

## Privacy Policy

**ELEON CAPITAL MANAGEMENT** (the 'Company' or 'Fund Manager' or 'AIFM') was incorporated as a private company limited. The Company was granted authorisation with Licence number AIFM45/56/2013 and is regulated and supervised, by the Cyprus Securities and Exchange Commission ('CySEC'), to operate as an Alternative Investment Fund Manager ('AIFM') in accordance to the provisions of the Alternative Investment Funds Managers' Law of 2013 (Law 56(I)/2013, hereafter the 'AIFM Law'), as amended from time to time.

The Company has established a Privacy Policy (the "Policy") appropriate to the size and organisation of the Company and the nature, scale and complexity of the Company's business.

### 1. Scope

- 1.1. With the implementation of the Privacy Policy the Company aims to outline the Company's responsibility to manage and ensure the protection of privacy and the clients' personal and financial information.
- 1.2. The clients' privacy is considered and treated by Company with utmost importance and highest priority and this Policy applies to former, existing and potential clients as well as to any visitors of the Company's website.

### 2. Consent

- 2.1. Clients, by subscribing to and/or using (collectively, "Using" or "Use") the Company's website consent and agree with the terms of this Policy and consequently consent to the collection, processing, maintaining, storage, use and disclosure of clients' personal data by the Company whether provided by the clients or by another third party as in accordance with this Policy and as explained below herein.
- 2.2. Clients, by subscribing to and/or using (collectively, "Using" or "Use") the Company's website consent and agree with the terms of this Policy and consequently consent to the Company transmitting Client's personal data/information to any third parties which may require same in order to effectively implement the Services or effectively executing any operational function performed by the Company to its Clients (e.g. refunding Clients with their funds).

### **3. Personal Information/Data**

- 3.1. The Company will only use clients' personal data in accordance with international data protection practices. In particular, upon activation the Company is registered as a Data Controller with the Office of the Commissioner for Personal Data Protection will collect, process, maintain, store, use and handle clients' personal information in accordance with the Processing of Personal Data (Protection of the Individual) Law of 138(1) 2001 as amended from time to time (the "Law") this Privacy Policy and the Company's Trading Terms and Conditions.
- 3.2. During the online registration procedure as well as following the completion of the online registration procedure clients are required to provide personal information and to attach a series of required documents in order for the Company to perform its services offered to clients efficiently. The collection of personal information will enable the Company to evaluate clients' applications and assist the Company to construct clients' profiles in order to provide its services effectively based on the requirements and preferences of the client.
- 3.3. "Personally identifiable information" (or "Personal Information") means any information that may be used, either alone or in combination with other information, to personally identify, contact or locate any employee, representative and third party associated with the Client (collectively referred as "User").
- 3.4. Personal Information includes, but is not limited to:
- a) First and Last name
  - b) ID/Passport numbers
  - c) Physical address
  - d) Date of Birth
  - e) Contact information such as telephone number and email address
  - f) Identity and Address verification documents such as passport and ID, utility bills and/or bank statements
  - g) Company information, company incorporation documents/certificates/details in case of a corporate account
  - h) Financial data such as estimated annual income and net worth, trading experience and investment knowledge including but not limited to trading data, deposits, withdrawals, and credit.

#### **4. Changes in personal information/data**

5.1 In the event that clients' personal information changes at any given time, **clients are responsible to inform the Company** by emailing the Company's Back Office and Customer Support department at [info@eleoncapital.com](mailto:info@eleoncapital.com) .

#### **5. Use of Personal Information/Data**

5.1. In order for the Company to provide, monitor and improve the quality service and security to its clients, the Company may use the clients' personal information/data for one or more of the following purposes:

- a) Verify the identity of clients;
- b) To maintain clients' personal profiles;
- c) Assess and improve the products and services provided to clients;
- d) Transmission/execution of clients orders;
- e) Company's transmission/execution and post transaction/order services;
- f) Assess and improve clients' browsing experience;
- g) Analysis of statistical data which will aid the Company to provide clients with better suited products and services in the future;
- h) To pass clients' personal information/data to third parties for marketing purposes without prior written consent;
- i) Inform clients of additional products, services or promotions relevant to its clients.

5.2. In regards to point (i) above and should for any reason clients do not consent to receive information of this nature, the client can inform us accordingly by contacting the Company on the contact details provided by the Company on its Terms and Conditions via email to: [info@eleoncapital.com](mailto:info@eleoncapital.com).

