

Privacy Policy

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Xena Exchange

FOR PROFESSIONALS BY PROFESSIONALS

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Introduction

We (hereinafter “Xena”, “Xena Exchange”, “Us” or “We” refers to Xena Financial Systems UK, a private limited company incorporated in England and Wales with company number 11303245) respect your privacy and take meaningful steps to make sure that your personal information is protected and used only in full compliance with applicable data protection laws and regulations (hereinafter DP law), including the EU General Data Protection Regulation 2016/679, its successors or implementing texts.

This Privacy Policy, together with our Terms of Use, governs Xena’s collection, processing and use of your Personal Information and applies whenever You access or use our Website or use the Xena Platform. By using Xena Platform or our Website, You agree to the practices described in this Privacy Policy.

This Privacy Policy is designed to inform You about:

- the types of Personal Information we may collect from You,
- how and how long we intend to use that information,
- with whom Your information may be shared,
- how You can opt-out of certain uses, correct or change such information.
- our use of cookies and similar technology;
- the transfer of your Personal Information within and outside of the European Economic Area (“EEA”);
- your statutory rights concerning your Personal Information;
- the security measures we use to protect and prevent loss, misuse, or alteration of Personal Information.

THE PERSONAL INFORMATION WE MAY COLLECT

We collect personal information to deliver our Services. We collect and use your information for various reasons. We need some information to enter into and perform our contract. Some information, which we collect when you open an account, add a payment method, or execute a transaction, is required by law in order for us to comply with anti-money laundering and terrorist financing regulation across jurisdictions. Other information is processed because you have given your consent to that, which can be withdrawn at any time. We can also collect and use information because we have legitimate business interests to so, having taken into account your rights, interests and freedoms.

We do not collect and do not process any personal data from anyone younger than age 18. If you are the parent or legal guardian of a person younger than age 18 and believe that Xena Exchange has collected personal data from such person, please contact us at: support@xena.exchange, we will use commercially reasonable efforts to delete such information from our files.

Personal Information You Provide directly to Us:

- Contact information, such as name, home address, and email address;
- Information relating to your account, such as username, password, account settings and preferences;
- Financial information, such as bank account numbers, bank statement, and trading information;
- Information that enables us to verify your identity and residence, such as images of your government issued ID, passport, national ID card, driving license, utility bill details or similar information;
- Usage Information: how and when you use our services and the specific features used; and Information relating to communications with us, whether through Our Website or via e-mail, over the phone or via any other medium.

INFORMATION FROM THIRD PARTY SOURCES

Sometimes we may collect Personal Information about you from third party sources such as public databases, social media platforms, sanctions lists maintained by public authorities and other relevant sources as required and allowed by applicable law. This information may include reputational or financial data as well as some information about business activities of corporate users. We obtain such information in order to comply with our legal obligations related to anti-money laundering regulation.

Information We Collect About You Automatically When You Visit Our Website

a) We also automatically collect certain computer and device information when you access Our Website or use Xena Services. This information does not necessarily identifies you directly, but may include information about the specific device you are using, such as IP address;

b) **Cookies.** Cookies are small files stored on your computer's hard drive or mobile device when you visit certain websites that allow these websites to remember you the next time You visit them. Cookies allow us to build authentication and sessions and enable smoother, more efficient use of our Website, helping us to determine which parts of our website are most visited and difficulties our visitors may experience while accessing and using our Website. Most browsers accept cookies automatically. You may choose to block or delete cookies if your browser permits, but doing so might make it impossible for you to use certain features or our Website such as logging on to your account or making transactions;

c) **Web Beacons.** Pages of our Website and our emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) that permit, for example, to count users who have visited those pages or opened an email and for other related Website statistics (for example, recording the popularity of certain website content and verifying system and server integrity);

d) **Log files.** Every time You access our Website, your usage data is transmitted through the respective internet browser and stored in log files, the so-called server log files. The records stored in this case contain the following data: domain and location from which the

user is accessing the Website and information about particular actions and transactions executed by you on the Website.

