

Otkritie Capital Cyprus Limited

Registration # HE 165058

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Issued by the Cyprus Securities and Exchange Commission

PROCESSING PERSONAL DATA

The EU General Data Protection Regulation (“GDPR”) replaces the Data Protection Directive 95/46/EC and was designed to harmonize data privacy laws across Europe, to protect and empower all EU citizens data privacy and to reshape the way organizations across the region approach data privacy.

Therefore, Otkritie Capital Cyprus Limited (“OCCL”) asks you to read carefully the regulation regarding personal data stated in this document as well as you can find the detailed information in OCCL’s GDPR Policy, that published on OCCL’s website: www.otkritiefinance.com.cy, as well as you can find the detailed information via the following link: <https://www.eugdpr.org/>

Based on the provisions of the GDPR, OCCL is obliged to ensure that the personal data which concerns you is legally processed pursuant to the applicable law.

OCCL is a **Controller of a Personal data**. In some cases, where OCCL will transfer the data to other brokers, authorities, on the basis of the client’s/counterparties’ consent, will act as the **Processor of the Personal data**.

Please note, that as processing should be lawful only if and to the extent that at least one of the following applies:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks.

Under the definitions of the Regulation, **Personal Data** mean information relating to an identified or identifiable natural person. Such persons are persons who can be identified directly or indirectly by reference to a name, identification number, location data, online identifier etc. For example, a photograph or an IP address can count as personal data.

It is necessary to pay attention that the GDPR does not apply to legal entities (Rec 14) or natural persons who have passed away (Rec 27).

The entities affected need not be resident in the EU. It is for this reasons that the changes have wide reaching effects stemming from the desire of the EU to place obligations on anyone (even from a Third Country) offering goods or services or who monitors the behaviour of data subjects within the EU.

The specific purposes for which personal data are processed should be made explicit and determined at the time of the collection of the personal data. The personal data should be adequate, relevant and limited to what is necessary for the purposes for which they are processed. For this reason, the period for which the personal data are stored is limited to a “strict minimum” (Rec 39).

This means that the data must be processed in accordance with the consent of the data subject. Exceptions however are made in cases where the basis on which the data is processed is some other legitimate basis laid by the Law (Rec 40). These include cases where it is necessary to protect an interest essential for the life of a natural person including the data subject (Rec. 46)

For more information, please refer to the positions of the OCCL’s GDPR Policy, that published on OCCL’s website: www.otkritiefinance.com.cy, as well as EU General Data Protection Regulation <https://gdpr-info.eu/chapter-1/>

Under the GDPR, the data subjects (i.e. the individuals benefiting from the Regulation) will be able to:

- Firstly, access your data more easily in the sense that you are able to know from the beginning of giving your consent, the uses that the data will go through.
- Secondly, you have the right to delete the data that a data-controller keeps. Termed as the “right to be forgotten”, article 17 of the GDPR aims to allow for an individual to have his data deleted if he/she does not want such data to be processed (provided that there are no legitimate grounds for the data controller to retain it).
- Thirdly, under article 25 of the Regulation, data protection is included by design and by default. Data protection by design means that the controller must implement appropriate technical and organisational measures in order to integrate the safeguards necessary in order to meet the requirements of the GDPR and protect the rights of data subjects. Data protection by default means that the controller must implement appropriate measures in order to ensure that by default, only personal data necessary for each specific purpose of the processing are processed, and at the same time ensure, that by default, personal data cannot be made accessible without the individual’s intervention.
- Fourthly, the individual has the right to know if and when a security breach has occurred whenever his data have been hacked. The GDPR creates an obligation on the data-controller not only to notify the supervisory authority of the breach (and this must be within 72 hours) but it also creates the obligation to communicate to the data subject a personal data breach, describing the nature of the breach as well as recommendations for the natural person concerned to mitigate any potential adverse effects.

With this document, we would like to inform you that personal information which concerns you and which:

- (a) either was or will be given by you, at any time in the future to OCCL;
- (b) either was received or will be received by third parties which are connected to you, in relation to the Agreement,

may be kept in OCCL archive, electronic and/or hard copy, and OCCL will be able to process it and to use it for the purposes and under the preconditions which are stated here below.

