



Privacy Policy

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Content

1. Used Terms.....	3
2. Information about us and our DPO.....	4
3. What information do We collect and how do We obtain it	4
4. What is the purpose of collecting this information.....	5
5. How we share your data	7
6. Period of Personal Data Processing.....	10
7. Your rights.....	10
8. Dispute Resolution.....	12
9. Automated Decision-Making and Profiling.....	12
10. Cookies.....	12
11. Changes to this Privacy Policy.....	14

Dear Client,

We may process certain Personal Data and other information about you during your cooperation with us. We would like to make sure that you are aware of and understand how such Processing is conducted, as we understand you want to keep your information private and safe. **You must read this Privacy Policy before starting any cooperation with the Company and using its website.** If you have any concerns or questions about the processing of your Personal Data and other information, please contact us first (the contact details are indicated below). In addition to this Privacy Policy, please review our Cookie Policy, which is incorporated herein (you can manage your cookie settings under the section “Cookie Settings”).

1. Used Terms

- 1.1. **Applicable laws** – all laws and regulations applicable to the Company and its business (*including, Financial Instrument Market Law, Law on the Prevention of Money Laundering and Terrorism Financing, laws regulating personal data protection, FCMC regulations, Cabinet regulations, etc.*).
- 1.2. **Company** (also “**we**”) – **Amenda Markets AS IBS**, registration No. 40103379101, contact address: Elizabetes iela 63 - 24, Riga, LV-1050, Latvia.
- 1.3. **Client** (also “**you**”) – a private individual or a legal entity, the Company intends to render or renders investment services and/or collateral investment services to under the signed contract.
- 1.4. **DPO** – Data protection officer.
- 1.5. **DSI** – Latvian Data State Inspectorate (in Latvian - *Datu Valsts inspekcija*), website: <http://www.dvi.gov.lv/lv/>
- 1.6. **FCMC** – Financial and Capital Market Commission of Latvia.
- 1.7. **GDPR** – The General Data Protection Regulation, applicable in all Member-states of the European Union as of 25 May 2018 and substituting the PDPL.
- 1.8. **Personal Data** – any information relating to an (a) identified or (b) identifiable natural person (private individual) – Data Subject (*such information, for instance, includes name and surname, identification number, location data, online identifier, etc.*).
- 1.9. **Profiling** - any form of automated Processing of Personal Data consisting of the use of Personal Data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.
- 1.10. **PDPL** – Latvian Personal Data Protection Law, applicable in Latvia until 24 May 2018 (inclusive).

- 1.11. **Processing** - any operation (or set of operations) which is performed on Personal Data (or on sets of personal data), whether or not by automated means. Processing includes such activities as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- 1.12. **Processor** - natural or legal person, public authority, agency or other body which processes personal data on behalf of the Company (controller) (For instance, providers of outsourced information technology (IT), human resources (HR) management, accounting services, etc.)

2. Information about us and our DPO

- 2.1. We are the controller of Personal Data, meaning that We determine the purposes and means of the processing of Personal Data.
- 2.2. Our contact details:
- 2.2.1. Name: **Amenda Markets AS IBS**,
- 2.2.2. Registration No.: 40103379101,
- 2.2.3. Contact address: Elizabetes iela 63 - 24, Riga, LV-1050, Latvia.
- 2.2.4. Phone number: +371 6677 7830
- 2.2.5. E-mail address: support@amendafx.com
- 2.2.6. Webpage: <https://amendafx.com/?lang=lv>
- 2.3. We have appointed a DPO, who is registered with the DSI (the respective information is publicly available on the website of the DSI) to oversee compliance with this policy. If you have any questions on how we handle your personal information, please contact the DPO by email at support@amendafx.com.

3. What information do We collect and how do We obtain it

- 3.1. We collect two types of data and information from you:
- (a) **Non-Personal Information** – such information as your web request, browser type, approximate location, browser language, URLs, platform type, landing pages, viewed pages, time spent on pages and similar information which is collected through the use of cookies. A cookie is a small file, typically of letters and numbers, downloaded on to a Client's device, when the Client accesses Company's website. Cookies are then sent back to Company's website on each subsequent visit. Cookies are useful because they allow a website to recognize Client's device. Cookies do not harm the device and cannot contain viruses. For more information please review our Cookie Policy.

