



# Privacy Policy

This Privacy Policy sets out how we, AscendantFX Capital UK, Limited, collect, store and use information about you when you use or interact with our website, [ascendantfx.com](http://ascendantfx.com), and where we otherwise obtain or collect information about you. This Privacy Policy is effective from January 1, 2019.

## Contents

- **Summary**
- **Our details**
- **Information we collect when you visit our website**
- **Information we collect when you contact us**
- **Information we collect when you interact with our website**
- **How we collect or obtain information about you from third parties**
- **Disclosure and additional uses of your information**
- **How long we retain your information**
- **How we secure your information**
- **Transfers of your information outside the European Economic Area**
- **Your rights in relation to your information**
- **Your right to object to the processing of your information for certain purposes**
- **Sensitive Personal Information**
- **Changes to our Privacy Policy**
- **Children's Privacy**
- **California Do Not Track Disclosures**
- **Copyright, credit, and logo**

## Revision History

VERSION	DATE	AUTHOR/REVIEWER	APPROVER	DESCRIPTION
1.0	2020/02/06	J Millis	B Beck	Replaces original version
1.1	2020/09/03	J Millis	B Beck	Update Section "OUR DETAILS"

## Related Documents

REFERENCE DOCUMENT TITLE



## Summary

This section summarises how we obtain, store, and use information about you. It is intended to provide a very general overview only. **It is not complete in and of itself and it must be read in conjunction with the corresponding full sections of this Privacy Policy.**

- **Data controller:** AscendantFX Capital UK, Limited
- **How we collect or obtain information about you:**
  - when you provide it to us;
  - from your use of our website, using cookies and similar technologies, and
  - occasionally from third parties.
- **Information we collect:** name, national insurance number, and employment information, account transactions and transaction history, credit history, and wire transfer details.
- **How we use your information:** for administrative and business purposes, to process transactions you place online, to fulfil our contractual obligations, to improve our business and website, and in connection with our legal rights and obligations.
- **Disclosure of your information to third parties:** only to the extent necessary including with our affiliates' everyday business purposes, in response to court orders and legal investigations, report to credit bureaus.
- **Do we sell your information to third parties (other than in the course of a business sale or purchase or similar event):** NO
- **How long we retain your information:** for no longer than necessary, taking into account any legal obligations we have (e.g. to maintain records for tax purposes), any other legal basis we have for using your information (e.g. your consent, performance of a contract with you or our legitimate interests). For specific retention periods in relation to certain information which we collect from you, please see the main section below entitled How long we retain your information.
- **How we secure your information:** using appropriate technical and organisational measures such as storing your information on secure servers, encrypting transfers of data to or from our servers using Secure Sockets Layer (SSL) technology, encrypting payments you make on or via our website using Secure Sockets Layer (SSL) technology.
- **Use of cookies:** We use cookies in a very limited capacity when individuals visit our website. These cookies are only used for the basic day-to-day functioning of our website and are in keeping with GDPR regulations.
- **Transfers of your information outside the European Economic Area:** We transfer your information outside of the European Economic Area to Canada, the location of our parent company and servers. The European Commission has recognized Canada as providing adequate protection of personal data for commercial enterprises.
- **Use of automated decision making and profiling:** we do not use automated decision making and/or profiling.
- **Your rights in relation to your information**
  - to access your information and to receive information about its use





- to have your information corrected and/or completed
  - to have your information deleted
  - to restrict the use of your information
  - to receive your information in a portable format
  - to object to the use of your information
  - to withdraw your consent to the use of your information
  - not to have significant decisions made about you based solely on automated processing of your information, including profiling
  - to complain to a supervisory authority
- **Sensitive personal information:** we do not collect what is commonly referred to as 'sensitive personal information' unnecessarily. For more information, please see the main section below entitled [Sensitive Personal Information](#).



## Our details

The data controller in respect of our website is AscendantFX Capital UK Limited. You can contact the data controller by calling 1.877.452.7185 or sending an email to [compliance@ascendantfx.com](mailto:compliance@ascendantfx.com).

The data controller's representatives are Bernard Beck, Chief Compliance Officer and Tony Crivelli, Managing Director of AscendantFX Capital UK, Limited.

Bernard Beck  
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If you have any questions about this Privacy Policy, please contact the data controller's representative.



# Information we collect when you visit our website

We collect and use information from website visitors in accordance with this section and the section entitled [Disclosure and additional uses of your information](#).

## Web server log information

We use a third party server to host our website called Pathway Communications, the privacy policy of which is available here: <https://www.pathcom.com/pathway-communications-privacy-policy>.

Our server is located in Canada and, accordingly, your information is transferred outside the European Economic Area (EEA). For further information and information on the safeguards used, please see the section of this privacy policy entitled [Transfers of your information outside the European Economic Area](#).

### Use of website server log information for IT security purposes

We do not access log data from our website server.

**Legal basis for processing:** compliance with a legal obligation to which we are subject (Article 6(1)(c) of the General Data Protection Regulation).

