

Privacy Policy & PAIA Manual

Exness ZA (PTY) Ltd
Regulated by the Financial Sector Conduct Authority (FSCA)
FSP No 51024; Email: exness_fsp_za@exness.com Address: 307 & 308 Third Floor, North Wing, Granger Bay Court, V & A
Waterfront, Capetown

Exness ZA (PTY) Ltd acts solely as a direct marketer/intermediary in terms of the FAIS Act, rendering only an intermediary
service (no market making) in relation to derivatives products (CFDs) offered
by Exness (SC) Ltd

Your privacy is important to us and we are committed to respect the confidentiality of information and the privacy of individuals.

This Privacy Policy covers the website www.exness.co.za and all its related sub-domains or applications (if any) that are registered and operated by Exness ZA (PTY) Ltd (the “Company” or “FSP” or “we”), and provides an overview of how the Company processes your personal information and sets out the information that the Company will provide to you for the purpose of the applicable data protection legislation.

By submitting your details and/or using our website, you accept the terms and conditions of this policy and consent to the processing of your Personal Information by the FSP.

The Company may revise or update this Policy from time to time. The new version of this Policy will be available on the Company’s website. You can tell when this document was last updated by looking at the date on the footer of this Policy.

Who are we?

Exness ZA (PTY) Ltd is incorporated under the laws of South Africa with registration number 2020/234138/07 and is authorised and regulated by the Financial Sector Conduct Authority (“FSCA”) in South Africa to act as a Financial Service Provider (FSP number 51024) and provide intermediary services in connection with derivative products, and operates under the Financial Advisory and Intermediary Service Act (“FAIS Act”) (Act 37 of 2002).

Law authorising or requiring collecting of the personal information:

As an authorised financial services provider, we are obligated in terms of the following legislation to collect your personal information insofar as it relates to the rendering of the relevant financial services to you:

- Financial Advisory and Intermediaries Services Act 37 of 2002 (FAIS)
- Financial Intelligence Centre Act 38 of 2001 (FICA)
- Financial Markets Act 19 of 2012
- Protection of Personal Information Act 4 of 2013
- Promotion of Access to Information Act 2 of 2000
- Basic Conditions of Employment Act No 75 of 1997

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Exness ZA (PTY) Ltd will process (i.e collect, store and use) the information you provide in a manner compatible with the applicable data protection legislation. The Company is required to retain information in accordance with the law, such as information needed for income tax and audit purposes, and regulatory law. How long certain kinds of personal information should be kept may also be governed by specific business-sector requirements and agreed practices. personal information may be held for longer than these prescribed periods depending on individual business needs and for statistical and historical purposes.

Personal information we collect and process

We will collect, use, store and transfer different kinds of personal information about visitors/potential clients/existing clients during the course of the business relationship, which we have grouped together as follows, as follow:

Identity Data: such as full name, country of residence

Contact Data: such as email address, telephone number(s).

Profile Data: your interests, preferences, feedback, survey responses.

Public Records and Open Sources Data: such as details about you that are available online, are in public records or other open available sources.

Consent/permission: such as your consents, any permission or preferences given to the Company

Marketing and Communications Data: such as details about you from letter, email and conversation, chats between us and your preference in receiving marketing from us and any third-party companies on our behalf.

Technical Data: such as internet protocol (IP) address, 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 our website and mobile app and electronic services.

Usage Data: such as information about how you use our website and services.

Employee Data: such as education information, employment history, criminal record, financial information, marital status for existing and prospective employees.

Some of the aforementioned personal information may be mandatory to provide within the context of product suppliers' onboarding requirements.

Failing to provide compulsory information may lead to the Company's inability to carry out the functions necessary to perform as an authorised financial services provider.

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Source of collection

The type of information we may collect and hold includes (but is not limited to) personal information about:

- a) website visitors/potential clients;
- b) third parties such as service providers;
- c) current and prospective employees; and
- d) other data subjects with whom we come into contact during the course of our business operations.

