

**SGM Foreign Exchange Malta Limited**

**Privacy Notice**

## 1. INTRODUCTION

Welcome to SGM Foreign Exchange Malta Limited's privacy notice (this "Notice").

This Notice was last updated on 01/12/2022.

SGM Foreign Exchange Malta Limited (C 94067) of 171, Old Bakery Street, Valletta, Malta ("SGM-FX"; "we"; "us"; "our") and our associated entities respect your privacy and are wholly committed to protecting your personal data.

We are a licensed financial institution authorised by the Malta Financial Services Authority ("MFSA") under the Financial Institutions Act, particularly to undertake the following activities: (i) payment service of money remittance; and (ii) the activity of trading either for our own account or for the account of customers in foreign exchange (referred to as our "Services"). We also mainly offer, deliver and/or market these Services via our site <<https://www.sgm-fx.com/>> (the "Site").

In that regard, this Notice explains how we process personal data about those applicants and clients who apply for, receive and/or otherwise use any of our Services, including any related products.

Where the client or applicant for our Services is a corporate entity (i.e., not a natural person), then we will also need to request and collect certain personal data about its directors, representatives, officers, authorised signatories, shareholders, and ultimate beneficial owners ("UBOs") (namely for **due diligence** and **regulatory requirements**). This Notice also explains how we, SGM-FX, will process personal data about those individuals and should therefore be circulated accordingly.

In this Notice, "you" is used to refer to any of the above individuals, that is:

- in relation to our Services:
  - those applicants or clients who are natural persons; and
  - in the case of applicants or clients that are corporate entities, their directors, representatives, officers, authorised signatories, shareholders and UBOs.

When accessing the Site, we may also automatically collect certain information, in particular your IP Address. Please refer to our IP and Cookie Policy available here: <<https://www.sgm-fx.com/cookies/>> for more information about how our Site uses cookies.

## 2. CONTROLLER

This Notice is being provided to you since you, whether on your own behalf or as a representative for the applicant or client, have applied for or requested to be provided with our Services.

**In that context, we are the controller of your personal data.** We process your data in an appropriate and lawful manner, in accordance with the Data Protection Act, Chapter 586 of the laws of Malta (the "Act") and the General Data Protection Regulation (Regulation (EU) 2016/679) (the "Regulation" or the "GDPR").

This Notice aims to ensure that you are fully informed on how we, SGM-FX, will collect and process your personal data. It informs you about the items of personal data which we will collect about you and describes how we will handle it (regardless of the way you interact with us, whether by email, phone, through an intermediary or other third party or otherwise). In turn, this Notice also tells you about (i) our obligations in regard to processing your personal data responsibly; (ii) your data protection rights as a data subject; and (iii) how the law protects you.

It is important that you read this Notice, together with any other privacy notices we may provide on specific occasions when we are processing personal data about you, so that you are fully aware of how and why we are using your data.

This Notice supplements the other notices and is not intended to override them.

If you have any questions relating to this Notice, including any requests to exercise your legal rights (which are outlined in Section 12), please contact us, by email or in writing, using the contact details set out below.

### Contact details

Full name of legal entity: SGM Foreign Exchange Malta Limited (C 94067)

Email address: info@sgm-fxmalta.com

Postal address: 157 Archbishop Street, Valletta, VLT1440, Malta

Please use the words '**Data Protection Matter**' in the subject line.

### THIRD-PARTY LINKS

Our Site 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 notices, statements or policies.

We encourage you to read the privacy notice of every website you visit.

### 3. SOME KEY DEFINITIONS

Set out below are key definitions of certain data protection terms which appear in, and apply to, this Notice.

