



**MPS Marketplace Securities Ltd**

# **Privacy Policy**

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## **1. INTRODUCTION**

### **1.1 Purpose and Scope**

MPS Marketplace Securities Ltd, a Cyprus Investment Firm licensed and regulated by the Cyprus Securities and Exchange Commission (“CySEC”), licence number 170/12, (hereafter the “**Company**”) has established a Privacy Policy (hereinafter, the “**Policy**”) which applies to all its Clients. The purpose of this Policy is to inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

The Company keeps any personal data of its clients and its potential clients in accordance with the applicable data protection laws and regulation - EU General Data Protection Regulation (“GDPR”). By opening an account with the Company, the client gives its consent to such collection, processing, storage and use of personal information by the Company as explained in this Policy.

## **2. COLLECTION & USAGE OF CLIENTS PERSONAL DATA**

When dealing with Clients, the Company collects the necessary information required to open a client’s account, perform transactions and safeguard the clients’ assets and privacy and to be able to provide clients with the services they require. In this respect, the Company gathers information from clients and may, in certain circumstances, gather information from other agencies (e.g. online identity software tools, banks and/or other sources) which will help the Company to construct the clients’ profile based on their requirements/preferences in order to provide its services effectively:

### **2.1 Personal Data Collected**

Personal data collected are (but not limited to):

- a) Personal details such as first name, last name, nationality, date of birth, country of residence/postal address, telephone number, and email address;
- b) Identity Verification Documents such as passport and ID, recent utility bills and/or bank statements or your company incorporation certificates/details.



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- c) Professional and experience details in order to assess your suitability to trade the financial instruments offered by the Company such as information on employment/profession, annual income, value of savings, source of funds, trading experience/education and investment knowledge.
- d) Tax details such as country of tax residence and tax identification number (TIN number);
- e) If you are a legal entity, we are required to collect additional information such as corporate documents of address, shareholders, directors, officers including additional personal information on the Shareholders and Directors;
- f) We may also collect your information in regard to your use of our Website and may store this information with your personal profile. This information may include site area visited, pages viewed, frequency, duration of visit and trading activities.

The collection of your personal data is part of our statutory/regulatory obligations and the contractual arrangements we have with you. If you fail to provide that data when requested, then we may not be able to commence or continue our business relationship with you.

## 2.2 Usage of Personal Data

The Company processes your Personal Data for one or more lawful bases of the following purposes:

- a) **As part of our KYC/acceptance/suitability procedure** so as to lawfully enter into a business relationship with prospective customers.
- b) **Provision and Delivery of our Services:** For purposes of servicing you as a client, we will collect such personal information necessary to onboard you as a new client, providing you access to your trading account, facilitating your deposits and withdrawals, as well as to responding to your enquiries.
- c) **Compliance with Regulatory Obligations:** Such obligations and requirements impose on the Company necessary personal data processing activities for identity verification, for example: anti-money laundering controls, payment processing, tax reporting (FATCA/CRS) and/or other reporting obligations (e.g. Transaction Reporting).
- d) **Safeguarding Legitimate Interests:** Such as preventing fraud/money laundering activities/other potential crime activities; managing business and further developing of products and services; provide for the Company's IT and system/asset security and preparing the Company's defense in potential litigation procedures.



Where our use of your personal information does not fall under one of these three Lawful bases, we require your consent. Such Consent shall be freely given by you and you have the right to withdraw your consent at any time by contacting us using the contact details set out in this privacy notice or by unsubscribing from email lists.

### **3. SAFEGUARDING PERSONAL DATA**

The Company takes appropriate measures, both technical and organizational, so as to ensure that your information is properly safeguarded. In particular, we train our staff to handle your personal information confidentially and with respect, and impose penalties, including dismissals, in the event of a privacy breach.

Additionally, the Company has appointed a Data Protection Officer (i.e. the Compliance Officer at the time), to ensure that the management and safeguarding of your personal information is in accordance with this Policy and with applicable European legislation.

Any personal information provided by the client to the Company will be treated as confidential and shared only within the Company and its affiliates and will not be disclosed to any third party except under any regulatory or legal proceedings. In case such disclosure is required to be made by law or any regulatory authority, it will be made on a 'need to-know' basis, unless otherwise instructed by the regulatory authority. Under such circumstances, the Company shall expressly inform the third party regarding the confidential nature of the information.

Furthermore, we implement the following safeguarding measures:

- Keep personal information in secure facilities and/or secure servers, where applicable
- Use encrypted transmission links, where applicable
- Use firewalls, passwords, and access control mechanisms to control authorised access to our systems and data
- Regularly review our systems and controls relevant to the information we collect, how we store and process it, including physical security measures
- Apply our Access Rights Policy to our employees and contracting parties who need to know that information in order to process it for us and who are subject to strict contractual confidentiality obligations. We may discipline and/or terminate and/or report individuals

and contracting parties who maliciously acquire information, without being entitled to its access.

#### **4. RETENTION OF PERSONAL DATA**

We retain your personal information for as long as it is necessary to carry out the purposes of this Policy and as required by Law. The Company will retain your Personal Data on record for a period of at least five (5) years, after the execution of your transactions or the termination of the business relationship with the Company, as required by Law. The personal data are securely deleted and/or destroyed when they are no longer required to be stored for the needs of this Policy or as required by Law.