**Legal obligation:** we have a legal obligation to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk of our processing of information about individuals. Recording access to our website using server log files is such a measure.

**Legal basis for processing:** our and HubSpot's legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** we and our third party hosting provider have a legitimate interest in using your information for the purposes of ensuring network and information security.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest:** improving our website for our website users and getting to know our website users' preferences so our website can better meet their needs and desires.

## Cookies

Cookies and other technologies give us the capability to monitor the use of our site and continually improve the design and functionality to provide better service to you. A cookie can track how and when you use the site, in certain cases which website referred you to ours, and will store that information about you so that you can be identified when you return to the site. The types of cookies we use include persistent cookies and third-party cookies from CloudFlare (website security) and Wistia (video embedding).

You may restrict the acceptance of cookies through your browser settings, but this may limit your ability to use the full functionality of the site. Unless you have changed your browser settings to refuse cookies, our site will issue cookies when you use the site or log on for certain services.





## Information we collect when you contact us

We collect and use information from individuals who contact us in accordance with this section and the section entitled [Disclosure and additional uses of your information](#).

### Email

When you send an email to the email address displayed on our website we collect your email address and any other information you provide in that email (such as your name, telephone number and the information contained in any signature block in your email).

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** responding to enquiries and messages we receive and keeping records of correspondence.

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where your message relates to us providing you with services or taking steps at your request prior to providing you with our services (for example, providing you with information about such services), we will process your information in order to do so).

### Transfer and storage of your information

We use a third party email provider to store emails you send us. Our third party email provider is Sherweb. Their privacy policy is available here: <https://www.sherweb.com/en-ca/legal/privacy/>.

Marketing-related emails and newsletters are sent using HubSpot. HubSpot does not receive or store incoming emails. Their privacy policy is available here: <https://legal.hubspot.com/privacy-policy>

In some cases, emails are also stored in our Salesforce Database. Salesforce servers store data in Germany, and outside the European Economic Area in the United States. Their privacy policy can be found here: <https://www.salesforce.com/company/privacy/>

Emails you send us will be stored outside the European Economic Area on our third-party email provider's servers in Canada. For further information please see the section of this privacy policy entitled [Transfers of your information outside the European Economic Area](#).

### Contact form

When you contact us using our contact form, we collect your first and last name, job title, email, mobile number and ask "what is your biggest financial concern."

If you do not provide the either a phone number or email address on our contact form, you will not be able to submit the contact form or we will not receive your enquiry.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** responding to enquiries and messages we receive and keeping records of correspondence.





**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where your message relates to us providing you with services or taking steps at your request prior to providing you with our services (for example, providing you with information about such services), we will process your information in order to do so).

#### Transfer and storage of your information

Messages you send us via our contact form will be stored outside the European Economic Area on our email provider's servers in Canada. Our third party email service provider is Sherweb, located in Canada. Their privacy policy is available here: <https://www.sherweb.com/en-ca/legal/privacy/>.

Contact form submissions will also be stored via HubSpot, which stores data in Germany and outside the European Economic Area on servers in the United States. Their privacy policy is available here: <https://legal.hubspot.com/privacy-policy>

Information from contact forms are also stored in our Salesforce Database. Salesforce servers store data in Germany, and outside the European Economic Area in the United States. Their privacy policy can be found here: <https://www.salesforce.com/company/privacy/>

For further information about the safeguards used when your information is transferred outside the European Economic Area, see the section of this privacy policy below entitled Transfers of your information outside the European Economic Area.

## Phone

When you contact us by phone, we collect your phone number and any information provide to us during your conversation with us.

We do not record phone calls.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation)

**Legitimate interest(s):** responding to enquiries and messages we receive and keeping records of correspondence.

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where your message relates to us providing you with services or taking steps at your request prior to providing you with our services (for example, providing you with information about such services), we will process your information in order to do so).

#### Transfer and storage of your information

Information about your call, such as your phone number and the date and time of your call, is processed by our third party telephone service Shaw Business, which is located in Canada. Their privacy policy is available here: <https://www.shawbusiness.ca/privacy-policy>.

Information about your phone call will be stored by our third-party telephone service provider outside the European Economic Area. For further information about the safeguards used when your information is transferred outside the European Economic Area, see the section of this privacy policy below entitled Transfers of your information outside the European Economic Area.





## Post

If you contact us by post, we will collect any information you provide to us in any postal communications you send us.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation)

**Legitimate interest(s):** responding to enquiries and messages we receive and keeping records of correspondence.

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where your message relates to us providing you with services or taking steps at your request prior to providing you with our services (for example, providing you with information about such services), we will process your information in order to do so.



# Information we collect when you interact with our website

We collect and use information from individuals who interact with particular features of our website in accordance with this section and the section entitled [Disclosure and additional uses of your information](#).

## E-Newsletter

When you sign up for our Weekly Market Dispatch or other newsletter(s) on our website by entering your name and email address and clicking subscribe, we collect your name, email address, company, telephone, job title, city and State/province, and Country.

**Legal basis for processing:** your consent (Article 6(1)(a) of the General Data Protection Regulation). **Consent:** you give your consent to us sending you our e-newsletter by signing up to receive it using the steps described above.

