



## Privacy Policy

# Privacy Policy

## INTRODUCTION

As part of our daily business operations, we need to collect personal data from our clients and prospective clients in order to provide them with our products and services and ensure that we can meet their needs when providing these products and services, as well as when providing them with the respective information.

Notely Trading Limited (hereinafter referred to as “**the Company**”, “**we**”, “**us**” or “**our**”) is a company regulated by the Cyprus Securities and Exchange Commission license No. 383/20, incorporated and registered under the laws of the Republic of Cyprus, registration no. HE394425, registration office at 67, Spyrou Kyprianou, 1st floor Office 101, 4042 Limassol, Cyprus.

This Privacy Policy (the “**Policy**”) describes how your personal information is collected, used, shared or otherwise processed, when you visit our Company’s website, i.e. [www.errante.eu](http://www.errante.eu) (the “**Website**”) or decide to use any service available through the Site, or apply to be provided with any investment services or products we are authorized to offer or through a third party in connection with our provision of services to you.

This Policy applies to the processing activities performed by the Company to the personal data of its clients/potential clients and website visitors. This Policy does not apply to websites operated by any other organizations and/or other third parties.

We are dedicated to protecting your confidentiality and privacy of your personal data and handling your personal data in a transparent manner. When processing personal data, the Company is subject to the provisions of the General Data Protection Regulation (EU) 2016/679 (the “**GDPR**”) and the Cyprus Law 125(I) of 2018 providing for the protection of natural persons with regard to the processing of personal data and for the free movement of such data.

Our Company is committed to ensuring that we collect, use, share, disclose or otherwise process personal data in accordance with the requirements described in this Policy.

## DEFINITIONS

For the purposes of this Policy:

- **Cookies:** are small data files stored on your hard drive or in device memory that help us improve our Services and your experience, see which areas and features of our Services are popular and count visits. For more information about cookies, and how to disable cookies, visit <http://www.allaboutcookies.org>
- **Log files:** track actions occurring on the Website, and collect data including your IP address, browser type, Internet service provider, referring/exit pages, and date/time stamps.
- **Personal data:** means any information that could be used, on its own or in conjunction with other data, to identify an individual, directly or indirectly, such as name, identification number, location data, etc.

- **Processing:** means any operation or set of operations which is performed on personal data, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, erasure or destruction.
- **Web beacons:** are electronic images that may be used in our Services or emails and help deliver cookies, count visits, and understand usage and campaign effectiveness.

## PERSONAL INFORMATION WE COLLECT

In order to open an account with us, you must first complete and submit the application form to Us by completing the required information. By completing this application form, you are requested to disclose personal information in order to enable Us to assess your application and comply with the relevant rules and regulations. The information you provide may also be used by Us to inform you regarding Our services.

The information that we may collect from you includes:

- ✓ full name, residential address and contact details (e.g., email address, telephone number, etc.);
- ✓ date of birth, place of birth, gender, citizenship, nationality;
- ✓ information about your income and wealth, including details about your source of funds, assets and liabilities, bank account information, trading statements, FATCA and CRS information and financial statements;
- ✓ trading account balances, trading activity, your inquiries and our responses;
- ✓ information on whether you hold a prominent public function (PEPs);
- ✓ profession and employment details (i.e. employer name, position held);
- ✓ authentication data (e.g., signature);
- ✓ location data (IP address);
- ✓ trading performance, knowledge and experience;
- ✓ verification information, which includes information necessary to verify your identity such as a passport, ID or driver's license copy (examples also include background information we receive about you from public records or from other entities not affiliated with us); furthermore, we may collect other identifiable information such as Tax Identification Numbers;
- ✓ Supporting documentation that verify your residency such as utility bills and bank statements;
- ✓ Financial details such as bank account details, credit card details, bank statements, loan agreements, credit facilities tax references, information regarding your investment objectives;
- ✓ any other similar information.

