



# PRIVACY POLICY

VS 7.0: JUNE 2023

## Introduction

By accepting this Privacy Policy (hereinafter “Policy”) you are entering into a contractual agreement with TopFX Global Ltd (hereafter the “Company”) which collects, uses and manages personal information from its visitors, potential and active clients and clients who have terminated their business relationship with the Company who are accessing or using the Company’s website(s) and mobile applications. TopFX is a company registered under the Laws of Seychelles and is licensed by the Financial Services Authority (FSA) of Seychelles with Securities Dealer License No: SD037. TopFX shall comply with both the General Data Protection Regulation (EU) 2016/679, (“GDPR”) where applicable, and national data protection legislation such as the Seychelles Financial Consumer Protection Act of 2022 (“FCPA”) in regard to all personal data that the Company holds relating to identifiable individuals. If the applicable national legislation requires a higher level of protection for personal data than such policies/guidelines, such stricter requirements are to be complied with. If TopFX policies/guidelines are stricter than the local legislation, our policies/guidelines must be complied with.

You are strongly advised to read this Policy carefully, as it is part of the Company’s Terms of Business as applicable and shows how the Company complies with the protection of the personal data. Protection of our clients personal data is of utmost importance to us and our Company’s priority is to safeguard and respect the confidentiality of our clients’ information

For the purposes of this Policy, “Personal Data” means “non-public consumer data” as defined in section 3 of the Seychelles Financial Consumer Protection Act.

## Purposes for which the Company is Collecting, Using, Storing and/or Processing your Personal data?

The Company will collect, use, store and transfer different personal data for the purposes of providing its services to you and ensure that the Company complies with its legal obligations. Therefore, if you fail to provide us with some information we may request, is likely that we may not be able to provide you with our products and/or services.

## What Personal Data the Company Collects and/or Processes about you?

The below list includes the type of personal data we may need from you:

- ▶ **personal data for identity purposes** such as name, maiden name, last name, proof of identity, username or similar identified, marital status, title, date and place of birth and gender, country of residence and citizenship.
- ▶ **personal data for contact purposes** such as home address, billing address, delivery

address, email address and telephone numbers provided in a proof of address document (i.e utility bill).

- ▶ **personal data for professional purposes** such as the level of education, profession, employer name, work experience in Forex/CFDs, information on Client's experience, knowledge in the financial services sector and risks.
- ▶ **personal data for tax and financial purposes** such as the country of tax residence and tax identification number, your annual income, net worth, source of funds, anticipated account, turnover, bank account, bank statements, payment card details and copies, e-wallet information.
- ▶ **transaction data** such as details about payments to and from you and other details of products and services you have purchased from us, deposit methods, purpose of transactions with us.
- ▶ **technical data** such as internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website or data regarding the usage of our website, products and services.
- ▶ **profile data** such as username and password, purchases or orders made by you, your interest, preferences, feedback and survey responses and marketing and communication data such as your preferences in receiving marketing from us and our third parties and your communication preferences.

## 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 you 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 your Personal Data to pursue its legitimate interests or those of third parties, provided that your interests and fundamental rights are not overridden by those of the Company or the third party.

## Reason of Using your Personal Data

### Legislation:

- to confirm/verify your identity;
- to assess your appropriateness/suitability to the products and services we provide;
- to process your transactions;
- to provide you with transaction and post transaction related services;
- to identify, assess, mitigate, prevent and investigate fraudulent activity of any kind that is forbidden by the relevant legislation;
- With regards to the KYC process, we may contact you in order to inform you to upload any

missing KYC document and/or to update your KYC documentation in order to comply with the applicable AML and KYC Legislation;

- The Company uses your data in order to inform you about your transaction process which includes confirmation emails in regards to your Deposit, Withdrawal and post transaction reports.

A. Contract:

- to manage the account you hold with the Company;
- to keep you updated on the issues that are relevant to your business relationship with us;
- to analyze 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 defend possible legal claims against the Company;
- The Company uses your Data in order to provide you information regarding your Trading Activity which includes Margin Calls, Stop Profit, Price Alerts and any functions in regards to your Trading Activity with your Company.