(b) **Personal Information** – this information may be of a private nature. We collect the following information when you create an account through the online registration form: name; surname; date of birth; country of birth; country of tax residence; Tax ID Number (if you have one); information on whether you are a US related person; information on whether you are a politically exposed person (“PEP”), PEP’s family member, a person who is closely linked to a PEP; residential address; Latvian ID numbers; correspondence address; e-mail address; phone number; professional status (employee; self-employed, etc.); information about the place of employment/business (employer’s company name, address, business activity); financial details (annual income, estimated net worth, estimated amount to invest per year, country in which the bank from which the client will transfer money is registered), the source of client’s dealing funds; information on the client’s knowledge in Forex & CFDs on precious metals trading, banking&finance field); person's (client's) notes indicated in the online registration form.

3.2. We collect Personal Data/other information in two ways:

(a) by receiving it directly from the Client and

(b) by obtaining it from other sources, which include:

- i. publicly available sources (for instance, anti-money laundering data bases, public registers, etc.); and
- ii. use of “cookies” *[Please see our Cookie Policy below]*.

4. What is the purpose of collecting this information

4.1. The Company processes Personal Data for a number of reasons and based on several legal bases, namely:

Categories of Personal Data	Purpose	Legal basis
(a) <ul style="list-style-type: none">▪ All Personal Data that you provide through the online registration form on Company’s webpage when creating an account with the Company;	Company must Process the Personal Data to ensure that it fulfils its obligations under laws in the fields of anti- money laundering and combating terrorism financing and under the Law on the Financial Instruments Market of Latvia.	Processing is necessary for compliance with a legal obligation to which the controller is subject (PDPL Article 7 Clause 3; the GDPR Article 6 Clause 1 Sub-clause (c)).

<ul style="list-style-type: none"> ▪ Any additional information that is necessary to verify that the information you have provided is true and correct; ▪ Details of the Company's services/products that you use and details of the transactions performed by you via your account; ▪ Any additional information provided by you through use of the Client's account and Company's webpage. 	<p>The Company is obliged to ensure that its services are not being used for money laundering and financing terrorism and are appropriate to the client under the Law on the Financial Instruments Market thus must carry out certain actions, for instance, identify the Client, conduct Client due diligence, monitor Client's transactions, notify state authorities on unusual and suspicions transactions, etc.</p>
<p>(b) <i>As above</i></p>	<p>Company Processes the Personal data to: (a) conclude the contract with the Client on provision of Company's services; (b) perform the contract (provide services the Client requested from the Company); (c) contact the Client on matters related to the concluded contract; (d) administer Client's account.</p> <p>Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; (PDPL Article 7 Clause 2; the GDPR Article 6 Clause 1 Sub-clause (b)).</p>
<p>(c) All Personal Data that the Client provided to the Company at the time of submitting a complaint or other notification (for instance, support language, name, surname, e-mail address, text of the complaint/notification, documents proving the claim, etc). <i>[Please see our Policy on client complaint submission that is available on our</i></p>	<p>The Company processes the said Personal Data to ensure: (a) that the Client can submit a complain/other notification in relation to the services provided by the Company; (b) that the Company complies with</p> <p>Processing is necessary for compliance with a legal obligation to which the controller is subject. (PDPL Article 7 Clause 3; the GDPR Article 6 Clause (c)).</p> <p>Processing is necessary for the purposes of the legitimate</p>

<p>webpage: https://amendafx.com/legal-documentation/]</p>	<p>Applicable laws that oblige it to have a client complaint examination procedure.</p>	<p>interests pursued by the Company (PDPL Article 7 Clause 6); GDPR Article 6 Clause 1 Sub-clause (f)). Legitimate interest of the Company – provision of high-level services, responding to complaints, addressing suggestions.</p>
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4.2. As indicated in Clause 4.1. (a) and (b), Processing of Personal Data/other information is required by Applicable laws and is necessary for concluding and performing the contract between the Company and the Client. Therefore, the Client must provide the requested Personal Data/other information. Failure to do so will result in inability of the Company to enter into a contract with the Client and establish legal relationships.