Our Company may collect and process the above personal data for individuals who visit our website, individuals who decide to use any service available through our Website or individuals who are current, former or prospective clients, including, without limitation:

[www.errante.eu](http://www.errante.eu)

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- i. Individuals connected or relevant to legal entity clients, such as, directors, company secretaries or other individual office holders of our legal entity clients;
- ii. Shareholders, nominee and ultimate beneficial owners of our legal entity clients;
- iii. Legal representatives, agents and/or other individuals authorized to act on behalf of our clients.

## **MINORS**

The Company's services are not available to individuals who are under the age of eighteen (18) ("**Minors**"). We do not knowingly collect personal information from or about Minors. If you are a Minor, you should not download or use any of our services nor provide any personal information to us.

If we become aware that a Minor has shared any information with us, we will delete such information. If you have any reason to believe that a Minor has shared any information with us, please contact us at [dpo@errante.eu](mailto:dpo@errante.eu).

## **HOW WE OBTAIN YOUR PERSONAL INFORMATION**

We obtain this information in a number of ways through your use of our services including through any of our website, apps, the account opening applications, our demo sign up forms, subscribing to our newsletter and from information provided in the course of ongoing customer service communications. We may also collect this information about you from third parties when we seek to verify your identity as part of our regulatory requirements. This may include, for example, identity verification agencies, credit referencing agencies and similar bodies (i.e. Thomson Reuters Database, Department of Registrar's website, etc.). Also, we may collect information about you, when you use or connect to the Company by or through a third-party platform (i.e. LinkedIn, Facebook or other sites) you allow us to access and/or collect certain information from your Third Party Platform profile/account as permitted by the terms of the agreement and your privacy settings with the third party platform.

We also keep records of your trading behaviour, including records regarding:

- products you trade with us and their performance;
- historical data about the trades and investments you have made, including the amount invested;
- your preference for certain types of products and services.

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

We shall 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. Such telephone conversations shall be recorded without the use of a warning tone or any other further notice. Further, if you visit any of our offices or premises, we may have CCTV which will record your image, which we may have for security reasons.

## PERSONAL INFORMATION COLLECTED AUTOMATICALLY

When you access or use our Services, we automatically collect information about you, including:

- ✓ Log Information  
We collect log information about your use of the Services, including the type of browser you use, app version, access times, pages viewed, your IP address, any other network identifiers, and the page you visited before navigating to our Services.
- ✓ Device Information  
We collect information about the computer or mobile device you use to access our Services, including the hardware model, operating system and version, unique device identifiers, and mobile network information.
- ✓ Activities on Website  
We collect records of activities on the Website, including, any content you post, your account details, the time, value and currency of any deposit, withdrawal, or transaction made and the payment method.
- ✓ Location Information  
In accordance with your device permissions, we may collect information about the precise location of your device.
- ✓ Information Collected by Cookies and Other Tracking Technologies  
We may collect some of the Cookies that are already installed on your device. We use different technologies to collect information, including Cookies, web Beacons and Log files.  
You can find out more about Our use of Cookies in our [Cookie Policy](#).

## HOW WE USE YOUR PERSONAL INFORMATION

We ensure that your personal data is processed lawfully, fairly and in a transparent manner for the following purposes and on the following lawful bases:

### 1. Performance of a Contract

We process personal data in order to provide our services and products, as well as information regarding our products and services based on the contractual relationship with our clients. In addition, processing of personal data takes place to be able to complete our client onboarding/acceptance procedures.

In view of the above, we need to verify your identity in order to accept you as our client and we will need to use those details in order to effectively manage your trading account with us to ensure that you are getting the best possible service from us. This may include third parties carrying out credit or identity checks on our behalf. The use of your personal information is necessary for us to know who you are as we have a legal obligation to comply with certain ‘Know Your Customer’ and ‘Customer Due Diligence’ regulatory obligations.

