



# Privacy Policy

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V.4 July 2019

## 1. Company's profile

This Privacy Policy sets out the way ICC Intercertus Capital Ltd (hereafter "The Company") collects, uses and manages the personal information received from its visitors, active and/or potential clients who have terminated their business relationship with the Company who are accessing or using the Company's website(s) and mobile applications.

The Company is committed to safeguard the confidentiality of your personal information or data it collects, uses and/or holds in accordance with the applicable data protection laws and regulations and particularly, the provisions of the European General Data Protection Regulation (GDPR) EU 2016/679 and any subsequent regulations or laws adopted by the Republic of Cyprus with reference to the GDPR (hereinafter 'Data Protection Laws').

Pursuant to the Data Protection Laws, the respective Company with whom you have registered an account or have a business relationship with is the "Controller" of personal data collected through <https://www.everfx.eu>, mobile applications and other platforms and is the Company you should contact if you have questions about the use of your Personal Data.

The Company has established technical and other organisational measures and procedures as appropriate in order to safeguard and protect your information and privacy. For this purpose, the Company has also appointed a Data Protection Officer to ensure that the Company manages or processes all personal information in compliance with the applicable data protection laws and regulations and in accordance with this Privacy Policy.

## 2. Collection of Personal Data

During the account opening process for a demo or a trading account, you are requested to complete and submit an application form by providing your personal information. The provision of the information submitted by you will enable us to evaluate the application and your eligibility to our services pursuant to the applicable laws and regulations governing the provision of our services. The same information will be used by the Company to contact you regarding the offered services.

The Personal Data collected by the Company might include (list not exhaustive):

- your name, surname, address, e-mail address, phone number;
- date of birth, gender, nationality;
- occupation and employment details;

- financial information such as your income, assets and net worth, source of funds;
- tax relevant information as required by FATCA and CRS regime
- IP address and other location data
- bank account information, e-wallets and credit card details
- documents that you provide to us to verify your identity, such as your passport/identity card, utility bills and/or bank statement or your company incorporation details and other supporting documents if the applicant is a legal entity.

Other than the information collected directly by you, the Company may also process information about your transactions with the Company like the products you trade with the Company and historical data of your transactions including, trading history or investments.

The Company is obligated by the regulations of Cyprus Securities and Exchange Commission (“CySEC”) to keep our Personal Data on record for a period of five years which is calculated after the execution of the transactions or the termination of the business relationship and additionally 2 years if it is requested by the CySEC, totaling 7 years.

### 3. Lawful basis for the use of Personal Data

The Company collects and process Personal Data which are required for the evaluation, establishment and maintenance of the contractual relationship between the Company and the Client and in order to comply with the applicable aforementioned data protection legislation and regulations governing the provision of investment services. In some cases, the Company may also process the Client’s Personal Data to pursue its legitimate interests or those of third parties, provided that the Clients’ interests and fundamental rights are not overridden by those of the Company or the third party.

In view of the above, the Company may use your personal information for one or more of the following purposes:

- to confirm/verify your identity;
- to assess your appropriateness/suitability to the products and services we provide;
- to process your transactions;
- to manage the account, you hold with the Company;
- to provide you with transaction and post transaction related services;

- to inform you of products and/or services that may be of interest to you;
- to inform you of amendments of the law affecting our services to you and products as and when required;
- for internal business as well as record keeping purposes;
- to keep you updated on the issues that are relevant to your business relationship with us;
- to analyse statistical data to enable us to provide you with better products and/or services;
- to enhance the security controls of the Company's networks and systems;
- to identify, assess, mitigate, prevent and investigate fraudulent activity of any kind that is forbidden by the relevant legislation;
- to defend possible legal claims and/or comply with court orders, judicial processes and or any other requirements of a competent authority;

The Company needs to comply with the Anti-Money Laundering regulations, therefore hard copies and/or in electronic format copies shall be retained as evidence. Also the measures that are taken by the Company in regards to your identity verification, source of income and wealth, monitoring of your transactions, telephone/text/e-mail communication, and transaction history must be kept to be able for the Company to demonstrate to the regulator that has acted in accordance with the legislation.

If there is no lawful basis, for the usage of your personal data as indicated above, your consent will be required. The Company will ask for your consent in regards to the provision of marketing information in relation to the products and services offered in accordance with the Client agreement between the contractual parties and/or any other mean of communication the Company may use from time to time. Note that you may withdraw such consent at any given time by sending an email to [dpo@everfx.com](mailto:dpo@everfx.com).