#### **5. DISCLOSURE OF PERSONAL DATA**

In the course of the performance of our legitimate business and/or contractual and statutory obligations, your personal data may be disclosed to various departments within the Company or/and other affiliates or regulatory bodies.

As a result, the Company may disclose your personal information to the following:

- the CySEC and other regulatory and government bodies in Cyprus or other countries as may be required by law from time to time.
- Service providers, for business purposes, including third parties such as IT and system administration and professional advisers including lawyers, bankers, payment service providers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services;
- Any authority to whom the Company is required to disclose such information by law;
- Our group companies and affiliates; and
- anyone authorised by you.

All third parties with which the Company shares personal information are required to protect such personal information in accordance with all relevant legislation and in a manner similar to the way the Company protects the same. The Company will not share personal information with third parties which it considers will not provide its clients the required level of protection.

#### **Transfers of Personal Data outside of the European Economic Area**

The client data, as a general rule, are processed within the European Union/European Economic Area (EU/EEA). Nevertheless, exceptionally, the need to be transferred and processed in countries outside the EU/EEA may arise (for example when it is required by law, e.g. reporting obligation under tax law and other tax treaties like FATCA and CRS).

Processors in countries outside the EEA, are obligated to comply with the European data protection standards and to provide appropriate safeguards in relation to the transfer of your data in accordance with GDPR Article 46. Further, upon request, you may receive further details on client data transfers to countries outside the EU/EEA.

## 6. YOUR RIGHTS

You have the following rights under the GDPR Regulation:

### a) Right to be informed

Individuals have the right to be informed about the collection and use of their personal data.

You may request specific privacy information about:

- The Company's business
- the data processing activities we carry out
- the length of time the Company will keep the data
- the rights available to you in respect of processing
- the right to lodge a complaint

The information shall be available at the time of your data collection in a concise, transparent, intelligible and easily accessible way, in a clear and plain language and free of charge.

Further if the Company obtains data from a third party, you have the right to be informed what categories of your personal data were obtained and from what source.

### b) Right of access

Data subjects have the right of access to their personal data. You have the right to ask and receive:

- confirmation of whether we are processing your data
- a copy of the personal data being processed

- other supplementary information (including mandatory privacy information)

**c) Right of rectification**

You have the right to erase or rectify inaccurate or incomplete data related to you.

In the case of rectification, the Company shall notify any third party with whom it shared the relevant data that the data subject has exercised those rights.

**d) Right to erasure (also known as right to be forgotten)**

You have the right to ask the Company to delete your personal data if:

- We have processed your data unlawfully
- We no longer need the data for the original purpose (and not required by law)
- you withdraw your consent for processing (and there are no other legal grounds for the Company to keep your data)
- you exercise your right to object to processing.

Erasure is necessary for compliance with other EU or national law

In the case of erasure, the Company shall notify any third party with whom it shared the relevant data that the data subject has exercised those rights.

**e) Right to restrict processing**

You may ask the Company to restrict processing your personal data if, for example:

- you believe your data is not accurate (you should stop processing until you verify the accuracy of the data)
- the processing is unlawful, but you do not want the data erased
- The Company does no longer need the data, but you need it to exercise a legal claim
- The Company is taking steps to verify overriding grounds in the context of an erasure request

In the case you ask the Company to restrict processing, the Company is allowed to store the data, but will not be able to carry out any processing.

In the case of restriction, the Company shall notify any third party with whom it shared the relevant data that the data subject has exercised those rights.

**f) Right to object to processing**

You have the right to object to processing if you believe there is no lawful base for processing your personal data. The objection has to be justified and can be made in writing.

The Company shall cease processing unless:

- It has compelling legitimate grounds for processing which override the interests, rights and freedoms of the individual
- the processing is necessary in connection with legal rights

Data subjects can also object to processing for the purposes of direct marketing, including profiling.

**g) Right to not be evaluated based on automated processing**

You have the right not to be subject to a decision that is based solely on automated processing and which significantly affects you (e.g. profiling), unless this is necessary for the entering into a business relation with the Company or you have given explicit consent.

The Company generally does not use any automated decision-making. Nevertheless, we may process some of your data automatically, with the goal of assessing certain personal aspects (profiling) in order to evaluate your suitability to enter to a business relation with us, or in the context of combating money laundering/fraud. These measures may also serve to protect you.

## **7. PRIVACY POLICY UPDATES**

The Company may update this Privacy Policy from time to time to respond to updates in regulatory, technical, or business developments. In the event that the Company materially changes this Policy including how it collects, processes or uses clients' personal information we shall notify you accordingly and upload the revised Privacy Policy on the Company's website. The Company encourages its clients to periodically review this Privacy Policy so that they are always aware of what information the Company collects, and how it uses it.

## **8. INQUIRIES**

If you have any inquiries regarding this Privacy Policy, please e-mail us at [compliance@mps.trade](mailto:compliance@mps.trade).



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We try to respond to all requests within 1 (one) month. Occasionally, it may take us longer than 1 (one) month if your 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. If you are not satisfied with our response to your complaint, you have the right to lodge a complaint with our supervisory authority, the Cyprus Data Protection Commissioner.

Alternatively, you also have the right to lodge a complaint with the data protection authority of your country of residence.

You can find details about how to do this on the following websites:  
<http://www.dataprotection.gov.cy>