

# Privacy Policy

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## 1. Introduction

This document, known as the "Privacy Policy," is an agreement between TRADE401 Capital Limited (also referred to as "the Company," "TRADE401," "us," "we," or "our") and the Client. TRADE401 Capital Limited is a company incorporated under Saint Lucia's laws and is situated at Meridian Place, Choc Estate, Castries, Saint Lucia, with the registration number 2024 – 00075. It operates under the name "TRADE401."

The Privacy Policy is applicable to current and prospective clients, those who have ended their contract with the Company, and any visitors to the Company's website, its related sub-domains, and mobile applications (collectively known as the "Platforms"), all of which are managed by TRADE401 Capital Limited.

In this Privacy Policy (hereafter referred to as "the Policy"), the Company describes its procedures for collecting, maintaining, using, and sharing the personal information of its clients.

TRADE401 Capital Limited is dedicated to safeguarding the privacy of its clients' personal data, which includes information collected during visits to our website.

Within this Policy, "Personal Data" refers to information that identifies clients, which may encompass a client's name, address, identification number, telephone number, and date of birth, among other details.

## 2. Gathering of Personal Information

2.1. TRADE401 commits to collecting data in line with global data protection standards and practices. We gather and utilize personal data of our users only as needed to ensure a functional website and to provide our content and services. To establish an account with the Company, you're required to fill out an application form and submit necessary documents, including personal details. By completing the application form, you supply the private information necessary for the Company to assess your application and adhere

to Laws and Regulations concerning financial services. This information, also used for Company communication, includes but is not limited to:

- i. Identifiable personal details such as name, address, telephone number, and/or email address.
- ii. Financial information like estimated annual income, net worth, trading experience, and investment knowledge.
- iii. Verification documents such as passports, IDs, utility bills, bank statements, or company information certificates/details.
- iv. Visitor information on the company's website and client sessions via the Company's platforms gathered through cookies, including IP and domain name, browser type and version, operating system, Internet service provider, access dates and times, referral websites, accessed websites, and browser country and language settings (control page).
- v. Marketing preference data for custom content delivery.

2.2. Should there be changes to your personally identifiable information, it's crucial to update us by emailing Customer Support at [support@TRADE401.com](mailto:support@TRADE401.com).

2.3. We do not intentionally solicit personal information from individuals under eighteen, as our services and products are not directed at minors. If such data is inadvertently collected, the Company will delete it upon notification or realization of its collection.

2.4. Clients are responsible for adequately concealing specific personal details in line with TradeSmart's compliance procedures, for example, when providing verification documents.

### 3. Utilization of Personal Data

3.1. The Company processes Personal Data essential for assessing, initiating, and sustaining the contractual relationship between the Company and the Client, and to adhere to the Policy governing financial services provision. In certain instances, the Company might process the Client's Personal Data to pursue its legitimate interests or those of third

parties, ensuring the Client's interests and fundamental rights do not supersede those of the Company or the third party.

The Client's Personal Data is primarily used under these circumstances:

- i. **Contractual Performance:** The Company utilizes Personal Data to fulfill its contractual obligations with the Client or to take steps prior to entering into a contract with the Client. This processing is crucial for the Company to offer its products and services, specifically for:
  - Verifying the Client's identity and conducting necessary credit checks;
  - Ensuring the Client's suitability for the Company's products and services;
  - Managing the Client's account with the Company;
  - Processing the Client's transactions;
  - Sending transaction or post-transaction related information to the Client.

If the Client fails to provide the required Personal Data, the Company might be unable to supply its products/services.

- ii. **Legal Compliance:** As an investment firm, the Company must adhere to certain legal and regulatory obligations, which may involve processing Personal Data. These obligations necessitate data processing for identity verification, adherence to court orders, tax laws, other reporting obligations, and anti-money laundering measures.
- iii. **Safeguarding Legitimate Interests:** The Company processes Personal Data for:
  - Enhancing network and information system security;
  - Detecting, preventing, and investigating fraud, unlawful activities, unauthorized transactions, managing risk exposure;
  - Maintaining accounts and records;
  - Managing business operations and internal policies/procedures;
  - Defending, investigating, or prosecuting legal claims;
  - Receiving professional advice (e.g., legal advice);
  - Analyzing statistical data to improve future products and services.

Data is anonymized and aggregated to avoid revealing Client identities. This statistical data may be shared with third parties for statistical purposes and marketing campaign improvement.