### 2. Compliance with a legal obligation

The processing of your personal data is necessary for compliance with our legal obligations emanating from a variety of laws to which we are subject, for the following, inter alia purposes: identification and verification procedures, anti-money laundering assessments, the retention of personal data for a specified time frame and the disclosure of personal data to the supervisory authority or other regulatory authorities.

Examples of the mentioned laws and regulations are the European Markets in Financial Instruments Directive (“**MiFID II**”), the corresponding Investment Services and Activities and Regulated Markets Law of the Republic of Cyprus, the European and Cyprus legislation regarding the prevention of money laundering and financing of terrorism, including without limitation, the Prevention and Suppression of Money Laundering and Terrorist Financing Law 188(I)/2007, as amended and the Directive of the Cyprus Securities and Exchange Commission for the Prevention and Suppression of Money Laundering and Terrorist Financing, the Market Abuse Regulation (“**MAR**”) and the Foreign Account Tax Compliance Act (“**FATCA**”).

We kindly inform you that the provision of your personal data is a requirement necessary to enter into a business relationship with our Company and to provide you with the requested services. Moreover, we are legally and contractually required to provide and keep your personal data up to date and accurate. Therefore, please note that if you do not provide us with any personal data we request, our business relationship cannot be commenced or continued, since compliance with our legal obligations will be deemed impossible.

### 3. Through Consent

When you provide us with specific consent for processing i.e. for marketing purposes, then the lawfulness of such processing is based on that consent. You have the right to revoke consent at any time. However, any processing of personal data prior to the receipt of your revocation will not be affected.

#### 4. Safeguarding legitimate interests

The processing of your personal data is necessary to safeguard the legitimate interests pursued by us or by a third party. A legitimate interest is when we have a business or commercial reason to use your information. Even in such case, it must be fair, right and best for you. Some Examples are:

- ❖ initiating legal claims and preparing our defense in litigation procedures;
- ❖ means and processes we undertake to provide for the Company's IT and system security, preventing potential crime, asset security, admittance controls and anti-trespassing measures;
- ❖ setting up CCTV systems (e.g. at our premises for security reasons);
- ❖ measures to manage business and for further developing products and services;
- ❖ sharing your personal data within the Company and third parties for the purpose of updating/verifying your personal data in accordance with the relevant AML framework;
- ❖ risk management.

### **HOW WE SHARE YOUR PERSONAL INFORMATION**

We shall not disclose any of its clients' confidential information to a third party, except:

- i. to the extent that it is required to do so by under and/or pursuant to any Applicable Laws, Rules and/or Regulations;
- ii. where there is a duty to the public to disclose;
- iii. where our legitimate business interests require disclosure; or
- iv. at your request or with your consent to the parties described below.

Under such circumstances, the Company shall expressly inform the third party regarding the confidential nature of any such information. As part of using your personal data for the purposes set out above, the Company may disclose your personal information to the following:

- ❖ between and among the Company and our current and future parents, affiliates, subsidiaries, and other companies under common control and ownership;
- ❖ our Associates, for business purposes, including certain third parties such as service providers and specialist advisers who have been contracted to provide us with administrative, financial, legal, insurance, research or other services;
- ❖ business introducers with whom we have a mutual business relationship;
- ❖ business parties such as payment service providers, credit institutions, IT hosting companies, credit reference agencies
- ❖ courts, tribunals, public and regulatory authorities as agreed or authorised by law; and
- ❖ anyone authorised by you.

In the event that the Company discloses your personal information to business parties, such as card processing companies or banks, in order to perform the services requested by clients, such third parties may store your information in order to comply with their legal and other obligations. Also, third party service providers such as credit referencing agencies (if and when applicable) may keep a record of any searches performed on our behalf and may use the search details to assist other companies in performing their searches. 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.

Generally, we require that organisations who handle or obtain personal information to acknowledge the confidentiality of this information, undertake to respect any individual's right to privacy and comply with the all relevant data protection laws and this Privacy Policy.