- **“comply with a legal obligation”** means processing your personal data where it is necessary to comply with a legal or regulatory obligation to which we are subject to;
- **“controller”**: the person or organisation that determines when, why and how to process personal data;
- **“data subjects”**: a living, identified or identifiable individual about whom we hold personal data;
- **“legitimate interest”**: means our interest to conduct and manage our business affairs appropriately and responsibly, to protect the reputation of our business and licences, and to provide our clients with the best possible service;
- **“performance of a contract”**: means processing your personal data where it is necessary to perform a contract to which you or your respective entity are a party, or to take steps at your request before entering into such a contract;
- **“personal data”**: means data relating to a living individual (i.e., **natural person**) who can be identified from the data we hold or possess. This includes, but is not limited to, your name and surname (including maiden name where applicable), address, date of birth, nationality, gender, civil status, tax status, identity card number & passport number, contact details (including mobile and home phone number and personal email address), photographic image, bank account details, emergency contact information as well as online identifiers;
- **“processing”**: means any activity that involves use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including, organising, amending, retrieving, using,

disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties;

- “**sensitive personal data**” or “**special categories of personal data**” includes information about a person’s racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings.

Note that personal data does not include data or information relating to a legal person. Information such as a company name, its company number, registered address or registered office and VAT number does not amount to personal data under applicable data protection legislation, including the GDPR. Naturally, we will still treat any and all such information in a confidential manner, in accordance with our standard applicant and client practices and obligations at law.

#### 4. THE DATA WE COLLECT ABOUT YOU

Personal data means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (**anonymous data**).

In the course of your relationship with us (including during the account opening stage), we may collect, use, store and transfer different kinds of personal data about you, which we have grouped together as follows:

- **Identity Data:** includes your first name, maiden name (where applicable), last name, address, account username or similar identifier, marital status, title, nationality, date of birth and gender, identity card or passport number;
- **Contact Data:** includes your billing address, email address and contact number (telephone and/or mobile);
- **Financial Data:** includes your bank account and payment card details, as used in relation to the Services;
- **Compliance (KYC and AML) Data:** includes copies of your passport or national identification documents, proof of name, address and/or authority to act (verification), source of funds, source of wealth and assets information, bank references letters and certificates of good standing;
- **General Due Diligence Data:** includes due diligence information on you collected from third-party and publicly available sources at point of application. This would primarily relate to the creditworthiness and the existence of any Court orders, judicial acts or pending litigation against the prospective customer;
- **Tax Data:** includes tax-related information, such as your tax residency and tax identification information;
- **Transaction Data:** includes the following information: (i) your account portfolio with us; (ii) your payment orders and trade instructions; (iii) records containing details of your trades and transfers; (iv) details on the payment which we receive or otherwise charge you; (v) your trading and transactional history with us; and generally, (vi) data stemming or generated from the performance of our contractual obligations;
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our business partners and your communication preferences.

We may also collect, use, and share Aggregate Data, such as statistical or demographic data, for any purpose. Aggregate Data may be derived from your personal data but is not considered personal data at law as it does not directly or indirectly reveal your identity. However, if we combine or connect Aggregate Data with your personal data so that it can directly or indirectly identify you, we treat that data as personal data and will use it in accordance with this Notice.

### **If you Fail to provide Personal Data**

Where we need to collect personal data about you:

- by law; or
- under the terms of, or in connection with, the contract that we have with you (as discussed in Section **Error! Reference source not found.** above); or
- as part of our legitimate (business) interests to verify the identity of our applicants and clients, mitigate against risks (such as potential or suspected fraud) and in particular, to assess and take a decision on whether we will or should enter into a relationship with you (as subject to our client acceptance criteria and policies);

**and you either fail to provide that data when requested, or else provide incomplete or insufficient data**, we may not be able to perform or conclude the contract which we have or are otherwise trying to enter into with you.

In certain instances, particularly where this relates to **Compliance Data**, we may even need to exercise our prerogative to terminate our contract with you, and thus withdraw the availability of our Services to you or else refuse to process any trades which you may try to execute. We will however notify you if this is the case at that point in time.