We treat information collected by cookies and other technologies as non-personal information. However, to the extent that IP addresses or similar identifiers are considered personal information by local law, we also treat these identifiers as personal information. If we combine non-personal information with personal information, the combined information will be treated as personal information for as long as it remains combined.

e) Aggregated and Analytical Information. We may also utilize Google Tag Manager, Google Analytics and Yandex Metrics and other web and mobile analytics solutions to collect and compile information regarding visitor behavior and visitor demographics. This information is non-identifiable to You and includes, for example, the type of browser, browser language, type of operating system, domain name of Internet service provider, device IP address, web pages visited, times and dates of visits and the content You access on and/or via the Website. The privacy practices of these tools are subject to their own privacy policies. We, therefore, encourage You to read Google's policy regarding its analytics services at: <http://www.google.com/analytics/learn/privacy.html>. You can opt out of Google's collection and Processing of data generated by your use of the Website by going to <http://tools.google.com/dlpage/gaoptout>. You can opt out of Yandex Metrics by going to <https://yandex.com/support/metrica/general/opt-out.xml>. We use anonymous, statistical or aggregated information and may share them with our partners for legitimate purposes. This has no effect on your privacy because there is no reasonable way to extract data from the aggregated information that can be associated with You. Additionally, we can receive information from third parties, for example our business partners;

f) The Website may also contain **links and interactive features** with various **social media platforms**, such as Facebook® or LinkedIn®. These features and scripts may collect your IP address, which page you are visiting on the Website, and may set a cookie to enable the feature to function properly. Your interactions with these social media features and widgets, as well as your interactions with the social media websites themselves, are subject to the privacy policies of the applicable social media websites. You should be aware that Personal Information which you submit in a comment on any applicable social media

websites, a publicly accessible blog, chat room or otherwise online, can be read, collected or used by others and could be used to send you unsolicited messages or otherwise contact you. Xena is not responsible for the personal information that you choose to submit when interacting with such services.

HOW WE USE YOUR PERSONAL INFORMATION

We collect and process your Personal Information to provide you with a secure, smooth, efficient, and customized experience. In general, we use personal information to create, develop, operate, deliver, and improve our Services, to prevent losses and comply with applicable law.

We may use your Personal Information for a variety of reason and on various grounds, as described below.

For individuals who reside in the European Economic Area (including the United Kingdom) or Switzerland (collectively “EEA Residents”), pursuant to Article 6 of the EU General Data Protection Regulation (GDPR) or any equivalent legislation (collectively “EEA Data Protection Law”), these grounds will be also referred to as lawful bases and classified respectively.

We process Personal Information based on:

1) Our legal obligations.

a) Our Services are subject to laws and regulations which require us to collect and use your Identity verification, financial and transaction information in order to comply with applicable know-your-customer, anti-money laundering and terrorist financing legislation or regulations across jurisdictions. Besides, in order to verify your identity we compare the personal information you provided against third-party databases and public records. When you request permission to raise buy and sell limits associated with your account, we may require you to provide additional information, which we may use to verify your identity or address, and/or to manage risk as required under applicable law.

b) The consequences of not processing your personal information for such purposes is the termination of your account as we cannot perform the Services in accordance with legal and regulatory requirements.

c) To ensure and enhance security of our Software and Website, monitor and verify identity or service access, combat spam or other malware or security risks and to prevent fraud and comply with applicable security legislation.

2) Our obligations arising from any contracts we entered with you.

We process your Personal Information in order to:

- a) create and administer your account and generally for accounting, billing, claim and dispute management;
- b) provide Xena's Services;
- c) process your transactions;

For these purposes, we require certain information such as your identification, contact information, and payment information. We will not be able to provide you with Services without such information.

- d) respond to questions, comments, and other requests that You addressed to us;
- e) communicate Service information, e.g. administrative or account-related or transaction-related emails to keep you updated about your activities within our Services, important updates, e.g. of this Privacy Policy, or to inform you of relevant security issues. Without such communications, you may miss important developments relating to your account that may affect the way you can use our Services;
- f) ensure quality control;
- g) enforce our terms in our user agreement.

As we deal with Personal Information it is highly important for us to prevent misappropriation, infringements, identity thefts and any other potentially prohibited or illegal activities, as well as violations of our posted Terms of Use.

We collect and use information about your account usage and closely monitor your interactions with our Services.

Without processing your personal information for such purposes we will not be able to perform our Services in conformity with our Terms of Use and therefore, your account will be terminated.