We shall obtain the information directly from the data subject unless required or allowed by law to obtain the information from another source. Particularly, we may collect Personal Information about individuals:

- a) from the use of our website;
- b) from information disclosed to us by an individual through an email, fax, letter, etc.;
- c) from third party sources, including our business contacts, credit reporting bodies providing identity verification services, and financial institutions.
- d) In some circumstances we may be provided with personal information about an individual from somebody else, for example a referral from another person.

We will take reasonable steps to ensure that the individual is made aware of the matters set out in this Privacy Policy. We may also occasionally receive unsolicited personal information about individuals.

We may ask for other personal information from time to time (for example, through market research, surveys or special offers). If you choose not to provide the information we need to fulfill your request for a specific service, we may not be able to provide you with the requested service.

We also use cookies on our website or our applications to ensure that our website works effectively, for fraud prevention, security and to support the website activities. Cookies are small text files sent from our web server to your computer.

We may enlist outside organisations to help us manage the website and collect and analyze statistical data. These outside organizations may install and use their own cookies on our behalf.

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We may record any communications, electronic, by telephone, in person or otherwise, that we have with you in relation to the services we provide to you and our business relationship with you. These recordings will be our sole property and will constitute evidence of the communications between us for the purpose of complying with our regulatory obligations. Such telephone conversation may be recorded without a prior warning tone or any other further notice.

For what purposes will we use your personal information?

We collect, use, disclose, transfer and store data when needed to provide our services and for our operational and business purposes as stated herein. We want to be clear about our privacy practices so you can make informed choices about the use of your personal information. You can contact us at any time with questions or concerns.

Due to the nature of the FSP's operations (ie merely providing a website, through which visitors can be directed to the product's supplier's own website - i.e no client onboarding, no market making and no trading platform(s) are offered) the personal information it collects about the visitors are limited.

The personal information we collect will be used for the following **purposes**:

- To conduct our business of providing intermediary services (i.e online and offline marketing) in relation to Forex Instruments and Derivative Instruments towards the product supplier; for record-keeping and compliance procedures;
- To provide you with information about the product supplier's services, products and promotions;;
- To respond to requests for information from you and to follow up afterwards to see if any further assistance is required.
- To improve our or product supplier's services, including customer services and develop and market new products and services and promptly communicate to you the availability of additional services, features, and promotions we may be offering
- To maintain various reports, registers, relating to our legal obligations imposed by relevant laws to which we are subject, as well as specific statutory requirements (ie, financial services laws, corporation laws, privacy law and tax laws) - we do so not only to comply with our legal obligations but because it may also be in our legitimate interest to do so
- For the purposes of preventing and detecting money-laundering, terrorism, fraud or other crimes and/or abuses of our services;

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- To comply with any legal, regulatory or good practice requirement and to fulfill our obligations under any reporting agreement entered into with any tax authority or revenue services from time to time.
- To investigate or settle enquires or disputes or respond to complains- we may need to use your information in such cases as it is in our legitimate interests to ensure that disputes or issues are investigated and resolved quickly and in an efficient manner
- To comply with any applicable law in the countries we operate in, court order, other judicial process, or the requirements of any applicable regulatory authority- we do this not only to comply with our legal obligations but because it may also be in our legitimate interest to do so.
- To communicate with you through the available channels so as to keep you up to date on latest developments, announcements and other information about or information about other opportunities that we believe will be of interest to you.
- To study how the customers use products and services from the product supplier, to conduct client surveys, marketing campaigns, market analysis or promotional activities;
- To develop and carry out marketing activities, to collect information about your preferences, to create a user profile to personalize and foster the quality of our communication and interaction with you (for example, by way of newsletter tracking or website analytics).
- To exercise the Company's rights set out in the agreements or contracts
- To run the Company's business in an efficient and proper way including to manage our financial position, planning, communication, corporate governance, audit
- To develop and manage the Company's intellectual property rights, services and products
- To test and develop new products/ services and features
- To diagnose or fix technology problems, security issues and vulnerabilities
- To manage how the Company works with other companies that provides services to the Company and/or the Company's customers
- To communicate with you and contact you and to provide you with products and services that you requested from us, to notify you about updates to the website, changes to our services and relevant matters
- To conduct monitoring by us or any other person on our behalf using various methods, such as the use of "intelligent" automated monitoring tools; or through random monitoring of systems, for example systematically via electronic communication recording tools; specific monitoring of systems for example in relation to investigations, regulatory requests, subject access requests, litigation, arbitration or mediation or; data tracking, aggregation and analysis tools that pull data from various disparate data sources to draw linkages and/or detect behavioral patterns, interactions or preferences for analysis (including predictive