4.3. As indicated in Clause 3.1. (c), Processing of Personal Data/other information is necessary for handling Client’s messages and claims. The Client must provide the requested Personal Data/other information in case the Client wishes to submit a claim or a notice of any kind. Failure to provide the requested Personal Data/other information will result in Company’s inability to identify and properly respond to the Client.

5. How we share your data

5.1. **Categories of recipients of Personal Data and other information provided by the Client:** Personal Data and other information about the Client may be disclosed/transferred by the Company to the following categories of the recipients:

5.1.1. **Employees/officers of the Company:** Company may disclose/ transfer Personal Data and other information about the Client to those Company employees/officers, whose job duties are related to processing of Personal Data.

5.1.2. **Processors:** The Company may disclose/transfer Personal Data and other information about the Client to Processors, which provide certain services to the Company (for instance, providers of outsourced IT, HR management, accounting services, liquidity providers, custodians of clients’ funds etc.).

- 5.1.3. **Public institutions (State authorities):** The Company may disclose Personal Data and other information about the Client to competent legal authorities if so requested by Applicable laws.
- 5.1.4. **Clients – natural persons themselves or their representatives:** The Company provides information on Client's financial instruments accounts, the money resources of Clients and transactions in financial instruments, other Personal Data to the Client him/herself or his/her legal representative.
- 5.1.5. **Clients – legal persons, their representatives, parent undertakings:** The Company may provide information on legal persons' financial instruments accounts, the money resources of Clients and transactions in financial instruments to their duly authorized representatives and to their management bodies upon request by the managers of those institutions, as well as to the parent undertakings of these legal persons upon request by their managing bodies.
- 5.1.6. **Third parties:** The Company can provide information/Personal Data about the Client (including its financial instruments accounts, the money resources of Clients and transactions in financial instruments) to a third party only if the Company and the Client agreed on disclosure of the said information in a writing.
- 5.2. **Financial information:** The Company guarantees the secret of Clients' financial instruments accounts, the money resources and transactions in financial instruments. The Company shall provide information on financial instruments accounts of legal and natural persons, the money resources of Clients and their transactions in financial instruments only to the extent necessary to carry out the respective functions and exclusively to the following public institutions in due course of law:
- 5.2.1. To the court and prosecutor's office in accordance with the procedure determined by the Latvian law, where information is needed:
- (a) in a criminal or another case where the confiscation of property may be applied in the cases established by law,
 - (b) in a civil case that satisfies a civil claim arising from a criminal case,
 - (c) in a civil case for the recovery of allowance (alimony), where there are neither earnings nor other property to collect those monies from,
 - (d) in a civil case on dividing financial instruments that constitute a joint property of spouses,

- (e) in a case of a debtor's insolvency and bankruptcy,
 - (f) in an inheritance case after a Client's death;
- 5.2.2. to Latvian State Auditors' Office in respect of legal persons that have state property at their disposal, are financed from public resources or execute public procurement;
- 5.2.3. to Latvian State Revenue Service, where:
 - (a) a tax payer fails to submit to tax administration bodies the declaration or tax calculation prescribed by the respective tax laws,
 - (b) during an on-site tax audit inspection at a tax payer's office, violations of the regulatory provisions governing accounting or taxes are detected,
 - (c) a tax payer fails to pay taxes pursuant to the requirements of tax laws;
- 5.2.4. to the Office for the Prevention of Laundering of Proceeds Derived from Criminal Activities, in the cases and pursuant to the procedure set out in the Law on the Prevention of Laundering of Proceeds Derived from Criminal Activities;
- 5.2.5. to Latvian state security institutions, upon request accepted by the prosecutor general or specifically authorized prosecutor where the information is necessary to verify whether the person owning financial instruments is linked with terrorism.
- 5.2.6. information on the account balance of a natural person, a testator, shall be provided to a notary in an inheritance case.
- 5.2.7. to the Financial and Capital Market Commission of Latvia, where the Financial and Capital Market Commission needs it to carry out the supervisory function.
- 5.3. In cases mentioned in Clause 5.2. above, the Company shall provide information upon a written request by a public institution wherein the person to be verified is named and the necessity for information is motivated in accordance with the relevant law.
- 5.4. **Transfers of Personal Data and other information outside EU/EEZ:** The Company uses Processor that is located in Japan. European Commission has not yet included Japan in its adequacy decision (i.e., recognised that Japan provides adequate protection of personal data, similar to the one in the European Union). Yet, adequacy talks are ongoing with Japan and it could be covered by the adequacy decision later in 2018. Otherwise, to ensure adequate level of Personal Data protection the Company and the Processor concluded a written agreement which includes standard data protection clauses adopted by the European Commission. Text of the said standard clauses is

available on the web page of the European Commission: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en. If the Client wishes to obtain more detailed information about the appropriate safeguards adopted by the Company, the Client should address the Company in writing, using the contact details indicated above.