3) Our legitimate interest.

We strive to provide you with enjoyable experience while using our Services, therefore, we process your Personal Information to:

- a) present our Website and its contents to You, analyse Our Website usage, and improve Our Website and website offerings;
- b) Personalize your Xena Services experience;
- c) improve and continue developing Xena' Platform, Website and Services;

We also have legitimate interests to:

- a) protect our property, rights or safety of our customers or others;
- b) take any action in any legal dispute and proceeding;
- c) comply with court orders and warrants, and assist law enforcement agencies;

4) Your consent.

Marketing activities. Based on your communication preferences, we may also occasionally communicate company news, updates, promotional offers, information relating to other products and services provided by Xena, conduct a survey or inform you about our events. We will only provide marketing communications where you have given us your consent to do so. You can opt-out of our marketing communications at any time by contacting us at support@xena.exchange. We will process your request within a reasonable time after receipt. Note that we may still send you emails concerning our business relationship with You and You will not be able to opt out of those communications (e.g., communications relating to this Privacy Policy and its updates, account status and activity updates, survey requests concerning products and services provided to you, or responses to your inquiries or complaints, and similar communications).

HOW WE DISCLOSE YOUR PERSONAL DATA

We never sell, exchange or rent your Personal Information. We may disclose your Personal Information in the following situations:

Merger, Sale, or Other Asset Transfers. If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, or sale of company assets, we may share or transfer your information as part of such a transaction as permitted by law and/or contract. Should such an event occur, we will require that the new entity follow this Privacy Policy in regard to your Personal Information. We will notify you of any change in applicable policies.

Depersonalized analytical information. Your personal data may be shared if it is made anonymous and aggregated, as in such circumstances the information will cease to be personal data.

Disclosures to legal authorities. We may disclose your Personal Data to law enforcement, data protection authorities, government officials, and other authorities to:

- a) comply with law enforcement or national security requests and legal process, such as a court order, subpoena etc.;
- b) report suspected illegal activity.
- c) investigate violations of this Privacy Policy or our Terms of Use.

HOW WE TRANSFER YOUR PERSONAL INFORMATION

All Personal Information collected via or by Xena may be stored and processed in various data centers in the world, including Europe, the United States and Asian countries wherever Xena' facilities or service providers are located. Therefore, we may transfer your Personal Data outside of the European Union. Such transfers are undertaken in accordance with our legal and regulatory obligations and using our Privacy Shield-certified service provider Google Cloud Platform. Other adequate safeguards under DP Law will be implemented, such as use of approved Model Contract Clauses for the international transfer of personal information collected in the EEA and Switzerland.

International Users

If you are located in or a resident of regions with laws governing data collection, transfer and use, please note that by providing your Personal Information, you specifically and voluntarily consent to any transfer and processing of your Personal Information globally in accordance with and for the purposes described in this Policy.

HOW WE PROTECT AND STORE PERSONAL INFORMATION

The security of your Personal Information is of great importance to Us. We maintain appropriate safeguards and current security standards to minimize the risks of unauthorized access, disclosure, or misuse of your Personal Information including, but not limited to:

- a) physical access controls to our buildings and files;
- b) Strict Transport Security technology to ensure that your information is fully encrypted and processed securely;
- c) Pseudonymisation - we process Personal Information in such a way that the Personal Information can no longer be associated with a specific person without the use of additional information, which is stored separately and is subject to technical and organisational protection measures;
- d) Third party's professional scanning to actively protect our servers from hackers and other vulnerabilities.

We take care to make sure that your Personal Information is accessed only by authorized personnel who really need it in order to perform their tasks and duties and are required to treat that information as highly confidential.

However, please be aware that no security measures are perfect, and although We make meaningful efforts to protect your privacy We cannot always ensure or warrant the security of any information you provide to us or receive from us. In addition, using Internet or wireless connection, email, phone, or SMS poses additional risks, as we have no way to protect that information once it leaves and until it reaches us.

You are responsible for choosing a password of sufficient length and complexity and keeping it safe and secure.

Immediately notify us if you become aware of any unauthorized access to or use of your account or if you have reason to believe that your data is no longer secure.

