

Privacy & Cookie Policy

Introduction

This privacy policy sets out how Nanhua Financial (UK) Co Limited (“NFC”, “we”, “us” or “our”) collects and processes your personal data. NFC is committed to safeguarding and respecting your personal data

1. IMPORTANT INFORMATION AND WHO WE ARE

1.1 PURPOSE OF THIS PRIVACY POLICY

This privacy policy aims to give you information on how your personal data is collected and processed, including any data you may provide through this website, when you purchase a product or service, make an enquiry about our products or services, sign-up to our market reports, or apply for jobs at NFC.

It is important that you read this privacy policy together with our other policies or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your personal data. This privacy policy supplements the other notices and is not intended to override them.

1.2 CONTROLLER

Nanhua Financial (UK) Co Limited (NFC) is the controller and responsible for your personal data.

1.3 CONTACT DETAILS

To exercise relevant rights, queries or complaints, please contact us via contact detail below:

Head of Compliance
Nanhua Financial (UK) Co Limited
3rd Floor,
1-2 Royal Exchange Buildings
London,
EC3V 3LF,
United Kingdom

Email: compliance@NHFinancial.co.uk

You have the right to make a complaint at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

1.4 CHANGES TO THE PRIVACY POLICY AND YOUR DUTY TO INFORM US OF CHANGES

The processing of personal data is governed by the General Data Protection Regulation 2016/679 (the “GDPR”). Any changes we may make to our privacy policy in the future will be posted on our website or, where appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes to our privacy policy.

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

2. THE DATA WE COLLECT ABOUT YOU

2.1 PERSONAL DATA

Personal data, or personal information, means any information about a natural person from which that person is or can be identified, directly or indirectly. It does not include data where the identity has been removed (anonymous data). Identification can be by the information alone or in conjunction with any other information that is in, or likely to come into, the data controller’s possession.

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes your first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes postal address, email address and telephone numbers.
- **Financial Data** includes bank account and payment details.
- **Transaction Data** includes details about payments to and from you or the organisation you represent and other details of products and services you or the organisation you represent have received from us.
- **Technical Data** includes 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 our website.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our website, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences.

We may also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

2.2 IF YOU FAIL TO PROVIDE PERSONAL DATA

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with products or services). In this case, we may have to cancel a product or service you have with us, but we will notify you if this is the case at the time.

3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you, including through:

- **Direct interactions.** You (or someone acting on your behalf) may give us your personal data by providing business cards, filling in forms or by corresponding with us by post, phone, and email or otherwise.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect technical data such as IP address or browsing actions. We collect this data by using cookies.
- **Third parties or publicly available sources.** We may receive your personal data from various third parties including credit reference agencies; law enforcement and regulators; Internal Third Parties (refer to Glossary); introducing brokers and intermediaries.

4. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Refer the *Glossary* to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us: compliance@NHFinancial.co.uk

PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

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

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal bases we are relying on to process your personal data where more than one ground has been set out in the table below.

Basis for processing your personal data	Type of data	Key Activities
<p><i>To Comply with our legal and regulatory obligations, including:</i></p> <ul style="list-style-type: none"> • The rules and regulations of the Financial Conduct Authority (FCA) and other regulatory bodies pursuant to which we: <ul style="list-style-type: none"> ○ Carry out KYC and due diligence ○ Assess suitability for specific products and services ○ Implement measures in order to prevent market abuse and fraud ○ detect transactions which deviate from normal patterns ○ monitor and report transactions and associated risks ○ record phone calls, chats and emails, where required ○ maintain records in connection with services and transactions ○ cooperate with regulators and official enquiries or requests • Prevention of money laundering and terrorist financing • Compliance with sanctions legislation and embargoes • Prevention of tax fraud, tax evasion or its facilitation and compliance with tax controls • Preventing any other types of financial crime and/or breaches of applicable law 	Identity Contact Transaction	Account opening Account Review Account, relationship, order and transaction handling and management Regulatory risk management activity, including financial crime, anti money laundering review, tax notification, identity screening and verification Monitoring orders and transactions Reporting transactions or positions to regulators, exchanges, trade repositories or similar entities
<p><i>To perform a contract with you or your organisation, including:</i></p> <ul style="list-style-type: none"> • Providing you with information regarding our products and services • Assisting you with enquiries and requests • Entering into transactions with you • Receiving and accepting orders from you • Assess suitability for specific products and services and under what other conditions, including: <ul style="list-style-type: none"> ○ Setting up users for our trading applications and online services ○ Providing training or assistance with our services 	Identity Contact Transaction Technical Profile Usage	Account, relationship, order and transaction handling and management Product offerings and service set-up Education and training events, seminars and workshops