- iv. **Consent-Based Processing:** The Company seeks Client consent for marketing communications about products or services that may interest the Client. Clients can withdraw consent anytime, without affecting the lawfulness of pre-withdrawal consent-based processing.

## 4. Cookies

- 4.1. Cookies are utilized on the Company's website(s). These are small text files saved on a user's computer, primarily for record-keeping purposes.
- 4.2. Information stored in cookies is linked to any Personal Data submitted by the Client while using the Company's website(s).
- 4.3. The Company employs both session ID cookies and persistent cookies. Session ID cookies remain active until the browser is closed. Persistent cookies stay on the Client's hard drive for an extended duration.
- 4.4. Persistent cookies are set for statistical analysis. They also help the Company track and target the locations and interests of its users, thereby enhancing the service experience on its website(s). Clients can delete persistent cookies by following instructions in their browser's "help" section.
- 4.5. Clients may still access the Company's website(s) even if they reject cookies, but they won't be able to use the client portal or submit online application forms.
- 4.6. The Company's business partners might also use cookies on its website(s). The Company does not have access to or control over these third-party cookies.
- 4.7. TRADE401 uses both persistent and session cookies to enhance the browsing experience for visitors and clients.
- 4.8. Third-party cookies on the Company's websites are for enabling tools and services for visitors and clients, supporting internal analytics, and marketing efforts. The Company

does not have access to, or control over, these cookies and is not responsible for any misuse or loss of Personal Data resulting from these cookies.

4.9. Clients and visitors of the Company's website should be aware that they can manage and control these cookies through their web browser's security and privacy settings.

## 5. Links to other websites

5.1. The Company's website contains or may contain links to other websites or social media platforms of interest. However, once you have used these links to leave the Company's website, you should note that the Company does not have any control over those other websites and cannot be held responsible for the protection and privacy of any information which you provide whilst visiting. Such third-party sites and such sites are not governed by this Policy. You should exercise caution and look at the privacy statement applicable to the website in question.

5.2. The Company will not be liable for the unlawful or unauthorized use of the Client's Personal Data due to misuse and/or malicious use and/or negligence and/or misplacement of the Client's passwords either by him/her or any third party.

## 6. Duration of Client Record Retention

6.1. In accordance with relevant laws and regulations, the Company must maintain records that include Client Personal Data, trading details, account opening documents, correspondences, and any other client-related information for a period of five years following each transaction's completion or after the end of the business relationship with the Client.

## 7. Dissemination and Exposure of Personal Data

- 7.1. In fulfilling its contractual and legal obligations, the Company may share the Client's Personal Data with third parties. These third parties typically have binding agreements with the Company ensuring data protection and confidentiality.
- 7.2. The Company may release your identifiable personal information as mandated by law when it deems necessary to uphold its rights or to adhere to legal proceedings, court orders, or legal mandates served on our website.
- 7.3. The Company is not responsible for any misuse or loss of personal information stemming from cookies on its website(s) over which it has no control or access. The Company is also not liable for the unlawful or unauthorized use of your personal data due to the misuse or loss of your passwords, whether due to negligence or malicious actions.
- 7.4. The Company does not gather, store, or process any personal credit or debit card information. All payment transactions are handled by payment service providers.
- 7.5. The Client consents to the Company disclosing their information (including confidential recordings and documents, card details, and personal information) under the following circumstances:
- i. When required by law or a court order;
  - ii. Upon demand by any regulatory body with authority over the Company, the Client, their associates, or in the jurisdiction where the Company operates;
  - iii. To relevant entities for the investigation or prevention of fraud, money laundering, or other illegal activities;
  - iv. To execution venues or third parties as needed to execute Client Instructions or Orders and for services related to providing the Services;
  - v. To credit reference and fraud prevention agencies, authentication service providers, and other financial institutions for credit checks, fraud prevention, anti-money laundering measures, and Client identification or due diligence;
  - vi. To the Company's professional advisors, with confidentiality agreements in place;
  - vii. To service providers managing databases, record-keeping, email and messaging services, or similar services aiding the Company in collecting, storing, processing,



and utilizing Client information, or in contacting the Client or enhancing service delivery under this Agreement;

- viii. To data reporting service providers;
- ix. To other service providers for statistical purposes to enhance the Company's marketing strategies, using aggregated data;
- x. To market research call centers conducting telephone or email surveys to improve the Company's services;
- xi. Where necessary for the Company to defend or exercise its legal rights;
- xii. Upon the Client's request or with their consent;
- xiii. To an affiliate of the Company.

