

# PRIVACY POLICY

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*In the event of a conflict between R Capital Solutions Ltd and a Client, terms expressed in English and expressed in any other language, the terms expressed in English shall prevail over those expressed in any other language.*

R Capital Solutions Limited, and its related entities hereafter “the Company”, is responsible for the protection of the privacy and the safeguarding of clients’ personal and financial information. By opening a trading account with the Company, the client hereby gives its consent to such collection, processing, storage and use of personal information by the Company as explained below.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Client’s personal data is kept by the Company according to the Processing of Personal Data (Protection of the Individual) Law of 2001, its amendment (Law No. 37(I)/2003) and the Processing of Person Data (Protection of Individual) (Amending) Law of 2012 (Law No. 105(I)/2012), the Regulation of Electronic Communications and The General Data Protection Regulation (GDPR) (EU) 2016/679 effected as from the 25th of May 2018.

## COLLECTION & USAGE OF PERSONAL DATA

This privacy notice purports to give you information on how the Company collects and processes your personal data and includes any data you may provide through the use of the Company’s website.

The Company collects the necessary information required to open a client’s trading account, perform transactions and safeguard the clients’ assets and privacy and to provide clients with the services they require. We hereby set below some of the different methods we use to collect data from and about you including through:

**Direct interactions.** You may give us your personal data by filling in forms or by corresponding with us by post, phone, and email or otherwise. This includes personal data you provide when you:

- apply for our products or services;
- create an account on our website;

- subscribe to our service or publications;
  - request marketing to be sent to you;
  - enter a competition, promotion or survey; or
  - give us some feedback.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.
  - **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources such as:
    - Technical Data from the following parties:
      - (a) analytics providers such as Google based outside the EU;
      - (b) advertising networks based inside **OR** outside the EU;

In the context of the above the Company may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes inter alia, first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, gender, tax identification number and tax domicile country, national identification number, passport number, country/city of birth, nationality.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about payments to and from you.

- **Technical Data** includes 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.
- **Profile Data** includes your username and password, transactions made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our website, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- **Financial and Background information** related to your knowledge and expertise such as employment status and field, studies, investment horizon and intentions, financial income etc.

We may also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this **privacy** notice.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data).

The activities and website of the Company is not intended for minors and we do not knowingly collect data relating to minors.

Please note that where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

# PROTECTION OF PERSONAL DATA

The Company is the controller and responsible for your personal data and it uses clients' personal information only as required to provide quality service and security to its clients. This information helps the Company to improve its services, customize browsing experience and enables it to inform its clients of additional products, services or promotions relevant to clients and in this respect the clients hereby consent to the usage of this data for such purposes.

The Company has appointed a data protection officer (DPO) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

## CONTACT DETAILS

**Our full details are:**

**Full name of legal entity:** R CAPITAL SOLUTIONS LTD

**Email address:** [dpo@rcapitalsolutions.com](mailto:dpo@rcapitalsolutions.com)

**Postal address:** 4, Profiti Iliia Street, Kanika International Business Center, Office 102, Germasogia, CY-4046 Limassol Cyprus

**Telephone number:** +357 25262020

You have the right to make a complaint at any time to Cyprus Data Protection Commissioner. We would, however, appreciate the chance to deal with your concerns before you approach the Commissioner so please contact us in the first instance.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

- Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us at the following email: [dpo@rcapitalsolutions.com](mailto:dpo@rcapitalsolutions.com)

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 or where we have your express consent, as applicable. 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.

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Should you wish to be provided with information regarding the legal ground which the Company uses in relation to this please contact us and we shall provide you with the relevant information.

## USE OF PERSONAL DATA FOR MARKETING & PROMOTIONAL OFFERS

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased services from us or if you provided us with your details when you entered our website for the purpose of receiving information and, in each case, you have not opted out of receiving that marketing.

We will get your express opt-in consent before we share your personal data with any company outside our group of companies for marketing purposes.

## OPTING OUT

You can ask us or third parties to stop sending you marketing messages at any time by Contacting us at any time at the following email addresses: [support@tradeberry.com](mailto:support@tradeberry.com) and [dpo@rcapitalsolutions.com](mailto:dpo@rcapitalsolutions.com)

## USE OF “COOKIES”

The Company uses cookies to secure clients’ trading activities and to enhance the performance of the [www.tradeberry.com](http://www.tradeberry.com) web site. Cookies used by the Company do not contain personal information or other sensitive information.