## **TRANSFER OF YOUR PERSONAL INFORMATION TO OTHER COUNTRIES**

When using our services, your data is processed and stored in the EU and other countries outside the European Economic Area ("EEA"). To the extent we transfer your information outside the EEA, we will ensure that the transfer is lawful and that we and our service providers in third countries are obligated to comply and provide appropriate safeguards in relation to the transfer of your data in accordance with GDPR.

In view of the above, your personal information may be processed by staff operating outside the EEA who work for us or the service providers. Such staff may be, among others, engaged in the fulfilment of your requests, the processing of your payment details and the provision of support services. By submitting your personal data, you agree to this transfer, storing and processing. The Company will take all steps reasonably necessary to ensure that your data receives an adequate level of protection in the jurisdictions in which are processed.

We provide adequate protection for the transfer of personal data to countries outside of the EEA through a series of intercompany agreements based on the Standard Contractual Clauses authorized under EU law or other appropriate safeguards such as binding corporate rules to ensure that the transfer will be in compliance with the requirements of the GDPR.

## **STORAGE AND RETENTION OF PERSONAL INFORMATION**

Safeguarding your privacy is important to us, whether you interact with us personally, by phone, by mail, over the internet or any other electronic medium. We will hold personal information, for as long as necessary for the purpose(s) for which we originally collected it, or for other legitimate business purposes, including to meet our legal, regulatory, or other compliance obligations. The recordkeeping is 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 from misuse, loss, unauthorised access, modification or disclosure.

When we consider that personal information is no longer necessary for the purpose for which it was collected, we will remove any details that will identify you or we will securely destroy the records. However, we may need to maintain records for a significant period of time, i.e. we are subject to certain anti-money laundering laws which require us to retain the following, for a period of five (5) years after our business relationship with you has ended or if requested by CySEC for a period of seven (7) years, such as a copy of the documents we used in order to perform our customer due diligence and supporting evidence and records of transactions with you and your relationship with us.



## SECURITY

The personal information you provide us with when registering yourself as a user of our Website and/or of our services is classified as registered information, which is protected in several different ways. You can access your registered information after logging in to the Members Area by entering your username and your password. It is your responsibility to make sure that your password is only known to you and not disclosed to anyone else. Registered information is securely stored in a safe location and only authorised personnel have access to it via a username and a password. All personal information is transferred to the Company over a secure 128-bit SSL connection and thus all necessary measures are taken to prevent unauthorised parties from viewing any such information. Personal information provided to the Company that does not classify as registered information is also kept in a safe place and accessible by authorised personnel only via a username and a password.

Transmission of information via the internet is not always completely secure but we endeavor to protect your personal data by taking serious precautions. Once we have received your information, we will apply procedures and security features to try to prevent unauthorized access.

The Company shall not be liable for unlawful or unauthorised use of any personal information due to misuse or misplacement of the passwords, negligent or malicious use.

## MARKETING & PERSONAL DATA

Where we have your consent to do so (e.g. if you have subscribed to our newsletter), we send you marketing communications by email or phone or other agreed forms (including social media campaigns) to ensure that you are always up to date with the latest products and services. You can ‘opt-out’ of such communications if you would prefer not to receive them in the future at any time by clicking the “unsubscribe” link in the footer of any such email communication you receive from us, or by contacting us at [dpo@errante.eu](mailto:dpo@errante.eu). In doing so you exercise your right to withdraw your consent without affecting the lawfulness of the processing based on consent before withdrawal.

## COOKIES

Cookies are frequently used on many websites on the internet, and you can choose if and how a cookie will be accepted by changing your preferences and options in your browser. You may not be able to access some parts of our website(s) if you choose to disable the cookie acceptance in your browser, particularly in the Members Area and other secure parts of our website(s).

Periodically, we may use third party vendors, such as Google, to display our ads over the internet to you, based on your previous use of our website(s). You can opt out of this particular use of cookies at any time by visiting [Google’s Ads Settings page](#).

