



## PRIVACY POLICY

This is the Privacy Policy (hereafter referred to as the “**Policy**”) of NAGA Markets Europe Ltd, a company incorporated in Cyprus with registration number HE 251168 and located at Ariadnis 7, Mouttayaika, 4531 Limassol, Cyprus (hereafter referred to as “**NAGA**”, and/or the “**Company**” and/or “**we**” and/or “**us**”).

### OUR COMMITTEMENT

Your privacy is of utmost importance to us, and it is our priority to safeguard and respect the confidentiality of your information, your privacy, and your rights. By entrusting us with your information, we would like to assure you of our commitment to keep such information private. We have taken measurable steps to protect the confidentiality, security and integrity of your personal information as illustrated herein.

### PURPOSE OF THIS POLICY

This Policy sets out how NAGA collects and processes your personal data via using NAGA’s official website [www.naga.com](http://www.naga.com), including any data you may provide through this website when you obtain our service as per the Client Agreement. Additionally, it provides information on how you can exercise your rights with respect to the processing of your personal data. This Policy applies to the processing activities performed by NAGA to the personal data of its clients and potential clients, website visitors and employees as in order to provide our products and services to clients, performing our daily business operations, we need to collect from them personal information. This website is not intended for children and we do not knowingly collect data relating to children.

You are strongly advised to read this Policy carefully, as it is part of the Company’s Terms and Conditions, Terms of Use and/or Business as applicable and shows how we comply with the General Data Protection Regulation of the European Union (the “**GDPR**”) and other related laws and regulations.

### WHO WE ARE?

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#### NAGA MARKETS EUROPE LTD

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NAGA Markets Europe Ltd is the data controller and therefore responsible for your personal data and the appointed Data Protection Officer (“DPO”) of the Company is responsible for overseeing questions relating to this Policy and any other related matters.

Should you have any questions about this Privacy Policy, or requests on how to exercise your legal rights, please use the contact details below:

**Entity:** NAGA Markets Europe Ltd

**Contact Person:** Data Protection Officer

**Email address:** [dpo@nagamarkets.com](mailto:dpo@nagamarkets.com)

**Postal address:** Ariadnis 7, Mouttayiaka, 4531 Limassol, Cyprus

**Telephone Number:** +357 25 057336

## AMENDEMENTS

The Company reserves the right to amend this document from time to time and we will notify you appropriately and accordingly. We do however encourage you to review this statement periodically to be always informed about how we are processing and protecting your personal information and contact our DPO at [dpo@nagamarkets.com](mailto:dpo@nagamarkets.com) if you have any concerns.

## WHAT PERSONAL DATA WE COLLECT ABOUT YOU?

The Company will collect, use, store and transfer different personal data for the purposes of providing our services to you and ensure that we comply with our legal obligations. Therefore, if you fail to provide us with some information we may request, is likely that we may not be able to provide you with our products and/or services.

The below list includes the type of personal data we may need from you:

- **personal data for identity purposes** such as name, maiden name, last name, proof of identity, username or similar identifier, marital status, title, date and place of birth and gender, country of residence and citizenship
- **personal data for contact purposes** such as billing address, delivery address, email address and telephone numbers proof of address

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- **personal data for professional purposes** such as the level of education, profession, employer name, work experience in Forex/CFD's, information on Client's experience, knowledge in forex industry and risks
- **personal data for tax and financial purposes** such as the country of tax residence and tax identification number, **your** annual income, net worth, source of funds, anticipated account turnover, bank account, bank statements, payment card details and copies, e-wallet information
- **transaction data** such as details about payments to and from you and other details of products and services you have purchased from us, deposit methods, purpose of transactions with us
- **technical data** such as internet protocol (IP) address, your 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 this website or data regarding the usage of our website, products and services
- **profile data** such as username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses and marketing and communication data such as your preferences in receiving marketing from us and our third parties and your communication preferences.

The Company may also process sensitive personal information such as information about criminal convictions and offences for employment purposes to the extent permitted by laws and required for the performance of our legal obligations.

#### **HOW WE COLLECT YOUR DATA?**

The Company may collect your personal data via different methods and therefore, process personal data you provide us directly and/or collect information as a result of automated technologies, interactions, and/or from third parties via publicly available sources.

Specifically, information you provide to us directly may include your identity, contact and financial information by registering for an account with NAGA, when you participate in any interactive features of the services we provide, when you fill out a form we provide you with, when you participate in any promotion or contest powered by NAGA, when you apply for a job, communicate with us, request customer support or otherwise contact us.

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As a result of using our website we may automatically collect technical data about your equipment, browsing actions and patterns. As per our [Cookie Policy](#), we collect this personal data by using cookies, and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.