Basis for processing your personal data	Type of data	Key Activities
<p>To fulfil our legitimate interest, including:</p> <ul style="list-style-type: none"> • Preventing crime, money laundering, fraud, financial crime and/or other breaches of applicable law • To keep our records updated and to run our business administration <ul style="list-style-type: none"> ○ Safeguarding against loss, theft, unauthorised processing and misuse • Improving and developing our products and services <ul style="list-style-type: none"> ○ Statistical analysis for business growth and marketing strategy; improving our services and creating new product offerings ○ Personalising our services to your organisation and better understand you and your organisation's interests ○ Inviting you to participate in surveys and provide feedback to us • IT and IT Infrastructure development and management <ul style="list-style-type: none"> ○ IT security, business continuity and disaster recovery • Delivering relevant website content and using data analytics <ul style="list-style-type: none"> ○ Developing advertisements and measuring the effectiveness of marketing activities and user experience • Exercising and defending our legal rights <ul style="list-style-type: none"> ○ Proof of transactions, debt recovery ○ Proof of evidence of authority of persons acting on behalf of our counterparties ○ Copyright and trademark infringement 	<ul style="list-style-type: none"> Identity Contact Transaction Technical Profile Usage Marketing and communication 	<ul style="list-style-type: none"> Administration and operation of our business Keeping our website updated and relevant, including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data Staff training Contacting you about our services and product offerings (with your prior consent where required by applicable law) Monitoring and review

4.1 MARKETING

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. If you have any questions, please contact us.

4.2 PROMOTIONAL OFFERS FROM US

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or engaged services with us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

4.3 OPTING OUT

You can ask us to stop sending you marketing messages by sending email to us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a product/service purchase, warranty registration, product/service experience or other transactions.

4.4 COOKIES

Use of Cookies

NFC website uses cookies.

What is a cookie?

Cookies are text files containing small amounts of information which are downloaded to your device when you visit a website. Cookies are then sent back to the originating website on each subsequent visit, or to another website that recognises that cookie. Cookies are useful because they allow a website to recognise a user's device.

You can find more information about cookies at:

- www.allaboutcookies.org
- www.youronlinechoices.eu

Cookies do lots of different jobs, like letting you navigate between pages efficiently, remembering your preferences, and generally improve the user experience. They can also help to ensure that adverts you see online are more relevant to you and your interests.

4.5 CHANGE OF PURPOSE

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal Third Parties as set out in the *Glossary*.
- External Third Parties as set out in the *Glossary*.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a

change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. 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.

6. INTERNATIONAL TRANSFERS

We may be required to share your personal data with the Nanhua Group. This will involve transferring your data outside the European Economic Area **(EEA)**.

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.

Whenever we transfer your personal data out of the EEA, we ensure certain 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. For further details, see [European Commission: Adequacy of the protection of personal data in non-EU countries](#).
- Where we use certain service providers or data processor, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see [European Commission: Model contracts for the transfer of personal data to third countries](#).
- 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. For further details, see [European Commission: EU-US Privacy Shield](#).

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

7. DATA SECURITY

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

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

8. DATA RETENTION

HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

We will keep your personal information for as long as we have a relationship with you. Once our relationship with you has come to an end, we will retain your personal information for additional number of years that enables us to:

- maintain business records for analysis and/or audit purposes;
- meet our regulatory requirements;
- comply with record retention requirements under applicable law;
- defend or bring any existing or potential legal claims; and
- deal with any complaints regarding the services.

If there is any information that we are unable to delete entirely from our systems for technical issues, we will put in place appropriate measures to prevent any further processing or use of the information.

In some circumstances you can ask us to delete your data: see “Your Legal Rights” under Glossary below for further information.

9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please refer to “Your Legal Rights” under Glossary. If you wish to exercise any of the rights set out above, please contact us.

NO FEE USUALLY REQUIRED

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

WHAT WE MAY NEED FROM YOU

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

TIME LIMIT TO RESPOND

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

10. GLOSSARY

LAWFUL BASIS

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

THIRD PARTIES

INTERNAL THIRD PARTIES

For the purposes of this privacy policy, Internal Third Parties means **HGNH International Financial Corporation Limited, Nanhua Futures Co. Ltd** and **HGNH International Futures Co, Limited** acting as processors and who are based in China and Hong Kong and provide certain sales related services.

EXTERNAL THIRD PARTIES

- Service providers who provide banking, IT, exchange or trading venue access, clearing, brokerage, settlement, trading platforms, trade reporting, communication recording and client identity screening and verification services.
- Professional advisers including lawyers, bankers, auditors and insurers who provide recruitment, consultancy, banking, legal, insurance and accounting services.
- Regulators, taxation or judicial bodies and governmental bodies or agencies.

YOUR LEGAL RIGHTS

You have the right to:

Request access to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

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 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.

Withdraw consent at any time 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.

1 September 2019