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analysis); and/or using other similar monitoring technology that may become available from time to time.

We may record, monitor and process any telephone conversations and/or electronic communications between us through various communication channels such as fax, email, social media, electronic messages, either initiated from Company or by you. All communications are recorded and/or monitored and/or processed by us, including any telephone conversations and/or electronic communications that result or may result in transactions or client order services even if those conversations or communications do not result in the conclusion of any arrangements and or transactions. The content of any in person conversations and/or communications with you may be recorded by minutes or notes. Any such records can be provided to you upon request at the same language as the one used to provide services to you.

We will use your personal information for the purposes for which we collect it, unless we reasonably consider that we need to use it for another reason and that such reason is compatible with the original purpose and the law (in which case your knowledge or consent for use thereof is not required). We may process your personal information without your knowledge or consent, in compliance with the rules therein, where this is required or permitted by law.

Legal basis for processing

We may process your personal information for one or more lawful bases of processing (the "lawful bases") depending on the specific purpose for which we are using your data.

Our **lawful bases** for processing for the personal information are the following:

- To enter into or perform our agreement
- Company's legal and regulatory obligations
- Company's legitimate interest- the processing may be necessary for the purposes of the legitimate interests pursued by us (subject to the relevant individual's fundamental rights and freedom overriding such interests)

We may process your personal information without your knowledge or consent, in compliance with the rules therein, where this is required or permitted by law.

Where our use of your personal information does not fall under one of the three lawful bases above we require your consent. Such consent shall be freely given by you and you have the right to withdraw your consent at any time by contacting us using the contact details set out in this Privacy Policy.

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Who may we disclose personal information to?

We may pass your personal information on to third-party service providers contracted to the FSP in the course of dealing with you. We endeavor to disclose to these third parties only the minimum personal information that is required to perform their contractual obligations to us. We require them to acknowledge the confidentiality of this information, undertake to respect any individual's right to privacy and comply with all relevant data protection laws and this Privacy Policy.

Any third parties that we may share your data with are obliged to keep your details securely, and to use them only to fulfill the service they provide you on our behalf. When they no longer need your data to fulfill the service, they will securely dispose of the details in line with Company's procedures.

The following third parties (domestically or abroad) may receive your personal information for the **purpose(s)** set above as part of their processing activities:

- Other companies within the largest group of Exness's companies and Service providers that the FSP has chosen to support it in the effective provision of its services (e.g technologies, support, expertise and solutions).
- Exness (SC) Ltd as Product Supplier for the FSP and or others Exness entities providing support services to the FSP
- Governmental and regulatory bodies and authorities, including enforcement authorities, in connection with enquiries, proceedings or investigations by such parties or in order to enable the FSP to comply with its legal and regulatory requirements;
- Service providers for the provision of the required support in connections with website visits and traffic monitoring through cookies;
- External professional advisors and consultants, including legal and tax consultants;
- Organisations involved in a potential transfer or sale of all or part of our assets or business;
- An individual's introducing broker;
- Market research companies;
- Court of Law;
- Anyone else to whom the individual authorizes us to disclose it, or as required by law.
- Auditor or contractors or other advisers auditing, assisting with or advising on any of our business purposes;
- In accordance with applicable law, we may share your personal information with courts, law enforcement authorities, regulators or attorneys or other parties for the establishment,

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exercise or defense of a legal or equitable claim or for the purposes of an alternative dispute resolution process;

- Any third party where such disclosure is required in order to enforce or apply our Terms of Business or other relevant agreements;
- Successor or assignees or transferees or buyers;
- Anyone authorized by you.

