or
- Processing is necessary for reasons of substantial public interest and occurs on the basis of an applicable law that is proportionate to the aim pursued and provides for suitable and specific measures to safeguard the fundamental rights and interests.

THE PROCESSING OF PERSONAL DATA WILL BE DONE FOR THE FOLLOWING PURPOSES:

- for compliance with a legal obligation;
- for the performance of a contract the individual is a party to;
- to ensure the vital interests of the individual;
- for the legitimate interests pursued by the controller or the third party, under the condition that such interests override the rights of the individual, interests and fundamental freedoms;

- the examination of an application(s) for opening an account and assessing what instruments and/or services are appropriate/suitable to the client;
- the maintenance and development of your relations with OCCL and the exercise of OCCL's rights which arise from the relations between us, as well as the protection of the legal interests of OCCL in the context of its transactions with you or with persons connected with you;
- the performance of OCCL's legal duties and obligations;
- the control and the prevention of offences, including but not limited to, offences entailing fraud and money laundering offences

Also, the purposes for which OCCL may process personal data, subject to applicable law and legal basis on which OCCL may perform such processing:

- Client on-boarding: on-boarding new clients, compliance with internal requirements, policies and procedures.
- AML/KYC: fulfilling regulatory requirement obligations, checks, identification and verification of identity, screening against government, supranational bodies, agency sanction lists, legal restrictions and publicly available news and systems.
- Provision of products and services to the Client: administering relationships and related services, performance of tasks necessary for the provision of services, communicating in relation to such services, assessment of appropriate products
- Operating of web-site – operation and management of web-site, providing content to the Client, displaying information, communicating and interaction with the Client.
- IT operations – management of the communication systems, IT security, IT security audits
- Investigations – detecting investigating and preventing breaches of policy, criminal offences, in accordance with the applicable law
- Legal compliance – compliance with legal and regulatory obligations under applicable law, establishing, exercising, defending legal rights
- Risk management – audit, compliance, controls, other risk management exercises
- Fraud prevention – detecting, preventing, investigating fraud

The Processing is necessary for Compliance with legal obligation, is necessary in connection with any contract that the Client may enter into with OCCL, to take steps prior to entering into a contract, legitimate interest, prior consent is obtained (this legal basis is only used in relation to processing that is entirely voluntary – it is not used for processing that is necessary or obligatory in any way)

DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES

OCCL may disclose Personal Data to:

- the Client, and where appropriate client's family, associates, representatives (in case of proper authorisation provided by the Client)
- anti-fraud services
- third party processors
- law enforcement agency or court
- any relevant party for the purposes of prevention, investigation, detection, prosecution of criminal offences or the execution of criminal penalties, including safeguarding against and the prevention of threats to public security in accordance with applicable law

- accountants, auditors, financial advisors, lawyers, other outside professional advisors, subject to binding contractual obligations of confidentiality
- governmental, legal, regulatory or similar authorities, ombudsmen, central/local government agencies, upon request and where required, including for the purposes of reporting any actual or suspected breach of applicable law or regulation.
- regulatory authorities with regards to reporting obligations
- brokers/custody in case of prior written consent from the Client

If OCCL will engage a third-party processor to process client's personal data, the processor will be subject to binding contractual obligations to:

- i) only process personal data in accordance with the prior written instructions; and
- ii) use measures to protect the confidentiality and security of the Personal Data;
- iii) together with any additional requirements under applicable law.

INTERNATIONAL TRANSFER OF PERSONAL DATA

Because of the international nature of the business, OCCL may need to transfer Clients Personal Data to third parties as noted above, in connection with the purposes set out in this Policy.

For this reason, OCCL may transfer the Personal Data to other countries that may have different laws and data protection compliance requirements, including data protection laws of lower standard to those that apply in the country in which the Client is located.

Where OCCL will transfer the Client's Personal Data to other countries, OCCL will do so on the basis of:

- adequacy decisions
- binding corporate rules
- suitable Standard Contractual Clauses
- other valid transfer mechanisms

DATA SECURITY

OCCL implemented appropriate technical and organisational security measures designed to protect the Client's Personal Data against accidental and unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, other unlawful or unauthorised forms of Processing, in accordance with applicable law.