#### 4. Disclosure of Personal Data

The Company shall not disclose to a third party, any of your confidential information unless it is required to do so by a regulatory authority of a competent jurisdiction, the provisions of applicable laws and regulations, there is a legitimate interest for such disclosure or duty to do so or you have requested from us to proceed with a disclosure and/or you have consented to; such disclosure shall occur on a 'need-to know' basis, unless otherwise instructed by a

regulatory authority. Provided that such disclosure takes place, the Company shall expressly inform the third party regarding the confidential nature of the information.

Any personal information is treated as confidential and may be shared within the Company and its partners to meet its contractual and legal obligations. Contractual relationships exist with the Company's partners aiming to safeguard the Client's personal data in accordance with the Data Protection Laws. Our company partners maintain the privacy of your information to the same extent the Company does in accordance with the policy. Non-affiliated companies that assist the Company in providing services to you are required to maintain the confidentiality of such information and to use your personal information only in the course of providing such services for the purposes that the Company dictates and within the ambit of the applicable law. It is noted, however, that the use of your Personal Data by third parties is not covered by this Privacy Policy and each of these parties are governed by their own privacy requirements and procedures.

#### **Recipients of Personal Data may be for example:**

- technological experts who are appointed by the Company to support the smooth operation of our systems platform providers;
- payment service provider's/credit institutions for facilitating the incoming and outgoing payments of the Clients;
- governmental authorities and regulatory bodies;
- fraud prevention agencies, third party authentication service providers, verification/screening service providers;
- data reporting service providers to meet our regulatory obligations;
- external consultants;

## **5. Transfer Personal Data outside the European Economic Area ("EU")**

The Company's aim is to safeguard Personal Data when these are to be transferred outside the EU. According to Data Protection Laws, Personal Data can be transferred outside the EU if adequate protective measures are established, appropriate to the safeguards dictated by Data Protection Laws.

The Company takes appropriate protective measures when Personal Data are disclosed to a third party. The third parties that the Company may transmit Personal Data shall comply

with the Data Protection Laws or the legislation of their jurisdiction which has equivalent arrangements.

In particular, you agree to the transfer and/or processing of your Personal Data outside the EU, as described in this section, by providing us with your Personal Data during the account opening process and the submission of the information required to open and maintain an account with the Company.

## 6. Cookies

Cookies are small text files, given ID tags that are stored on your computer's browser directory or program data subfolders. Cookies are created when you use your browser to visit a website that uses cookies to keep track of your movements within the site, help you resume where you left off, remember your registered login, theme selection, preferences, and other customization functions. The website stores a corresponding file (with same ID tag) to the one they set in your browser and in this file they can track and keep information on your movements within the site and any information you may have voluntarily given while visiting the website, such as email address. Cookies are often indispensable for websites that have huge databases, need logins, have customizable themes, other advanced features.

Cookies usually don't contain much information except for the URL of the website that created the cookie, the duration of the cookie's abilities and effects, and a random number. Due to the little amount of information a cookie contains, it usually cannot be used to reveal your identity or personally identifying information.

There are two types of cookies: session cookies and persistent cookies. Session cookies are created temporarily in your browser's subfolder while you are visiting a website. Once you leave the site, the session cookie is deleted. On the other hand, persistent cookie files remain in your browser's subfolder and are activated again once you visit the website that created that particular cookie. A persistent cookie remains in the browser's subfolder for the duration period set within the cookie's file.

The <https://www.everfx.eu> website uses cookies to provide the functionality you need to browse our site correctly. The <https://www.everfx.eu> website issues cookies upon landing on our website, unless the user has changed their cookie settings in their browser to refuse cookies. Please note that with cookies switched off, some areas of our website and services might not be made available to you.

The Company does not use cookies to personally collect information about you - the cookies that we use only collect anonymous information to optimize our services and do not collect personal information. If you require additional information about how the Company uses Cookies on its website, you may refer to the Company's Cookies policy uploaded on the Company's website here: <https://everfx.eu/legal-documents/>

## 7. Security

The privacy and confidentiality of your personal information is of fundamental importance to us. We take all appropriate security measures to protect against unauthorized access to or unauthorized alteration, disclosure or destruction of data and personal information.