#### **6. Statistical data**

6.1. The Company may, from time to time, combine clients' personally information/data with information from other users of the Company's website in order to create impersonalized statistical data. The Company may provide this statistical data to Third Parties solely for statistical purposes and in an effort to better improve the Company's marketing campaign and to the extent allowed by the Company's Terms and Conditions already accepted by the clients.

- 6.2. The Company will take all reasonable measures in order to ensure that in no circumstances clients will be identifiable from this statistical data and consequently for clients to remain anonymous.

## **7. Retention of Personal Data**

- 7.1. In accordance with the Company's regulatory requirements and as required by Law all clients' personal information/data will be required to be kept and retained on record for a minimum period of five (5) years, which will commence on the transmission/execution of a client transaction or the date of which the business relationship between both parties is terminated in accordance to the Company's Trading Terms and Conditions.

## **8. Protection and Security of personal information/data**

- 8.1. The Company does not sell, license or lease to anyone clients' personal information/data provided to the Company, except as described in this Privacy Policy and as may be required by law from time to time.
- 8.2. The Company takes reasonable precautions to protect personal information/data from loss, theft, misuse, unauthorized access or disclosure, alteration, or destruction. The Company employs physical, electronic, and procedural safeguards to protect personal information/data and it does not store personal information/data for longer than necessary for the provision of services or as permitted by law.
- 8.3. The Company's data center(s) contain both internal and external servers. Access to the Company's internal server is restricted to authorised personnel (i.e. employees and authorised service providers), servers and locations; our external servers can be accessed via the Internet. Any personal information/data provided by clients to the Company will be strictly protected under enhanced measures of security, protected against loss, misuse, unauthorized access or disclosure, alteration, or destruction with using various security measures such as encryption during data transmission, strong authentication mechanisms and separation of machines and data to provide secure areas in order to protect clients' personal information from unauthorised users and such personal information will be treated as confidential and shared only with the Company and its affiliates and/or authorised service providers and not to be disclosed to any third parties except, and without notice, in accordance with the provisions of this Policy as well as under any regulatory or legal proceedings.
- 8.4. The Company also informs all clients to serve and protect their personal data, and advises all clients to maintain confidentiality and not share with others its usernames and passwords provided by the Company. The Company bears no responsibility for any unlawful or unauthorised use of clients' personal information due to the misuse or misplacement of clients' access codes (i.e. passwords/credentials), negligent or malicious, however, conducted.

## **9. Disclosure of Personal information/data**

- 9.1. The Company reserves the right to disclose clients' personal information/data without notice, to the Cyprus Securities and Exchange Commission ("CySEC") and other regulatory and government bodies either in Cyprus and other countries as may be required by law from time to time.
- 9.2. The Company reserves the right to disclose clients' personal information/data without notice when required to do so by law (paragraph 9.1. above) or when it is in the Company's reasonable belief and good faith that such disclosure is necessary to:
- a) To protect the Company's rights and/or to comply with judicial proceeding proceedings and/or court order;
  - b) Avoid potential fraud;
  - c) Protect and defend the rights or property of the Company's website;
  - d) Protect the safety of the Company's clients, all users of the Company's website and/or the public.

## **10. Affiliates and Partners**

- 10.1. The Company may use a card processing company for clients' deposits and withdrawals to and from clients' trading accounts; The Company does not retain, share, store or use any personally identifiable information for any other purposes.
- 10.2. Clients acknowledge and consent that the Company and its partners, affiliates and/or associates may share information in a manner that is useful and relevant only to do so and in relation to one of the following purposes:
- a) Reasonably required by such affiliate, partner and/or associate of the Company to provide products and services to its clients,
  - b) To offer additional similar products and services that meet clients' needs
- 10.3. Clients may be introduced to the Company by a Business Introducer, in such cases, the Business Introducer may have access to clients' information and clients hereby consent to the sharing of information with such Business Introducer.
- 10.4. The Company may disclose clients' personal information to any organisation at the clients' request or to any persons acting on behalf of clients, including clients' financial advisers, broker, solicitor or accountant.
- 10.5. The Company may disclose clients' personal information to companies hired by the Company to provide limited services on behalf of the Company, including but not limited to packaging, mailing and delivering purchases, postal mail. The Company will take all reasonable measures to ensure that the said companies will be subject

to such personal information/data necessary to deliver the service and are prohibited from using personal information for any other purpose.

10.6. The Company may need to disclose personal information to regulators and for regulatory purposes e.g. transaction reporting as required by MiFID II regulations.

## **11. Non-affiliated third parties**

11.1. The Company may disclose information to non-affiliated third parties where necessary in order to carry out the following internal functions of the Company:

- a) Use of Credit reporting or collection agencies as reasonably required in order to provide the services to its clients;
- b) Use of specialized agencies 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.