It is imperative that the personal data we hold about you is accurate and current at all times. Otherwise, this will impair our ability to provide you with the Services (amongst other potential and salient issues).

Please keep us informed if your personal data changes during your relationship with us.

### **Sensitive Personal Data**

We may also need to collect and process sensitive personal data about you as part of our statutorily required politically-exposed-person and sanctions checks. This may comprise personal data revealing your political opinions or political affiliations, and also personal data relating to criminal convictions and offences or related security measures.

Below are the circumstances and purposes for which this may take place:

- **Initial and on-going customer due diligence checks:** determination of whether or not the applicant or client and certain persons related to them are “politically exposed persons” in terms of applicable AML legislation; and
- **Initial and on-going customer due diligence checks:** due diligence checks via WorldCheck, Google Searches, databases of regulatory or supervisory authorities, and other publicly accessible sources.

As our lawful basis, we have identified that the processing of this data is **necessary for reasons of substantial public interest** on the basis of an EU or national law (namely, anti-money laundering legislation) or otherwise relates to data which has been manifestly made public by the data subject.

There may be other occasions where we may need to process your sensitive personal data, namely where:

- the processing is necessary for the detection or prevention of crime (including the prevention of fraud) to the extent permitted by applicable law or regulation; and/or
- the processing is necessary for the establishment, exercise or defence of legal rights.

## **5. HOW IS YOUR PERSONAL DATA COLLECTED?**

The personal data that we process about you is collected and generated from a variety of sources, in accordance with applicable laws and regulations, as follows:

- (i) when you provide us with your personal data, including through direct interactions or in any of the application forms, questionnaires or other documents that we may (from time to time) require you to complete and submit (e.g. as part of our account registrations process or at other times), by email, meetings, phone or otherwise;
- (ii) when you submit the **Compliance Data** which we request due to our legal obligations;
- (iii) in the course of managing and administering our relationship with you. This might include the history of our service provision to you, changes to the information provided as part of the application process, and records of our interactions with you (including copies of communications exchanged between you and us);
- (iv) **we also receive General Due Diligence Data about you from third parties**, including **publicly available sources** such as public court documents, the Malta Business Registry, company house and company registers of other jurisdictions, and from electronic data searches, online KYC search tools, anti-fraud databases and other third-party databases, sanctions lists and general searches carried out via search engines (e.g. Google). This generally relates to information which we obtain for the purposes of our “*know-your-client*” procedures (which includes AML procedures, CTF procedures, politically-exposed-persons checks, sanctions checks, amongst others). We term this **General Due Diligence Data**.

## 6. HOW WE USE YOUR PERSONAL DATA

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

Note that we may process your personal data pursuant to more than one lawful ground or basis, depending on the specific purpose for which we are using your data.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
<p>(a) ‘New client onboarding’</p> <ul style="list-style-type: none"> <li>- to onboard new business relationships and comply with our internal policies and procedures; and</li> <li>- to assess and take an informed decision on whether we will enter into a business relationship with you.</li> </ul> <p>(b) To enter into a business relationship with you and register your account.</p>	<ul style="list-style-type: none"> <li>(a) Identity;</li> <li>(b) Contact;</li> <li>(c) Financial;</li> <li>(d) Compliance;</li> <li>(e) General Due Diligence;</li> <li>(f) Tax.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Performance of a contract with you.</li> <li>(b) Necessary to comply with a legal obligation.</li> <li>(c) Necessary for our legitimate interests (to determine whether we want to enter into a relationship with you, to determine whether we can take you on as a client, to verify ability to meet financial commitments).</li> </ul>
<p><b>AML, anti-bribery, “KYC” and regulatory processes:</b></p> <p>(a) To fulfil our regulatory and legal obligations relating to the prevention of money laundering, anti-bribery, fraud prevention, counter-terrorist financing, politically-exposed-persons checks, sanctions checks and any other “know your client” checks.</p>	<ul style="list-style-type: none"> <li>(a) Identity;</li> <li>(b) Contact;</li> <li>(c) Financial;</li> <li>(d) Compliance;</li> <li>(e) General Due Diligence;</li> <li>(f) Tax.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Performance of a contract with you.</li> <li>(b) Necessary to comply with a legal obligation.</li> <li>(c) Where we have a legitimate interest in carrying out the Processing for undertaking “know your client” processes such as for the purpose of preventing money laundering, bribery, sanctions violations and detecting and protecting against fraud (to the extent that a legal obligation does not apply to us).</li> </ul>