Finally, personal data may be such as technical data from analytics providers such as Google based outside of EU, contact, financial and transaction data from providers of payment services based inside the EU and identity and contact data from individual and publicly available sources, such as Registrar of Companies based inside EU and Thomson Reuters based outside of EU.

### **DISCLOSURE OF YOUR PERSONAL DATA**

Where it is required to disclose your personal data to third parties for the purposes of performing our legal obligations towards you, we ensure that the relevant provisions of GDPR are respected. Specifically, we assess these third parties in respect of their compliance with the data protection laws and regulations and ensure that required contractual agreements are concluded. Respectively, we ensure that they are committed to respect the security of your information and treat it in accordance with relevant laws and regulations. Finally, 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 instructions.

### **INTERNATIONAL TRANSFERS OF YOUR PERSONAL DATA**

Some of our external third parties are based outside the European Economic Area (“EEA”) so their processing of your personal data will involve a transfer of data outside the EEA. Please be informed that, whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- we will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- we assess the business and
- where we use certain service providers, we use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.

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- where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US.

Should you need further clarifications on this, please contact our DPO at [dpo@nagamarkets.com](mailto:dpo@nagamarkets.com).

## **HOW WE USE YOUR PERSONAL DATA?**

The Company may use, store, process and handle your personal data in various ways and for that rely to specific legal bases. Please be informed however, that we may process your personal data for more than one lawful ground and depending on the specific purpose for which we will use them. The purposes for which we may process your personal data are exhibited below in more detail.

**THE FRAMEWORK OF THE CLIENT AGREEMENT:** we process personal data to provide our services and products, as well as information regarding these services and products, based on the contractual relationship with you. We need, therefore, to use your personal information to perform our services and comply with our obligations to you. In this framework, we need to verify your identity to accept you as our client, and we will need to use those personal details to effectively manage your trading account with us.

**COMPLIANCE WITH LAWS AND REGULATIONS:** numerous laws to which we are subject, as well as specific statutory requirements (such as anti-money laundering laws, financial services laws, corporation laws, privacy laws and tax laws) dictate that we hold and process personal data. Such obligations and requirements impose on us necessary personal data storage and processing activities. It is mandatory, for example, to store personal data, for record-keeping purposes. In general, complying with applicable laws, court orders, other judicial process, or the requirements of any applicable regulatory authorities may require the processing of personal data by NAGA Markets Europe.

**SAFEGUARDING OUR LEGITIMATE INTERESTS:** we process personal data to safeguard the legitimate interests pursued by NAGA. Examples of such processing activities include our initiating legal claims and preparing our defence in litigation procedures and processing personal data for risk management purposes. Further, we may need to use personal information collected from you to investigate issues or to settle disputes with you because it is in our legitimate interests to ensure that issues and disputes get investigated and resolved in a timely and efficient manner.

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**CASES YOU HAVE CONSENTED TO:** our storage and use of your personal data are based on your consent provided by opening an account with NAGA. Please be informed that, if we rely on your consent as our legal basis for holding and processing your personal information, **you have the right to revoke consent at any time, by contacting our DPO at [dpo@nagamarkets.com](mailto:dpo@nagamarkets.com)**. However, any processing of personal data that took place prior to the receipt of your revocation will not be affected. If you have consented to be contacted by us for marketing purposes, we may use your personal information to send you marketing communications by email or phone or other agreed forms to ensure that you are kept up to date with our latest products and services. We will not disclose your information to any outside parties for them to directly market to you.

**TO ASSESS THE APPROPRIATENESS OF OUR SERVICES TO THE RECIPIENTS:** your personal data, which includes your knowledge and experience in the financial products that we offer, is used to form your economic profile and confirm our assessment of the degree to which such financial products are appropriate to you.

**TO IMPROVE OUR PRODUCTS AND SERVICES:** from time to time, we may send you surveys as part of our customer feedback process. It is in our legitimate interest to ask for such feedback to try to ensure that we provide our services and products at the highest standards. We may use the personal information provided by you through such client surveys to help us improve our products and services.

**LEGAL NOTIFICATIONS:** laws and regulations occasionally require that we advise you of certain changes to products or services or laws. We may need to inform you of changes to the terms or the features of our products or services and doing so implies that we will maintain and use your personal data.

**AGREEMENT BETWEEN US:** we have the right to disclose your Information (including recordings and documents of a confidential nature, card details) in certain circumstances including but not limited to where required by law or a court order by a competent Court, our regulator Cyprus Securities and Exchange Commission or any other regulatory authority having control or jurisdiction over us or you or our associates or in whose territory we have clients or service providers and as applicable. If to provide services to you the Company discloses your personal information to business parties such as card or other payment processing companies or banks, such third parties may store your information to comply with their own legal and other obligations. The Company will notify the third party regarding the confidential nature of any such information.