## **12. Warranties**

12.1. For any purpose mentioned above (i.e. paragraphs 10 and 11), the use of the shared information is strictly limited to the performance of the services expected and assigned to be undertaken by all third parties, affiliated or non-affiliated with which the Company shares personal information.

12.2. All third parties, affiliated or non-affiliated are required and shall ensure that:

- a) Their employees are informed of the confidential nature of the personal information/data and that usage of the shared information is strictly limited to the performance of the relevant services expected and assigned to be undertaken on behalf of the Company
- b) Processing of personal information/data is in accordance and in compliance with all relevant legislation, applicable laws and regulation.

12.3. All third parties, affiliated or non-affiliated agree and consent to indemnify and keep indemnified at their own cost and expense the Company against all costs, claims, damages or expenses incurred by the Company or for which the Company may become liable due to any failure by any third party, affiliated or non-affiliated or their employees to comply with any of their obligations under this Policy as well as with all relevant legislation, applicable laws and regulation.

12.4. The Company will not share personal information with third parties which it considers will not provide its clients with the required level of protection similar to

that of its own and in compliance with all relevant legislation, applicable laws and regulation .

### **13. Restriction of responsibility – Links**

- 13.1. The Company’s website may be linked to other websites. This Policy is not applicable to those other sites. The Company recommends and encourages clients to read, understand and familiarize themselves with the privacy policies (if any) available on these other sites.
- 13.2. The Company cannot be held responsible or liable for the privacy policies or content of such sites and therefore, has no control over the protection and use of information provided by the clients on such sites.

### **14. Use of “Cookies”**

- 14.1. The Company may use cookies to assess and improve the performance of the website and its products and services offered to its clients. Cookies are used by most internet browsers and are small pieces of information that use a unique identification tag and are stored on clients’ devices as a result of clients using the Company’s website or other services the Company provides to its clients.
- 14.2. Clients may be able to refuse to have cookies stored on their device they may be able to change the setting of their browser to refuse all cookies, and/or have their device notify them each time a cookie is sent to their device. Controlling their cookies in this way may impair the quality of service provided by the Company to its clients and therefore, it is recommended for clients to allow cookies on their device to ensure the best possible experience and quality services provided by the Company.
- 14.3. For more information about cookies, clients may refer to the Company’s “Cookie Policy” available on the Company’s website.

### **15. Contact Clients/Recordings**

- 15.1. The Company may contact clients by telephone, email or other means of medium for the purpose of offering them further information about the Company’s product and services and/or informing clients of unique promotional offerings. By registering and providing agreement to the Trading Terms and Conditions of the Company, clients consent to the receipt of such contact.
- 15.2. For regulatory and quality assurance purposes any type of communication between the clients and the Company whether in writing, email or by telephone or other means of medium shall be monitored and recorded by the Company without any

prior warning (unless required to do so by the applicable rules and regulations). Clients acknowledge and accept that such recordings are the sole property of the Company. Clients further accept that such recordings constitute conclusive evidence of the Orders/Instructions/Requests or conversations so recorded.

- 15.3. Any person who wishes not to be contacted further by telephone, email or other means of a medium, can inform the Company accordingly by contacting the Company on the contact details provided by the Company on its Trading Terms and Conditions or at the following address at: [info@eleoncapital.com](mailto:info@eleoncapital.com).

## **16. Clients Rights**

16.1. Clients have no obligation to provide any of the personal information/data requested by the Company. In this case, the Company reserves the right to reject the opening of a trading account or to provide clients with any other services, information or assistance.

16.2. Under the Law, clients have the right to request any personal information/data the Company holds about the clients and to inform the Company of any perceived inaccuracy. Clients acknowledge and accept that the Company may charge a fee to cover the associated administrative costs.

16.3. In case any of the clients' personal information has changed at any given time or they wish the Company to delete any personal data, they may do so by informing the Company via email at [info@eleoncapital.com](mailto:info@eleoncapital.com). The Company to the extent permitted by law including those cases where the Company is required to hold clients' personal data for regulatory and legal purposes for the provision of services and/or maintenance of adequate business records, will proceed with changing or deleting clients' personal data in accordance with the instructions received.

## **17. Amendment/Review of the Policy**

17.1. The Company reserves the right to review and/or amend this Policy at any given time it deems suitable and appropriate without notice to the Client. The Policy is available for review by clients upon request and it is uploaded on the Company's website.

For further details with regards to the Company's Privacy Policy and procedures, clients may contact the Company's Compliance Department at [info@eleoncapital.com](mailto:info@eleoncapital.com)