6. Period of Personal Data Processing

- 6.1. **Processing before and during legal relationships:** The Company starts Processing of Personal Data after it receives an application from a Client-candidate. The Company continues Processing of Client's Personal Data during the entire period, within which a person holds the status of Company's Client.
- 6.2. **Processing after termination of legal relationships:** After the Client and the Company terminate their legal relationships (or in case the Company refused to accept a person as its Client), the Company will be obliged to continue processing (including storage) part of Personal Data under the Applicable laws. Applicable laws determine the types of Personal Data to be stored and the period of time for such storage (usually 5 – 10 years). The Company will stop Processing Personal Data as soon as legal basis and purpose of such Processing ceases to exist, after this all Personal Data will be deleted and destroyed securely.

7. Your rights

- 7.1. Applicable laws grant several rights to a data subject (i.e., **natural person**), which are as follows:
- 7.1.1. **Rights of access to Personal Data** – this means that the data subject can obtain: (a) a confirmation from the Company as to whether or not Personal Data concerning him/her are being processed; (b) certain additional information established by Applicable laws and (c) a copy of Personal Data undergoing Processing.
- 7.1.2. **Rights to rectification** – this means that the data subject can request the Company to rectify his/her Personal Data if these are incorrect or incomplete.
- 7.1.3. **Rights to erasure (“right to be forgotten”)** - this means that the data subject can request the Company to delete his/her Personal Data if certain preconditions are fulfilled (such preconditions are indicated in its Article 17 Clause 1¹). Yet, there

¹ In short, the preconditions are as follows: (a) Personal Data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; (b) data subject withdraws consent on which the processing is based

are certain exceptions when the Company would not be able to satisfy such request, for instance, if Processing (including storage) is a legal obligation of the Company under Applicable laws.

- 7.1.4. **Rights to restrict Processing** – this means that a data subject, if certain preconditions are met, can obtain from the Company restriction of Processing (such preconditions are indicated in the GDPR Article 18 Clause 1²).
- 7.1.5. **Rights to data portability** – this means that the data subject can receive and transmit to another controller (or request to directly transmit to another controller) his/her “portable”³ Personal Data. Not all Personal Data at Company’s disposal will be regarded “portable” Personal Data.
- 7.1.6. **Rights to object** – this means that the data subject can object, on grounds relating to his/her particular situation, at any time to processing of Personal Data concerning him/her, which is based on (a) necessity to perform a task carried out in the public interest or in the exercise of official authority vested in the Company; or (b) necessity to pursue legitimate interests of the Company or a third party. Rights to object also cover Profiling⁴, which is based on the mentioned provisions ((a) and (b)). In this case the Company would not be able to further Process Personal Data, unless it demonstrates compelling legitimate grounds for the Processing, which override the interests, rights and freedoms of the data subject or for establishment, exercise or defence of legal claims.

(if the Processing is based on the consent) and where there is no other legal ground for the Processing; (c) data subject uses his/her rights to objects to the processing and Company does not have overriding legitimate grounds for the Processing (except for direct marketing – in this case existence of legitimate interests is not necessary); (d) the Personal Data have been unlawfully processed; (e) Personal Data have to be erased for compliance with a legal obligation under the EU or EU Member-state laws to which the Company is subject.

² **In short, the preconditions are as follows:** (a) Data Subject contests the accuracy of the Personal Data (for a period of time enabling the Company to verify the accuracy of Personal Data); (b) the Processing is unlawful and the Data Subject opposes the erasure of the Personal Data and requests the restriction of their use instead; (c) the Company no longer needs the Personal Data for the purposes of the Processing, but they are required by the data subject for the establishment, exercise or defence of legal claims; (d) the Data Subject has used his/her rights to object to processing (pending the verification whether the legitimate grounds of the Company override those of the data subject).