## 8. Legal Obligations in Business Transitions

8.1. In events such as a merger, acquisition, due diligence in financing, reorganization, bankruptcy, receivership, sale of company assets, or transition of service to a different provider, the Client's Personal Data and other relevant information might be transferred as part of the transaction to a successor or affiliate along with other company assets.

## 9. Preferences for Marketing communications and Service Subscriptions

9.1. The Company may use Personal Data to inform Clients about products, services, and promotions that could interest them. This processing of Personal Data is contingent upon obtaining explicit consent from the Client.

9.2. Clients who prefer not to receive promotional communications have the option to opt-out by following the instructions provided in each message or by adjusting their email subscription preferences in the Client Portal.

## 10. Rights Regarding Personal Data

10.1. Clients are entitled to several rights concerning their Personal Data, as follows:

- i. **Access Right:** Clients can confirm if the Company processes their Personal Data and, if so, obtain a copy of such data.
- ii. **Right to Rectification:** Clients may request the Company to rectify or complete their Personal Data if found inaccurate or incomplete. The Company is obligated to make these corrections promptly.
- iii. **Right to Erasure:** Clients can request the deletion or removal of their Personal Data in certain circumstances, such as:
  - When the personal data is no longer needed for its original purpose.
  - When the client withdraws consent and there's no other legal basis for processing.
  - When the client objects to the processing and there are no overriding legitimate grounds for continuing the processing.
- iv. **Right to Restrict Processing:** Clients may ask the Company to limit the processing of their Personal Data under certain conditions, such as:
  - Disputing the accuracy of their personal data.
  - Unlawful data processing where deletion is refused, and restriction requested.
  - The Company no longer needs the data, but it is required by the client for legal claims.
  - Pending verification of legitimate grounds for processing in the event of an objection.
- v. **Right to Data Portability:** Clients have the right to receive their Personal Data in a structured, commonly used, and machine-readable format.
- vi. **Right to Object:** Clients may object to the processing of their Personal Data, especially:
  - If processing is based on a legitimate interest that is overridden by the client's personal situation.
  - If the data is processed for direct marketing purposes.

- vii. **Rights in Automated Decision-Making and Profiling:** Clients are protected from solely automated decisions, including profiling, that have significant effects on them, unless necessary for a contract or with explicit consent.
- viii. **Right to Withdraw Consent:** If processing is based on consent, clients can withdraw this consent at any time without affecting the lawfulness of processing based on consent before its withdrawal.
- ix. **Right to Lodge a Complaint:** Clients can lodge a complaint with a supervisory authority about the Company's handling of their Personal Data.

To exercise these rights, clients can contact the Company at [support@TRADING401.com](mailto:support@TRADING401.com).

## 11. Management and Protection of Personal Data

- 11.1. The Company treats all Personal Data it possesses as confidential, using it solely for purposes outlined in this Policy.
- 11.2. Any Personal Data provided by the Client to the Company is regarded as confidential.
- 11.3. Such Personal Data will only be disclosed to third parties if required by regulatory or legal proceedings.
- 11.4. Personal Data provided by the Client for website registration or Services is categorized as Registration Information. This information is highly protected by the Company. Clients can access their Registration Information using a self-chosen password, which is encrypted and known only to them. Clients are responsible for safeguarding their password against unauthorized access. Registration Information is securely stored on protected servers, accessible only to authorized personnel via a password. The Company ensures encryption of all Personal Data during its transfer to prevent unauthorized access.
- 11.5. Personal Data given to the Company, other than Registration Information, is also stored on secure servers and is accessible only to authorized personnel with a password. This data is not available to the Client, and therefore, no password is issued for viewing or modifying this information.

## 12. Revisions to this Policy

- 12.1. The Company retains the authority to periodically revise and update this Policy for any reason. Clients will be informed of any such changes through the posting of the updated Policy on the Company's website(s). For significant changes, the Company will also place a notice on its website or communicate directly with Clients.
- 12.2. It is the Client's responsibility to regularly check the Policy and be aware of any modifications.

## 13. Contact Information and Inquiries Regarding the Policy

- 13.1. For any general questions about this Policy, requests related to personal data rights, or inquiries on how the Company processes Client's Personal Data, please reach out to us at [support@TRADING401.com](mailto:support@TRADING401.com).