The client is responsible for ensuring that any Personal Data that is sent to OCCL is sent securely.

ACCURACY

OCCL takes all reasonable steps designed to ensure that: Personal Data of the Client is accurate and where necessary kept up to date, as well as that any of the Personal Data that

OCCL process that is inaccurate (having regards to the purposes for which they are processed) are erased or rectified without delay.

From time to time OCCL may ask the Client to confirm the accuracy of the Personal Data.

DATA MINIMISATION

OCCL takes all reasonable steps designed to ensure that Personal Data that OCCL process is limited to the personal data reasonably required in connection with the purposes set out in this Policy.

DATA RETENTION

OCCL maintain ongoing relationship with the Client

Client's Personal Data are necessary in connection with the lawful purposes set out in the Policy, for which OCCL has already had a valid legal basis

OCCL takes all reasonable steps designed to ensure that Personal Data of Clients that OCCL process is only processed for the minimum period necessary for the purposes set out in this Policy.

The criteria to determine the duration for which OCCL will retain the Personal Data as follows: OCCL will retain copies of the Personal Data in a form that permits identification only for as long as: For at least 5 years from the date of the termination business relationship for all information, with the except of tax information, that will be held for 7 years.

In accordance with the decision and relevant request from the Cyprus Securities and Exchange Commission and/or MOKAS, this period may be extended.

LEGAL RIGHTS

The client has the following rights:

- right to request access to, or copies of, the Personal Data that the Company processes or control, together with information regarding the nature, processing and disclosure of those personal data
- right to request rectification of any inaccuracies in the personal data that the Company processes or controls
- right to request on legitimate grounds a) erasure of the personal data that the Company processes or controls, or b) restriction of Processing of Personal Data that the Company processes or controls
- right to have the Personal Data that the Company processes or controls transferred to another controller, to the extent applicable
- right to withdraw the consent, where the Company processes or controls Personal Data on the basis of the consent
- right to loge complaint with a Data Protection Authority regarding the Processing of Personal Data by OCCL or on behalf of OCCL
- right to object on grounds relating to the particular situation, to the processing of the personal data by OCCL or on behalf of OCCL

In the event the Client discloses the Personal Data of any individual to the Company, the Client shall to the greatest extent permitted under applicable law, draw the attention of that individual to the Company's GDPR Policy, prior to making such disclosure. In particular, to the

extent that the Client discloses the Personal Data of any of its employees to the Company, the Client shall notify those employees of that disclosure and of the Company's GDPR Policy.

CONFIDENTIALITY

The Company will, except only in so far as is:

- i Established by Law or applicable regulation; or
- ii Necessary for effecting settlement; or
- iii Permitted in writing by the Client, ensure that all non-public matters relating to the Portfolio will be kept strictly confidential within the Company and its Affiliates.

Notwithstanding the foregoing, the Company's composite performance record may include the results of the Portfolio's trading without naming the Client.

The Parties will at all times keep confidential and shall not disclose to a third party any information of a confidential nature acquired in connection with the Agreement or Portfolio, except for information which is bound to disclose under compulsion of law or by request of regulatory agencies or to respective professional advisers or where disclosure to a third party such as an intermediary or clearing house is necessary in order to facilitate the proper performance under the Agreement.

All information which OCCL and/or OCCL's brokers receive from the Client concerning Client's business or affairs and any information or work product generated from such information, which is not in the public domain, or is not available to OCCL on a non-confidential basis, or has not been independently developed by us and which we and/or our brokers are not required to disclose by any applicable regulation or as authorised or required to be disclosed by a court of law or by any Competent Authority including without limitation the Courts or authorities in order to fulfil any requirements under the relevant legislation will be held in confidence by OCCL and/or OCCL's brokers, as applicable, unless and until such time as the Client specifically consent to the disclosure of that Confidential Information.

For the avoidance of doubt, nothing in this Term will prevent OCCL from disclosing information to the extent required to perform the Services.