³ By “portable” Personal Data we mean the ones, that: (a) are processed on the basis of Client’s consent or on the basis of a contract; and (b) are provided by the Client to the Company.

- 7.1.7. **Rights to withdraw consent** – if Processing is based on data subject's consent (as a legal ground), then the data subject can withdraw his/her consent at any time. Such withdrawal will not affect the lawfulness of Processing based on consent before the withdrawal.

8. Dispute Resolution

We expect that you address the Company in case you consider that processing of your Personal Data/other information, conducted by us, violate the Applicable laws. We hope to resolve any dispute in a friendly manner. Yet, data subjects (i.e., natural persons) are also entitled to lodge a complaint with the DSI (the supervisory authority) in case they consider that Processing conducted by the Company violates laws that regulate personal data protection.

9. Automated Decision-Making and Profiling

- 9.1. The Company's personnel take all decisions related to the Clients, and thus automated decision-making does not take place.
- 9.2. The Company maintains online accounts of the Clients, but Profiling does not take place.

10. Cookies

- 10.1. Company uses cookies in accordance with Applicable laws. A cookie is a small file, typically of letters and numbers, downloaded on to a Client's device, when the Client accesses Company's website. Cookies are then sent back to Company's website on each subsequent visit. Cookies are useful because they allow a website to recognise Client's device. Cookies do not harm the device and cannot contain viruses.
- 10.2. The Company uses several types of cookies as described below.

10.3. Strictly Necessary Cookies

10.3.1. These cookies are necessary for the website to function and cannot be switched off in our systems. They are usually only set in response to actions made by you which amount to a request for services, such as setting your privacy preferences, logging in or filling in forms.

10.3.2. You can set your browser to block or alert you about these cookies, but some parts of the site will not then work. These cookies do not store any personally identifiable information.

10.3.3. Cookies used:

- a) OptanonConsent
- b) OptanonAlertBoxClosed

c) PHPSESSID

10.4. Performance Cookies

10.4.1. These cookies allow us to count visits and traffic sources so we can measure and improve the performance of our site. They help us to know which pages are the most and least popular and see how visitors move around the site.

10.4.2. All information these cookies collect is aggregated and therefore anonymous. If you do not allow these cookies we will not know when you have visited our site, and will not be able to monitor its performance.

10.4.3. Cookies used:

a) `_gat`

b) `_gid`

c) `_ga`

Categories	Cookies
nr-data.net	JSESSIONID

10.5. Functional Cookies

10.5.1. These cookies enable the website to provide enhanced functionality and personalisation. They may be set by us or by third party providers whose services we have added to our pages.

10.5.2. If you do not allow these cookies then some or all of these services may not function properly.

10.5.3. Cookies used:

a) Lang

10.6. Targeting Cookies

10.6.1. These cookies may be set through our site by our advertising partners. They may be used by those companies to build a profile of your interests and show you relevant adverts on other sites.

10.6.2. They do not store directly personal information, but are based on uniquely identifying your browser and internet device. If you do not allow these cookies, you will experience less targeted advertising.

10.6.3. Cookies used:

Categories	Cookies
google.com	APISID SSID NID PREF SID SAPISID HSID
doubleclick.net	id
youtube.com	SID HSID demographics VISITOR_INFO1_LIVE PREF APISID SSID LOGIN_INFO YSC SAPISID
facebook.com	datr lu

10.7. How to manage your cookie settings

10.7.1. If you want to limit or delete cookies on your end devices you are able to do so by using the Web browser settings or by clicking the section “Cookie Settings” Please note that, by deleting or blocking cookies, some or all of the websites you visit (or features of them) may not work properly or as effectively.

11. Changes to this Privacy Policy

- 11.1. The Company can modify this Privacy Policy at any time, so please review it frequently. Changes will take effect immediately upon their posting on the Company’s website.
- 11.2. If the Company makes material changes to this Privacy Policy, the Company will notify the Client about such changes by providing a notice in the Website. Your use of the Website or the Service, or your provision of personal information following any changes means that you accept the updated Privacy Policy.



- 11.3. If the Company is reorganised (for instance, merged, acquired, split), Client's Personal Data/other information may be transferred to the acquiring company in order to continue to provide services offered by the Company.
- 11.4. Last modified: 8 August, 2019.