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## TECHNICAL AND OPERATIONAL SECURITY MEASURES

The Company has adopted practice controls and security measures to ensure high level of information security and compliance with the relevant provisions of GDPR. Indeed, our administrative, physical, and technical safeguards that are implemented and maintained, protect your personal data from accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to personal data transmitted, sorted, or otherwise processed. Employees are authorized to access personal data only to the extent necessary to serve the applicable legitimate purposes for which the personal data are processed by the Company and to perform their job.

Details of these measures may be available upon request at [dpo@nagamarket.com](mailto:dpo@nagamarket.com) and to the discretion of the DPO.

## AUTOMATED DECISION-MAKING AND PROFILING

The Company is required to assess your knowledge and experience, your financial situation and investment objectives and your risk profile once per calendar year in accordance with relevant laws and regulations. Specifically, this action is in accordance with the Directive 2014/65/EU MIFID, Law 87(i)/2017 and Circular 168 and 028 of Cyprus Securities and Exchange Commission. The tools used on the above include the Appropriateness Test and the Suitability Test as further discussed next.

The **Appropriateness Test** occurs once you register as a client at NAGA where we need to check and ensure that you are suitable for the provision of services and products we offer. This test is regarding your knowledge, financial background and experience with financial services and based on the scoring you receive, you will be informed whether you are eligible to receive our services and become our client and the maximum level of leverage you are eligible to. This ensures that our services and products are suitable to you and to the best of our interest.

The **Suitability Test** takes place for the purposes of our investment program and for that we will assess your financial situation, risk profile and risk tolerance as an investor and that the investment program is suitable for you. Based on your scoring, we will be able to assess your investment objectives, if you are able financially to bear any related investment risks consistent with your investment objectives.

We ensure you that NAGA takes all the technical and operational measures to correct inaccuracies and minimize the risk of errors, to prevent any discrimination and to secure personal data of the client.

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The scorings above are monitored by the Compliance department of NAGA and should you need any clarification, please contact us at [compliance@nagamarkets.com](mailto:compliance@nagamarkets.com).

## **COMMUNICATION**

The Company will record, monitor and process any telephone conversations and/or electronic communications between us such as through fax, email, social media, electronic message between you and NAGA. All such communications are recorded and/or monitored and/or processed by us, including but not limited to 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 such transactions. The content of relevant in person conversations and/or communications with you may be recorded by minutes or notes. Any such records shall be provided to you upon request at the same language as the one used to provide investment services to you.

## **STORAGE AND RETENTION OF YOUR PERSONAL DATA**

NAGA holds your personal information on secure servers and appropriate procedures and measures are in place to ensure that your personal data is safeguarded. We will hold your personal information while we have business relationship with you and as permitted by relevant laws and regulations. The retention of your personal data is limited for the purposes we collected it for and for satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, in accordance with the provisions of GDPR, we consider various factors including, but not limited to, the amount, nature, and sensitivity of the personal data, and the potential risk of harm from unauthorised use or disclosure of your personal data.

## **WHAT ARE YOUR RIGHTS AS A DATA SUBJECT?**

You must be aware that GDPR is recognising you as a “**Data subject**” and you have certain rights which you can exercise freely and to your own discretion, as per below:

- **Request access to your personal information:** this enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

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- **Request correction of the personal information that we hold about you:** this enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure of your personal data:** this enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where 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.
- **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 which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request the 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: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer 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.
- **Right to withdraw consent:** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.



If you wish to exercise any of the above, you must send an email to the DPO of NAGA at [dpo@nagamarkets.com](mailto:dpo@nagamarkets.com) and your request will be further handled. Please note that as per our procedures, you will be asked to complete our Data Subject Request form in order to verify your request.

**Please be informed the below:**

- a. usually no fee is required in order to exercise your rights, but we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive or refuse to comply with your request in these circumstances
- b. we reserve the right to request specific information to confirm your identity, speed up our response and ensure your right to access your personal data or any other right as data subject
- c. we will always respond to your request within reasonable time and keep you updated.

**PERSONAL DATA BREACH**

We have put in place appropriate procedures in order to deal with any breach of personal data and will notify you and any applicable regulator of a breach where we are legally required to do so.

If you require further information on how we deal with a data breach, please our DPO at [dpo@nagamarkets.com](mailto:dpo@nagamarkets.com).

**LAST UPDATED ON:** April 2020