B. Consent:

- to inform you of products and/or services that may be of interest to you.

The Company needs to comply with the AML and KYC Legislation as well as FCPA and therefore hard copies and/or electronic format copies shall be retained as evidence. More specifically, the Company shall maintain records (either physical or digital) of all transactions and correspondence between the Company and the client from the date of the last transaction between them.

Also, the measures that are taken by the Company in regards to your identity verification, source of income and wealth, monitoring of your transactions, any form of communication and transaction history must be kept for a period of seven (7) years, after the termination of the business relationship to be able for the Company to demonstrate to the regulator that has acted in accordance with the applicable legislation (i.e. the FCPA and the AML and KYC Legislation).

## **How the Company Collects and/or Processes your data?**

The Company may collect your personal data via different methods and therefore, process personal data you provide us directly and/or collects information as a result of automated technologies, interactions and/or from third parties via publicly available sources (i.e. use of screening providers). In addition, the Company may collect personal data you voluntarily provide, given that you have acknowledged the provision of such data to the Company.

Specifically, information you provide to us directly may include your identity, contact and financial information by registering for an account with TopFX, when you participate in any interactive features of the services the Company provides, when you fill out a form the Company provides you with, when you apply for a job, when you communicate with the Company by sending your request to customer support or otherwise.

By using the Company's website, the Company may automatically collect technical data about your equipment, browsing actions and patterns. The Company collects this personal data by using cookies and other similar technologies. The Company may receive technical data about you if you visit other websites employing the Company's cookies.

## Cookies

Cookies are small text files, give 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 login, 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 three (3) categories of cookies: essential, functional and marketing cookies. Essential cookies are necessary for the website to function correctly and cannot be switched off, functional allow the website to remember users' preferences and the choices the Company makes on the website such as username, region and language and marketing cookies are used to track visitors across the Company's websites and show you more relevant ads and include third-party cookies from third-party services providers (hereinafter "Partners").

The TopFX website issues cookies upon landing on your 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 the Company's website and services might not be made available to you.

TopFX does not use cookies to personally collect information about you. The cookies that the Company use only collect anonymous information to optimize the Company's services and do not collect personal information.

## Disclosure of Personal Data

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 your personal data in accordance with the Data Protection Legislation. It should be stressed that where it is required to disclose the personal data of our clients to third parties for the purposes of performing our legal obligations towards them, our Company ensure that the relevant provisions of the FCPA are followed and/or respected

The Company's 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.

Recipients of Personal Data may be for example:

- technological experts that appointed by the Company to support the smooth operation of our systems
- platform providers
- payment service providers/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 such as Internal and External Auditors

The Company does not allow any third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with the Company's instructions.

## Transfer Personal Data

The Company takes appropriate and/or protective measures in cases that Personal Data are disclosed to a third party and ensures that personal data is processed if adequate protective measures are established. The Company also imposed strict restrictions on how its processors can use and disclose the Personal Data it provides and it discloses only information that is necessary to third parties to perform their contractual obligations with the Company. In addition, the Company performs due diligence before choosing processors in order to ensure that they implement appropriate technical and organizational measures in such a manner that meet the requirements

imposed by GDPR.

The type of third parties we share information with are the following:

### **Analytics**

We may use third-party Service Providers to monitor and analyze the use of the Company's Service.