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.

We assure you that the processing of the data which concerns you will be limited only to the data which is absolutely necessary for the specific aim of the process.

All the personal information which concerns you will undergo confidential and secret processing and will be used only for the aims described in this document.

At any time, you are entitled to know what personal data of yours we process and/or have processed and maintain in our records, to request that such personal data be updated and/or to refuse any further processing thereof.

We may obtain, use, store, transfer or otherwise process information (including personal data and sensitive personal data, each as defined in the Law about you or your directors, officers and employees and your beneficial owners (if applicable) and record or monitor telephone calls, emails and other electronic communications for the purpose of fulfilling our obligations under these Rules and in order to comply with our regulatory obligations and Applicable Regulations.

Statement and consent of the data subject to OCCL for the processing of personal data

You expressly consent to us sharing such information with our Affiliates or agents, regulators or governmental bodies that exercise jurisdiction over us or them, who may be located in jurisdictions which may not have data protection laws which are commensurate with those in force in the Republic of Cyprus, notwithstanding any confidentiality provisions in the Agreement and the Rules, for purposes including administering our relationship with you, compliance with any Applicable Regulations, the prevention of crimes or malpractice. You expressly consent to us, our Affiliates or agents, disclosing such information if permitted or compelled by the Law and Applicable Regulations, in response to court orders, requests from regulators, government or law enforcement agencies.

- I hereby declare that I have read the above document carefully and have fully understood its contents. I have also taken such further information and explanations as I have considered necessary.
- Following the above briefing, I hereby freely, expressly, specifically and with full knowledge consent to the lawful processing of my personal data (including the sensitive data) by OCCL.
- My consent includes data which I have either given or I shall be giving to OCCL, data which have been or shall be declared to OCCL by others, as well as such data as may come up in the course of the development of my relationship with OCCL.
- I also consent to the acts and measures by OCCL which concern me and which are included in the above document, and I declare that the contents of the said document comprise all information and data which OCCL is obliged to give me in accordance with the Law.
- I provide my consent to OCCL to obtain, use, store, transfer or otherwise process information (including personal data and sensitive personal data, each as defined in the Law about myself or the authorised persons, acting on the basis of the relevant powers of attorney, or the directors, officers, employees and beneficial owners of the company I represent (if applicable) and record or monitor telephone calls, emails and other electronic communications for the purpose of fulfilling our obligations under these Rules and in order OCCL to comply with its regulatory obligations and Applicable Regulations.
- I also provide my consent to disclose my personal data where disclosure to a third party such as broker, an intermediary or clearing house is necessary in order to facilitate the proper performance under the Agreement.
- I expressly consent to OCCL sharing such information with your Affiliates or agents, regulators or governmental bodies that exercise jurisdiction over you or them, who may be located in jurisdictions which may not have data protection laws which are commensurate with those in force in the Republic of Cyprus, notwithstanding any confidentiality provisions in the Agreement and the Rules, for purposes including administering our relationship with you, compliance with any Applicable Regulation, the prevention of crimes or malpractice. I expressly consent to you, your Affiliates or agents, disclosing such information if permitted or compelled by Applicable Regulations, in response to court orders, requests from regulators, government or law enforcement agencies.
- I hereby provide with my consent to process my personal data with regards to the above information. I was duly informed of my rights and obligations, as well as I was informed of the current regulations and read, understood the regulation on the protection to the protection of personal data.
- I understand and provide my consent that telephone communications or conversations between me and OCCL will be recorded.

- By signing this document, I give my consent being in a sober mind and a firm memory and understand and clearly understand all the circumstances and conditions to which I give my consent.

Authorised User Name _____

Capacity _____

Signature _____

Date _____

Definitions

Regulation/Law/ Applicable Regulations	Means 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.
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;
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;
Data controller	means a 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.
Data processor/ 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. However, public authorities which may receive personal data in the 4.5.2016 L 119/33 Official Journal of the European Union EN 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 authorised to process personal data;
Consent	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 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.