<p>This includes: confirming and verifying your identity; and screening against lists maintained by a third party which assists with this process (such as sanctions lists).</p> <p>(b) To fulfil our other due diligence and KYC internal compliance policies and requirements;</p> <p>(c) To fulfil any external mandatory reporting obligations that we may, from time to time, have to the local and overseas public and regulatory authorities and/or law enforcement agencies;</p> <p>(d) To establish your financial situation, knowledge and experience and to determine your risk profile.</p>		
<p><b>Provision of services</b></p> <p>To provide the Services, in particular:</p> <p>(a) to execute your trades;</p> <p>(b) remit your payments;</p> <p>(c) manage payments, fees, charges and subscription costs;</p> <p>(d) to administer your account;</p> <p>(e) collect and recover money as may be appropriate;</p> <p>(f) assess and manage your portfolio;</p> <p>(g) investigate any suspected fraudulent trades or transactions.</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Financial;</p> <p>(d) Transaction.</p>	<p>(a) Performance of a contract with you.</p> <p>(b) Necessary for our legitimate interest, namely to ensure/improve quality of Services.</p>
<p><b>Records and Debt Collection</b></p> <p>(a) For accounting purposes;</p> <p>(b) To collect and recover money which is owed to us (debt recovery).</p> <p>(c) Internal record keeping (including files).</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Financial;</p> <p>(d) Tax;</p> <p>(e) Transaction.</p>	<p>(a) Performance of a contract with you.</p> <p>(b) Necessary to comply with a legal obligation (accounting and other record-keeping requirements).</p> <p>(c) Necessary for our legitimate interests (to recover debts due to us, to keep track of your investments, including their status and outcome, and to be able to revisit such matters if new issues arise).</p>

<p><b>Relationship management.</b></p> <p>(a) to enable us to manage our relationship with you or your business in an efficient manner</p> <p>(b) to keep our records up to date;</p> <p>(c) to maintain records of your trades, transfers or contracts with us and our interactions with you;</p> <p>(d) to respond to any queries or complaints we may receive from you and to seek to resolve these and to generally provide customer support, including in relation to your account;</p> <p>(e) to notify you of any changes to our terms, policies or services; and</p> <p>(f) contact you in relation to your account and other related matters.</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Financial;</p> <p>(d) Transaction;</p> <p>(e) Marketing and Communications.</p>	<p>(a) Performance of a contract with you</p> <p>(b) Necessary to comply with a legal obligation.</p>
<p><b>Investigation and Risk Management</b></p> <p>(a) To detect, investigate and prevent and/or report</p> <ul style="list-style-type: none"> <li>- breaches of internal and regulatory policies; and/or</li> <li>- fraudulent activity and/or any other criminal activity.</li> </ul> <p>(b) To assist and cooperate in any criminal or regulatory investigations against you, as may be required of us.</p> <p>(c) <b>Risk Management:</b> to effectively operate our audit, compliance controls and other risk management functions.</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Financial;</p> <p>(d) Compliance;</p> <p>(e) General Due Diligence;</p> <p>(f) Tax;</p> <p>(g) Transaction.</p>	<p>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security and prevention of hacks and other attacks, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</p> <p>(b) Necessary to comply with a legal obligation.</p>
<p><b>Business and financial management</b></p> <p>(a) To run our business in an efficient and proper manner,</p> <p>(b) To enable third parties to provide us (or our applicants / clients) with services and/or products;</p> <p>(c) To respond to due diligence requests; and</p>	<p>(a) Identity;</p> <p>(b) Contact; and</p> <p>(c) Marketing and Communications.</p>	<p>(a) Necessary for our legitimate interests (<b>for administering, managing and operating the affairs of our business properly</b>, including managing our financial position, business capability, planning, communications, corporate governance, audit, sales, to prevent fraud and to maintain the confidentiality of communications, and in the context of a business reorganisation or group restructuring exercise).</p>