RETENTION OF PERSONAL INFORMATION

We will retain your personal information for as long as necessary to fulfil the purposes for which we collected it, subject to any legal, accounting, or reporting obligations or as long as necessary to resolve disputes, establish legal defenses, conduct audits or enforce our agreements.

To satisfy our record keeping obligations, we will retain Account, Identity and Residence verification information and other Personal Information for at least five years (in some cases up to ten years, as required by applicable regulation) after an Account is closed.

Information collected automatically via technical means such as cookies and other analytics tools is kept for a period of up to one year from expiry of the cookie.

Your statutory EU Data Subject Rights: Access, Rectification, Erasure, Transfer, Restriction and Objection

Xena processes data as a controller (as such terms are defined in the GDPR). As a controller, Xena is committed to fulfill data subjects' ('Users') rights under applicable DP Law including GDPR . You can exercise these rights by contacting us at support@xena.exchange

You are entitled to:

- a) **request to access** and receive a copy of the personal information that Xena keeps about you, subject to some fee associated with gathering of the information (as permitted by law), unless such provision adversely affects the rights and freedoms of others, or cost of providing access would be disproportionate to the risks to your privacy. Xena may ask you to provide us certain credentials to verify your identity before granting access to or making any changes to your Personal Information;
- b) **seek rectification** or update, If you find that the information held by Xena is not accurate, complete or updated;

c) request erasure of your Personal Information, if it is no longer needed for the purpose for which it was collected or where you decided to revoke the given consent to process such information or object to such processing. Please be advised that Xena may retain and use your personal information as necessary to comply with its legal obligations, resolve disputes and enforce Xena's agreements. Therefore, Xena may postpone or deny your request if your personal information is in current use.

d) request that we **transfer** certain of your Personal Information to satisfy your **right to data portability**. You may ask us to provide you with your Personal Information in structured, commonly used and machine readable format or request that we transmit your Personal Information directly to another controller. This right only applies when we process your information based on our contractual obligation to you, your consent and by automated means;

e) request restriction of processing in the following situations: (i) you contest the accuracy of Your Personal Information and want us to restrict processing while we are verifying the accuracy of the data; (ii) you think that processing is unlawful, and you oppose erasure and request restriction instead; (iii) we no longer need the Personal Information but you need us to keep it in order to establish, exercise or defend a legal claim; (iv) you have objected to processing and it will be restricted during the period we are considering whether our legitimate grounds override your right.

We will not process the restricted information in any way except to store it unless you gave us your consent; or it is necessary for the establishment, exercise or defense of legal claims; the protection of the rights of another person (natural or legal); or for reasons of important public interest.

We will inform you before we lift the restriction.

Object to processing

If we process your Personal Information based on our legitimate interests you can object to such processing. You must give specific reasons why you are objecting to the processing. Please, be aware that this is not an absolute right, and we can continue processing as permitted by applicable law if our legitimate grounds for the processing override your

interests, rights and freedoms, or the processing is for the establishment, exercise or defense of legal claims.

You also have the absolute right to object where we are processing your personal data for direct marketing purposes.

Object to automated decisions including profiling.

Xena does not carry out profiling and/or automated decision-making but we may consider using such means in the future.

You have the right not to be subject to a decision based solely on automated processing of your personal information where this has a legal or similar significant effect and ask for it to be reconsidered.

If you have given your consent to the processing of your data, you can revoke the given consent at any time.

Furthermore, as an EU or EEA resident, you have the right to file a complaint with the competent supervisory authority in the Member State of the European Union where you reside, where we are located, or where an alleged infringement of Data Protection law has taken place. If you have any concerns relating to how we process your Personal Information do not hesitate to contact us at support@xena.exchange. If you are not satisfied with our response you may communicate your concerns to Information Commissioner's Office.

How We Change this Privacy Policy and Our Practices

This Privacy Policy may change from time to time. If there are any material changes to this Policy, We will notify you by email or as otherwise required by applicable law. If We need to adapt the policy to legal requirements, the new policy will become effective immediately or as required. Your continued use of this Website or Platform after We make

changes is deemed to be acceptance of those changes, so please check this Privacy Policy periodically for updates.

If you have any concerns about the way We process your personal information, you are welcome to contact us at: support@xena.exchange