In addition to any other right or obligation by virtue of which OCCL or any of OCCL's brokers may be entitled or bound by law to disclose information, OCCL or any of OCCL's brokers will be entitled, if requested or required, at our discretion, to disclose any information (including Confidential Information) known to OCCL or any of OCCL's brokers, and/or to produce any documents relating to the Client's business or affairs to any governmental or regulatory agency or authority (whether in Cyprus or elsewhere), to any exchange, clearing house, credit reference agencies, auditors, professional advisers, dealers, custodians, agents, bankers and any of the Company's affiliate and any relevant self-regulatory organisation. In addition, OCCL will, where reasonably practicable, seek to impose a confidentiality requirement in any case where the information is not subject to statutory restrictions on disclosure by the recipient.

Neither OCCL nor any of OCCL's brokers will have any duty to disclose to the Client any information that comes to OCCL or one of OCCL's brokers, in the course of carrying on any other business or as a result of or in connection with the provision of services to other persons.

The Client Accepts that OCCL and any of OCCL's brokers may be prohibited from disclosing or having regard to, or it may be inappropriate for OCCL and any of OCCL's brokers to disclose to the Client or have regard to, such information even if it relates to the Client or to

the Services.

All information, documents and communications in OCCL's possession or control relating to the Services or the subject matter of the Services shall be OCCL's sole property, save for original contracts, share certificates and other original documents held on the Client's behalf. OCCL shall be permitted to retain a copy of all information, documents and communications between OCCL or sent or received by OCCL in connection with the Services for regulatory and risk management purposes.

Any information which:

- i was already in OCCL's possession prior to delivery by the Client,
 - ii was or becomes available in the public domain other than as a result of disclosure by OCCL,
 - iii becomes available to OCCL from a third party who OCCL does not know may be under an obligation of confidentiality to the Client, or
 - iv was or is independently developed by OCCL,
- shall not be Confidential Information for the purposes of this subject.

PECULIARITIES OF DISCLOSURE OF FOREIGN NOMINEE HOLDERS OF RUSSIAN SECURITIES

Recent legislative developments in Russia have imposed obligations on non-Russian companies holding Russian securities (e.g. shares in Russian companies and depository receipts ("DR") based on Russian securities) to disclose to depositories and to Russian issuers of such securities information regarding the beneficial owners of the securities.

As a result of the amendments to the Russian legislation, upon receiving a request by an issuer, the Russian courts, the Federal Financial Markets Service and other Russian authorities, OCCL is required to provide the following information regarding the owners of the securities and the persons who exercise rights in respect to the securities which are recorded in the Accounts of those foreign nominee holders:

- Details of the beneficial owner (e.g. full name, id number, address, telephone number)
- For legal entities, the registration number and date of registration, registered address, etc.
- The type and number of securities held as well as other information relating to these securities (e.g. series, date and place of issue, information about the issuer and any other details requested as per the Russian legislation, as amended from time to time)

Failure to disclose information required will result in declared dividends not to be distributed to the registered owners and such undistributed dividends will be recovered as part of undistributed profits.

UPDATING THE POLICY

We will update this Policy periodically to take into account changes as and when appropriate.

The updated policy will be immediately communicated to all employees, Clients and service providers and will be published on the website of the Company.

CONTACTS

Data Protection office is appointed within OCCL.

If the Client has any comments, questions, concerns about any of the information in this Policy or any other issues relating to Processing of Personal Data by OCCL, the Client may contact regular OCCL's client service contact:

Data Protection Officer: Mrs. Kuznetsova Olga

Address: 42, LEOFOROS AMATHOUNTOS, MILLIOS BUILDING, OFFICE NO.2, AGIOS TYCHONAS, 4532 LIMASSOL, CYPRUS

E-mail: Olga.Kuznetsova@otkritiefinance.com.cy

Tel.: +357-25431456 (35-4005)

For more details, the Client is required to submit request via above mentioned contacts.

Also, for more information all Clients could contact with their Data Protection Authorities.

WHAT ARE DATA PROTECTION AUTHORITIES (DPAs)?

DPAs are independent public authorities that supervise, through investigative and corrective powers, the application of the data protection law. They provide expert advice on data protection issues and handle complaints lodged against violations of the General Data Protection Regulation and the relevant national laws. There is one in each EU Member State.

To find your DPA please follow the link:

http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm

COMMISSION FOR PERSONAL DATA PROTECTION IN CYPRUS

Ms. Irene LOIZIDOU NIKOLAIDOU

Commissioner for Personal Data Protection

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http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/cvs/cy_nikolaidou.pdf