(d) To investigate and respond to investor complaints.		(b) Necessary to comply with a legal obligation
(a) To manage the performance and security of our equipment, IT systems and electronic platforms, including administering access rights;  (b) To operate IT security audits;  (c) To use data analytics to improve the Services and our Site, marketing, customer relationships and experiences.	(a) Identity; (b) Contact; (c) Transaction; and  (d) Marketing and Communications.	(a) Necessary for our legitimate interests (for running and administering our business (including IT support), to ensure systems administration and network security).  (b) Necessary for our legitimate interests (to define types of clients that have registered an account to use our Services, to keep the Site updated and relevant, to develop our business and to inform our marketing strategy).
To permit SGM-FX to pursue available remedies or limit any damages that we may sustain.	(a) Identity and Contact; (b) Financial; (c) Compliance; (d) General Due Diligence; (e) Tax; (f) Transaction.	(a) Performance of a contract with you.  (b) Necessary for our legitimate interests.

**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, or we are obliged to process your data by applicable laws or court or regulatory orders.

Please contact at [●] if you need details or wish to enquire about the specific lawful basis we are relying on to process your personal data where more than one lawful basis has been set out in the table below.

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.

**7. MARKETING**

You may receive marketing communications from us (which may consist of newsletters, industry updates, mailshots, publications, promotional materials and/or information about our events) where:

- you or your respective entity have entered into a business relationship with us; and
- provided you have not opted out of receiving marketing from us (see **your right to object** below).

An “unsubscribe” or “opt-out” option is however included in all of our marketing communications, and we regularly review our marketing lists to ensure that they are current, up to date and does not include any individuals who have unsubscribed.

**Where the above does not apply to you**, we will only send you our marketing communications where you have expressly consented to receive them from us. We will get your express opt-in consent before we share your personal data with any third parties (including our associated or related corporate entities) for marketing purposes.

## 8. DISCLOSURES OF YOUR PERSONAL DATA

We may share your personal data with our affiliated entities SGM-FX UK namely:

- to facilitate and administer your business relationship with us;
- as part of our regular reporting activities on company performances;
- to consolidate our reporting and accounting procedures;
- to ensure business efficiency (**all of the above being part of our legitimate interests**), and/or
- where necessary to achieve or further any of the purposes in **Section Error! Reference source not found.** above.

In addition, we may also have to grant access to, disclose or share your personal data with the parties set out below, including your submitted applications, questionnaires and declaration forms, for any of the purposes listed in section 6:

- **Suppliers and external agencies** that we engage to process information on our or your behalf, including to provide you with the information and/or materials which you may have requested;
- **To any relevant party in connection with our anti-money laundering, anti-bribery, anti-fraud or 'KYC' requirements or policies** (including third party service providers which carry out sanctions checks on our behalf);
- **Third-party payment processors**, such payment services providers and banks;
- **Our professional advisers** (such as our auditors, accountants, financial advisers, Marketing Executives and legal counsel);
- **To regulators, government bodies and tax authorities (local and overseas)** when required by applicable laws;
- **To any relevant party, claimant, law enforcement agency or court**, to the extent necessary for the establishment, exercise or defence of legal claims in accordance with applicable law and regulation;
- **To any relevant party for the purposes of prevention, investigation, detection or prosecution of criminal offences** in accordance with applicable law and regulation; and
- **Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets (successors in title).** Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, the new owners may use your personal data in the same way as set out in this Notice.