#### ➤ **Google Analytics**

- Google Analytics is a web analytics service offered by Google that tracks and reports website traffic. Google uses the data collected to track and monitor the use of the Service. This data is shared with other Google services. Google may use the collected data to contextualize and personalize the ads of its own advertising network.
- For more information on the privacy practices of Google, please visit the Google Privacy & Terms web page: <https://policies.google.com/privacy?hl=en>

#### ➤ **Firebase**

- Firebase is analytics service provided by Google Inc.
- You may opt-out of certain Firebase features through your mobile device settings, such as your device advertising settings or by following the instructions provided by Google in their Privacy Policy: <https://policies.google.com/privacy?hl=en>
- We also encourage you to review the Google's policy for safeguarding your data: <https://support.google.com/analytics/answer/6004245>. For more information on what type of information Firebase collects, please visit please visit the Google Privacy & Terms web page: <https://policies.google.com/privacy?hl=en>

#### ➤ **Mixpanel**

- Mixpanel is provided by Mixpanel Inc
- You can prevent Mixpanel from using your information for analytics purposes by opting-out. To opt-out of Mixpanel service, please visit this page: <https://mixpanel.com/optout/>
- For more information on what type of information Mixpanel collects, please visit the Terms of Use page of Mixpanel:

#### ➤ **Facebook**

#### ➤ **Brands IOS**

### **Personal Data Rights**

You have the following rights in respect of your Personal Data:

- **Right of Access:** You have the right to be informed whether the Company is processing his/her personal data and if so, to provide you with a copy of that data.
- **Right to amendment:** You can request to amend your Personal Data in order to correct or complete the provided personal data.



- **Right to Deletion:** You should contact in writing the Company by sending an email to [support@topfx.com.sc](mailto:support@topfx.com.sc) and let them know what personal data you want them to delete. However, in some circumstances the data may not be deleted in order for the Company to comply with its legal obligations.
- **Right to Restrict Processing:** you have the right to restrict the processing of their personal data in certain circumstances.

This means that you can limit the way that the Company uses his/her data. This is an alternative to requesting the erasure of his/her data.

You have the right to restrict the processing of their personal data where they have a particular reason for wanting the restriction. This may be because they have issues with the content of the information that the Company holds or how the Company has processed data.

- **Right to portability:** You can request to obtain your personal data in a readable format.
- **Right to Stop Processing:** You can 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 your personal data for marketing purposes.
- **Right to process to you or a third party:** The Company will provide to you, or a third party you have chosen your personal data in a structured, commonly used, readable format. Note that this right only applies to automated information which you initially provided consent to the Company to use or where the Company used the information to perform a contract with the Company.
- **Right to complain:** If you have grounds to believe that the Company does not appropriate use his/her Personal Data, can submit a complaint.
- **Right to withdraw:** as provided above you have the right to withdraw your consent. However, in this case the Company may not be able to provide certain products or services to you. The Company will advise you if this is the case at the time you withdraw your consent.

You can exercise any of the above rights by sending an email to [support@topfx.com.sc](mailto:support@topfx.com.sc).

## Security

The privacy and confidentiality of your personal information is of fundamental importance to us. We take all appropriate security measures to protect against unauthorised access to or unauthorised alteration, disclosure or destruction of data and personal information and to comply with the relevant provisions of FCPA

The Company restricts access to personal information to employees who need to know the specific information in order to operate, develop or improve the Company's services. These individuals are



bound by confidentiality and will be subject to penalties if they fail to meet these obligations.

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

The Personal Data that you provide when opening an account with the Company is protected. This information can be accessed by you using his/her selected password. This password must be careful kept by you and not 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.

### **Changes of Privacy Policy**

The Company reserves the right to change the Privacy Policy without further notice to you, provided that the changes do not significantly reduce your rights under the Privacy Policy. If the Company makes material changes to this policy, the Company will notify you by email or by means of a notice on the Company's 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 [www.topfx.com.sc](http://www.topfx.com.sc). Any revised Policy will be effective immediately upon posting on the Company's Web Site.

### **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.

### **Inquiries and Complaints**

If you have any inquiries, concerns or complaints, you can email our Support Department at [support@topfx.com.sc](mailto:support@topfx.com.sc) or write to: CT House, Unit 8, Office No.8H, Providence, Mahe, Seychelles.

If you also wish to unsubscribe from any emails or marketing communications you can click on the unsubscribe button at the end of the email communication or you can send an email to [support@topfx.com.sc](mailto:support@topfx.com.sc).