Generally, we will only disclose your Personal Information when you direct us or authorize us to do so, when we are allowed or required by applicable law or judicial or official request to do so, or as required to investigate actual or suspected fraudulent or criminal activities.

Please note that the use of your personal information by external third parties who act as data controllers of your personal information is not covered by this Privacy Policy and is not subject to our privacy standards and procedures.

Moreover, our websites or our app may have links to external third-party websites. Please note, however, that third party websites are not covered by this Privacy Policy and those sites are not subject to our privacy standards and procedures. Please check with each third party as to their privacy practices and procedures.

International transfer of personal information

Your personal information may be stored and processed in any country where we have facilities or in which we engage data processors in accordance with the applicable data protection laws and regulations.

Whenever we transfer your personal information, we ensure a similar degree of protection is afforded to it by implementing at least one of the following safeguards:

- We will only transfer your personal information to countries that have been deemed to provide an adequate level of protection for personal information;
- In the absence of an adequate level of protection, we will transfer your personal information provided one of the legal safeguards is in place so we have put in place appropriate data transfer mechanisms or with your consent.

If you instruct us to cease using or processing your personal information, we have the right to terminate any existing services to you within a reasonable time or immediately, as determined by the Company.

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How do we store personal information and for how long?

The Company will retain your personal information for as long as necessary for the purposes(s) for which it has been collected and in accordance with applicable laws and regulations, in a combination of secure computer storage facilities and paper-based files and other records, and we take the necessary measures to protect the personal information we hold about you from misuse, loss, unauthorized access, modification or disclosure.

Records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless:

- a) retention of the record is required or authorised by law or subject regulations;
- b) the FSP reasonably requires the record for lawful purposes related to its functions or activities;
- c) retention of the record is required by a contract between the parties thereto; or
- d) the data subject has consented to the retention of the record.

Records of personal information may be retained for periods in excess of those contemplated above, for historical, statistical or research purposes if the FSP has established appropriate safeguards against the records being used for any other purposes.

The FSP will destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after it is no longer authorised to retain the record. The destruction or deletion of a record of Personal Information will be done in a manner that prevents its reconstruction in an intelligible form.

Your rights in connection to your personal information

- Information and Access to Personal Information- You have the right to be notified on whether Personal Information about you is being collected and whether your Personal Information has been accessed or acquired by an unauthorized person.
- You may also request a copy of the Personal Information the FSP holds about you.
- Correction, Destruction or deletion- You have the right to request, where necessary, the correction, destruction or deletion of your Personal Information.
- Object- You have the right to object, on reasonable grounds relating to your particular situation to the processing of your Personal Information. You may also object to the processing of your Personal Information for purposes of direct marketing other than direct marketing by means of unsolicited electronic communications as well as for purposes.
- Object to automated processing- It is also your right not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of your Personal Information intended to provide a profile of you.

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- Submit a complaint to the Regulator- You have the right to submit a complaint to the Information Regulator regarding the alleged interference with the protection of your Personal Information (<https://inforegulator.org.za/>).

Contacting us about this Privacy Policy

If you have any queries about the content of this Privacy Policy, or wish to inform us of a change or correction to your personal information, would like to exercise any of those rights or would like to raise a complaint or comment, please contact at below. Please ensure that you make use of the prescribed forms for requests, links to the forms are as follows:

- POPIA Forms: <https://inforegulator.org.za/popia-forms/>
- PAIA Forms: <https://inforegulator.org.za/paia-forms/>

Our Information Officer's Contact Details	
Name	Paul Margarites
Contact Number	021 200 6985
Email Address:	exness_fsp_za@exness.com

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

V1, 16/06/2022

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