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 documented instructions.

We may also disclose your data if we are under a duty to disclose or share your personal data to comply with any legal obligation, judgment or under an order from a court, tribunal or authority. This includes exchanging information with regulatory bodies in Malta or if applicable, overseas, public bodies including the Police and other organisations and may undertake credit or fraud searches with relevant agencies for the purposes of fraud detection and prevention.

We may also disclose your data to enforce our contractual terms with you or your entity, or to protect our rights, property or safety, that of our partners or other applicants or investors.

## 9. INTERNATIONAL TRANSFERS

Due to the international nature of our business and service providers, your personal data may be transferred to countries outside of the EEA. Some of these countries may have been deemed by the European Commission to have the same level of protection as countries in respect of which EU data protection law applies.

For any such transfer, we will ensure that at least one of the following safeguards applies or is otherwise implemented:

- a) the country to which the personal data is transferred ensures an adequate level of protection for the data subject's rights and freedoms recognized under EU data protection law;
- b) in the absence of an adequacy decision, the data transfer is regulated by specific contracts approved by the European Commission which give personal data the same standards of protection which it has in Europe (referred to as standard contractual Sections or model Sections); or
- c) failing the above, the transfer is necessary:
  - for the performance of your business relationship and contract with us;
  - for important reasons of public interest;
  - in order to comply with a legal or regulatory obligation to which we are subject; or
  - for the filing, exercise or defence of legal claims.

If we have to transfer your data to any country outside the EEA and cannot rely on any of the mechanisms set out in (a) to (c) (inclusive), we shall request your explicit consent to do so.

Please contact us at [info@sgm-fxmalta.com](mailto:info@sgm-fxmalta.com) if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 10. DATA SECURITY

We have 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 (**safeguard its integrity and confidentiality**). We also regularly review and, where practicable, improve upon these security measures.

Additionally, we have also put in place procedures to deal with any suspected personal data breach and will notify any applicable regulator of a breach where we are legally required to do so.

## 11. DATA RETENTION

### **How long will you use my personal data for?**

#### **How long will you use my personal data for?**

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 to it from unauthorised use or disclosure, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In regard to clients, we will only retain your personal data for as long as necessary to fulfil the purposes for which we collected it, *i.e.* the performance and management of our business relationship with you (whilst ongoing), and

**thereafter:**

- for the purpose of satisfying any legal, accounting, tax or reporting obligations to which we may be subject; and/or
- to the extent that we may also need to retain your personal data in order to be able to assert, exercise or defend possible future legal claims against or otherwise involving you.

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

**Data Minimisation**

Whenever and to the extent possible, we anonymise the data which we hold about you when it is no longer necessary to identify you from the data which we hold about you. In some circumstances, we may even 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.

Kindly contact us at [info@sgm-fxmalta.com](mailto:info@sgm-fxmalta.com) for further details about the retention periods that we apply.

**12. 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.*
- *Request correction (rectification) of your personal data.*
- *Request erasure of your personal data.*
- *Object to processing of your personal data.*
- *Request restriction of processing your personal data.*
- *Request transfer of your personal data.*
- *Right to withdraw consent.*

If you wish to exercise any of the rights set out above, please contact us at [info@sgm-fxmalta.com](mailto:info@sgm-fxmalta.com)

**No fee is usually charged**

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 simply refuse to comply with your request in such circumstances.

**What we may need from you**

We 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.

**Time limit to respond**

We try to respond to all legitimate requests within a period of one month from the date of receiving your request. 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.

## YOU HAVE THE RIGHT TO

### i. REQUEST ACCESS

You have the right to **request access** to your personal data (commonly known as a “*data subject access request*”). This enables you to request information on whether or not your personal data is being processed by us, and to also request a copy of the information that we hold about you (to check, for instance, that we are processing it lawfully).