For more information on how we use cookies see our [Cookie Policy](#).

## YOUR RIGHTS

Your rights regarding your personal information which we are committed to facilitating the exercise of those rights and how you can exercise them, are specified below:

i. Access to personal information

If you ask, we will confirm whether we are processing your personal information. If we do, then if requested we can provide a copy of what information we process within thirty (30) days from the date of your request.

ii. Rectification of personal information

If the personal information we hold about you is inaccurate or incomplete, you are entitled to have it rectified. If we have disclosed your personal information to others, we will let them know about the rectification where possible. If you ask us, where possible and lawful to do so, we will also inform you who we have shared your personal information with so that you can contact them directly.

You shall inform us at any time that your personal details have changed by email at [backoffice@errante.eu](mailto:backoffice@errante.eu). The Company will update your personal information in accordance with your instructions. To proceed with such requests, in some cases we may need supporting documents from you as proof, i.e. personal information that we are required to keep for regulatory or legal purposes.

iii. Deletion of personal information

If you request us to delete your personal data, subject to certain criteria to being fulfilled where, for instance, your personal data is no longer required in relation to the purposes for which they were originally collected or otherwise processed or you have withdrawn consent (where applicable) provided that we have no legal obligation to retain the data, we will delete them the soonest possible. If we have disclosed your personal information to others, we will let them know about the erasure where possible. If you ask us, where possible and lawful to do so, we will also inform you who we have shared your personal information with so that you can contact them directly.

iv. Restrictions of Processing

You can request us to restrict our processing activities where certain conditions shall be satisfied, including without limitation, the case where the processing is unlawful, and you oppose the processing of the personal data and request the restriction of their use instead. It will not stop us from storing your personal information though. We will inform you before we waive any restriction. If we have disclosed your personal information to others, we will inform about the restriction where possible. If you ask us, where possible and lawful to do so, we will also tell you who we have shared your personal information with so that you can contact them directly.

v. Portability of data

You have the right to receive your personal data which you provided us in a structured, commonly used and machine-readable format and to transmit this elsewhere or ask us to transfer them to another data controller, to the extent applicable.

vi. Objection / opt-out

You can ask us to stop processing your personal information, and we will do so, if we are:

- relying on our own or someone else's legitimate interests to process your personal information except if we can demonstrate compelling legal grounds for the processing; or
- processing your personal information for direct marketing.

Any withdrawal of consent shall not affect the lawfulness of processing based on consent before it was withdrawn by you.

Should you want us not to use your personal information, you must inform us via email to [dpo@errante.eu](mailto:dpo@errante.eu). If you decide to do so, we may not be able to continue to provide information, services and/or products requested by you and we will have no liability to you in this respect.

## **LINKS TO OTHER WEBSITES.**

Our website may contain links to other websites of interest. However, once you have used these links to leave our site, you should note that we do not have any control over that other website(s). Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this privacy statement. You should exercise caution and look at the privacy statement applicable to the website in question so as to be properly informed about the processing activities of such website(s).

## **CONTACT US**

If you have any questions about our Privacy Policy or the way in which we have been managing your personal information or you wish to exercise any of your legal rights as these deriving by the GDPR and set out herein, please contact us via email at [dpo@errante.eu](mailto:dpo@errante.eu) or call us on +357 25 253300.

In any event, you have the right to lodge a complaint with the supervisory authority in Cyprus which is Office of the Commissioner for Personal Data Protection at [www.dataprotection.gov.cy](http://www.dataprotection.gov.cy).

## **WHEN WE NEED TO UPDATE THIS POLICY**

We may need to change this policy from time to time in order to make sure it stays up to date with the latest legal requirements and any changes to our privacy management practices.

When we do change the policy, we'll make sure to notify you about such changes, where required. A copy of the latest version of this policy will always be available on our website.