We restrict access to personal information to employees who need to know the specific information in order to operate, develop or improve our services. These individuals are bound by confidentiality and will be subject to penalties if they fail to meet these obligations.

Also the Personal Data can be shared only with the parties set out in the aforementioned section for Disclosure of Personal Data.

The Personal Data that you provide in connection with opening an account (appropriateness / suitability test) with the Company are highly protected. This information can be accessed only by you using your own selected password and logins. The Company strongly recommends that your password is carefully kept and not to be shared with any third party. In addition, this information is safely stored in the Company's servers that only authorized personnel have access to it through access rights. The Company encrypts all this information to prevent unauthorized parties from viewing or access such information.

## 8. Personal Data Rights

You have the following rights in respect of your Personal Data in accordance with the Data Protection Laws:

- **Right of Access:** You have the right to be informed whether and under which circumstances the Company is processing your Personal Data and the Company is required to provide you with a copy of your Personal Data if and when you request so.
- **Rectification Right:** You can request to amend your Personal Data in order to correct or complete the provided Personal Data (up to date information).
- **Erasure Right:** You can request to delete/remove your Personal Data under certain circumstances, for instance if your consent has been withdrawn. The effect of such request is always subject to any other requirements imposed by applicable laws and regulations.

- Right to Restrict Processing: You may request from the Company to restrict the processing of your Personal Data if it is not accurate, it has been used unlawfully or it is not relevant anymore. The said right is not an absolute right and only applies in certain circumstances. In addition, when processing is restricted, the Company is still permitted to store the Personal Data, but not use it.
- Right to Data Portability: You may request to obtain your Personal Data in a readable format for your own purposes.
- Right to Object: You may request from the Company to stop processing your Personal Data,
- and the Company will do so if: a) the Company cannot demonstrate compelling legitimate grounds for the processing or b) the Company is processing Client's Personal Data for marketing purposes.
- Right to Withdraw Consent: You can withdraw any consent given to the Company at any time where the Company relies on consent to process your Personal Data Right to complain.

## 9. Communication with the Company

You may exercise any of the above rights by contacting the Company's Data Protection Officer as follows:

- By sending an email to: [dpo@everfx.com](mailto:dpo@everfx.com) or
- by post at postal address: Antheon 2, Monovoliko 4, Kato Polemidia, 4151, Limassol, Cyprus.

## 10. Complaints in regards to the use of Personal Data

If you have any grounds to believe that the Company does not appropriately use your Personal Data, you can further submit a complaint to the Office of the Commissioner for Personal Data Protection. Further details are available at the Website link:

<http://www.dataprotection.gov.cy>.

## 11. Changes to the Privacy Policy

The Company reserves the right to change or amend the Privacy policy without further notice to you, provided that the changes do not significantly reduce your rights under this Policy. If we make material changes to this policy, we will notify you by email or by means of a notice on our home page or by changing the version of the document including the date of the update which will be visible to the first page of this document. The latest and prevailing version of this Policy will at all times be available at <https://www.everfx.eu>. Any revised Policy will be effective immediately upon posting on our website.

## 12. Legal Disclaimer

The Company reserves the right to disclose your personally identifiable information as required by rules and regulations and when the Company believes that disclosure is necessary to protect the Company's rights and/or to comply with a judicial proceeding, court order, or legal process served. The Company will not be liable for misuse or loss of personal information resulting from cookies on the Company's site(s) that the Company does not have access to or control over. The Company will not be liable for unlawful or unauthorized use of your personal information due to misuse or misplacement of your passwords, negligent or malicious.

Further information on the Company's Privacy Policy is available upon request.

### **The Company's contact details are:**

Tel.: + 357 25 885000

Fax: + 357 25 885001 or

E-mail: [dpo@everfx.com](mailto:dpo@everfx.com)

Address: Antheon 2, Monovoliko 4, Kato Polemidia, 4151, Limassol, Cyprus



E: [support@everfx.eu](mailto:support@everfx.eu) | W: [www.everfx.eu](http://www.everfx.eu)

P: +357 25 885 000 | F: +357 25 885 001

ICC Intercertus Capital Ltd with registration no. HE346662 and registered address at Antheon 2, Monovoliko 4, Kato Polemidia, 4151 Limassol, Cyprus.

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