The Company may share web site usage statistics with reputable advertising companies and with its affiliated marketing companies. It is noted that the information collected by such advertising companies is not personally identifiable. To administer and improve the [www.tradeberry.com](http://www.tradeberry.com) web site, the Company may use third parties to track and analyze usage and statistical volume information. The third party may use cookies to track behavior and may set cookies on behalf of the Company. These cookies do not contain any personally identifiable information.

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see our Cookies Policy.

## CHANGE OF PURPOSE

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us at the following email: [dpo@rcapitalsolutions.com](mailto:dpo@rcapitalsolutions.com).

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## PERSONAL DATA DISCLOSURES

We may have to share your personal data with third parties for the purpose of carrying out our services but should this be the case we require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our 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 our instructions.

## INTERNATIONAL TRANSFERS

We might need on certain occasions for the purposes of carrying out our services to transfer your personal data outside the European Economic Area (**EEA**)

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the **Privacy Shield** which requires them to provide similar protection to personal data shared between the Europe and the US.

Please [Contact us](#) at [dpo@rcapitalsolutions.com](mailto:dpo@rcapitalsolutions.com) if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## DATA SECURITY

The Company has put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

The Company has put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## DATA RETENTION

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for five years after they cease being customers for regulatory purposes.

In some circumstances you can ask us to delete your data: see *Request erasure* below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data:



- ❖ **Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- ❖ **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- ❖ **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- ❖ **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- ❖ **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data’s accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- ❖ **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- ❖ **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please Contact us at [dpo@rcapitalsolutions.com](mailto:dpo@rcapitalsolutions.com)

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

Sometimes the Company may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

The Company will do its best to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## AFFILIATES AND PARTNERS

The Company may share information with affiliates in the event such information is reasonably required by such affiliate in order to provide the products or services to its clients. The Company may share information with partners, affiliates and associates in order to offer additional similar products and services that meet clients' needs and which are delivered in a manner that is useful and relevant only where clients have authorized the Company to do so.

Please be informed that the Company's website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their **privacy** statements. When you leave our website, we encourage you to read the **privacy** notice of every website you visit.

## NON-AFFILIATED THIRD PARTIES

The Company does not sell, license, lease or otherwise disclose clients' personal information to third parties, except as described in this Privacy Policy.

The Company reserves the right to disclose personal information to third parties where required by Law, regulatory and other government authority. The Company may also disclose information as necessary to credit reporting or collection agencies as reasonably required in order to provide the services to Company and/or its clients.

In addition, the Company may engage third parties to help carry out certain internal functions such as account processing, fulfillment, client service, client satisfaction surveys or other data collection activities relevant to its business. Use of the shared information is strictly limited to the performance of the above and is not permitted for any other purpose. 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.

In cases where clients have been introduced by a Business Introducer, such Business Introducer may have access to clients' information. Hence, clients hereby consent to the sharing of information with such Business Introducer.

## CONTACT CLIENTS

From time to time the Company may contact clients whether by phone or email for the purpose of offering them further information about the Company's services. In addition, the Company may, on occasion, seek to contact clients, whether by phone or by email, for the purpose of informing them of unique promotional offerings provided by the Company for the client. Clients consent to the receipt of such contact when they consent to our terms and conditions of use when registering with the Company. Any person wishing to opt out of further contact with the Company at any time whatsoever is entitled to do so, simply by contacting the Company whether by phone or email at [dpo@rcapitalsolutions.com](mailto:dpo@rcapitalsolutions.com) or [support@tradeberry.com](mailto:support@tradeberry.com) and requesting that no further contact on behalf of the Company be made.

## RESTRICTION OF RESPONSIBILITY

The Company is not responsible for the privacy policies or the content of sites to which [www.tradeberry.com](http://www.tradeberry.com) links and has no control of the use or protection of information by the clients or collected by those sites. Whenever a client elects to link to a co-branded web site or to a linked web site, the client may be asked to provide registration or other personal information. Please note that such information is recorded by a third party and will be governed by the privacy policy of that third party.

## PRIVACY POLICY UPDATES

The Company may update this Privacy Policy from time to time. In the event that the Company materially changes this Policy including how it collects, processes or uses clients' personal information, the revised Privacy Policy will be uploaded in the Company's website. In this respect, the clients hereby agree to accept posting of a revised Privacy Policy electronically on the website as the actual notice of the Company to its clients. Any dispute over the Company's Privacy Policy is subject to this notice and the Client Agreement. The Company encourages its clients to periodically review this Privacy Policy so that they are always aware of what information the Company collects, how it uses it and to whom it may disclose it, in accordance with the provisions of this Policy.