You may send an email to us at [info@sgm-fxmalta.com](mailto:info@sgm-fxmalta.com) requesting information as the personal data which we process. Generally, you shall receive one copy free of charge via email of the personal data which is undergoing processing. Any further copies of the information processed will typically incur a charge of **€10.00**.

### ii. RIGHT TO INFORMATION

You have the **right to information** when collecting and processing personal data about you from publicly accessible or third-party sources. When this takes place, we will inform you, within a reasonable and practicable timeframe, about the third party or publicly accessible source from whom we have collected your personal data.

### iii. REQUEST CORRECTION (RECTIFICATION)

You have the right to **request correction or rectification** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected and/or updated, though we may need to verify the accuracy of the new data you provide to us. As mentioned, it is in your interest to keep us informed of any changes or updates to your personal data which may occur during the course of your business relationship with .

### iv. REQUEST ERASURE

You have the right to **request erasure** of your personal data.

This enables you to ask us to delete or remove personal information where:

- there is no good reason for us continuing to process it;
- you have successfully exercised your right to object to processing (see below);
- we may have processed your information unlawfully; or
- 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.

These may include instances where the retention of your personal data is necessary to:

- comply with a legal or regulatory obligation to which we are subject; or
- establish, exercise or defend a legal claim (including policy claims).

### v. OBJECT TO PROCESSING

You have the right to **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 that makes you want to object to that processing as you feel that it impacts on your fundamental rights and freedoms. Please refer to the table set out in **Section 6** to understand those situations where we rely on a legitimate interest in order to process your personal data.

In such cases, we will cease processing your personal data for the ‘objected purposes’, unless we can demonstrate compelling legitimate grounds for such processing which override your interests, rights and freedoms of the data subject, or for the establishment to exercise or defend legal claims.

You also have the right to object where we are processing your personal data for direct marketing purposes (as, for instance, described under the ‘**Marketing**’ in **Section** Error! Reference source not found. above).

**vi. RESTRICTION OF PROCESSING**

You have the right to **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:

- if you want us to establish the data's accuracy;
- where our use of the data is unlawful but you do not want us to erase it;
- where you need us to hold onto the data even if we no longer requires it, as you need it to establish, exercise or defend legal claims; or
- where you have objected to our use of your personal data, but we need to verify whether we have overriding legitimate grounds to use it.

**vii. DATA PORTABILITY**

You have the right to **request the transfer (data portability)** 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.

**viii. WITHDRAWAL OF CONSENT**

You may **withdraw your consent at any time** where we are relying on consent to process your personal data. This will **not** however affect the lawfulness of any processing which we carried out before you withdrew your consent. Any processing activities that are not based on your consent will remain unaffected.

Once we have been made aware that you have withdrawn your consent, we will no longer process your personal data for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

**Kindly note that none of these data subject rights are absolute or unreservedly guaranteed, and must generally be weighed against our own legal obligations and legitimate interests. If a decision is taken to override your data subject request, you will be informed of this by our data protection team along with the reasons for our decision.**

**13. COMPLAINTS**

You have the right to lodge a complaint at any time to a competent supervisory authority on data protection matters, such as in particular the supervisory authority in the place of your habitual residence or your place of work. In the case of Malta, this is the Office of the Information and Data Protection Commissioner (the “**IDPC**”):

- <https://idpc.org.mt/en/Pages/Home.aspx>

We would, however, appreciate the opportunity to deal with your concerns before you approach the supervisory authority, so please contact us in the first instance

## **1. CHANGES TO THIS NOTICE**

We reserve the right to amend or revise this Notice in the future, particularly where we need to take into account and cater for any (i) business developments and/or (ii) legal or regulatory developments to the issuance or trading of cryptocurrencies and virtual financial assets under applicable law.

Changes, revisions and amendments to this Notice will be duly notified to you.

If you have any questions regarding this Notice, or if you would like to send us your comments, please contact us today or alternatively write to us using the details on our website.