### Transfer and storage of your information

We use third-party services to deliver our newsletters and marketing related emails.

In most cases, marketing-related emails and newsletters are sent using HubSpot. HubSpot also stores the data you provide when you complete the subscription form. Their privacy policy is available here: <https://legal.hubspot.com/privacy-policy>

Information provided when subscribing to email newsletters is also stored in our Salesforce Database. Salesforce servers store data in Germany, and outside the European Economic Area in the United States. Their privacy policy can be found here: <https://www.salesforce.com/company/privacy/>

Information you submit to subscribe for our e-newsletter will also be stored outside the European Economic Area on our servers in Canada. For further information about the safeguards used when your information is transferred outside the European Economic Area, see the section of this privacy policy below entitled Transfers of your information outside the European Economic Area.

## Information we collect when you place an order

AFX does not process transactions through our website. However, transactions can be administered online for clients who have been on-boarded and have been approved to transact online. More details of the process are available in the specific Client Service Agreement. Also, for more detail see the section entitled [Disclosure and additional uses of your information](#).

### Mandatory information

- AscendantFX is a full service international payment provider offering foreign exchange ("FX") services and hedging solutions primarily to corporations, partnerships and sole proprietors who have international payables or receivables. Approved customers or their authorized representatives provide instructions either through their dealer or initiated online. The transactions are executed through FXOffice, the Company's centralized processing system ("the system"). While the servers are in Toronto, UK and Canadian client data are kept separate logically in FXOffice for the respective countries and customers can only access their own data. In each case, funds are directed to an approved beneficiary designated by the customer. Funds are delivered to and from



- a bank account with a recognized financial institution using a variety of financial instruments including cheque, draft, wire, direct debit, and electronic funds transfer.
- It is important to note that the Company does not accept or disburse currency as a form of payment, nor does it sell monetary instruments such as traveler's checks or money orders. It *also does not utilize correspondent banking relationships in foreign countries; rather it relies on the correspondent banking relationships (and systems) of its banking partners in the transmission of fund*. AscendantFX's major banking partners are required by law and best practices to have robust data protection and security in place, which offers further reassurances to those individuals about whom AscendantFX collects and discloses personal information.

**Legal basis for processing:** necessary to perform a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** we need the mandatory information collected by our forms to establish who the contract is with and to contact you to fulfil our obligations under the contract, including sending you receipts and order confirmations.

#### Optional information

We also collect optional information, such as industry, and may occasionally use that information to distribute relevant marketing communications. You can opt out of receiving our marketing communications at any time using the unsubscribe link provided to you at the bottom of every email, or by contact [marketing@ascendantfx.com](mailto:marketing@ascendantfx.com).

This optional information is stored, and email subscription status/permissions are managed through HubSpot. HubSpot servers are in Germany and outside the European Economic Area in the United States. Their privacy policy is available here: <https://legal.hubspot.com/privacy-policy>

This information is also monitored and stored in our Salesforce Database. Salesforce servers store data in Germany, and outside the European Economic Area in the United States. Their privacy policy can be found here: <https://www.salesforce.com/company/privacy/>

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** direct marketing and advertising our products and services.

**Legal basis for processing:** your consent (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** you consent to us processing any optional information you provide by submitting that information to us.



# How we collect or obtain information about you from third parties

This section sets out how we obtain or collect information about you from third parties.

## Information received from third parties

Generally, we typically only receive information about you from third parties at the due diligence phase of bringing you on as a client. The third parties from which we receive information about you will generally include credit checks as discussed in our service level agreement. AFX may also disclose personal confidential information to the bank necessary in order to provide our services or to governmental bodies or agencies in order to comply with applicable legislation or other legal requirements.

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where a third party has passed on information about you to us in order for us to provide services to you, we will process your information in order to take steps at your request to enter into a contract with you.

**Legal basis for processing:** consent (Article 6(1)(a) of the General Data Protection Regulation).

**Consent:** where you have asked that a third party share information about you with us and the purpose of sharing that information is not related to the performance of a contract or services by us to you, we will process your information on the basis of your consent, which you give by asking the third party in question to pass on your information to us.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** where a third party has shared information about you with us and you have not consented to the sharing of that information, we will have a legitimate interest in processing that information in certain circumstances.

## Where we receive information about you in error

If we receive information about you from a third party in error and/or we do not have a legal basis for processing that information, we will delete your information.

## Information obtained by us from third parties

In certain circumstances (for example, to verify the information we hold about you or obtain missing information we require to provide you with a service) we will obtain information about you from certain publicly accessible sources, both EU and non-EU, such as Companies House, online customer databases, business directories, media publications, social media, and websites (including your own website if you have one).

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where you have entered into a contract or requested that we enter into a contract with you, in certain circumstances, we will obtain information about you from public sources in order to enable us to understand your business and provide services to you or services to a sufficient standard.



**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** in certain circumstances, we will have a legitimate interest in obtaining information about you from public and private sources. For example, if you have infringed or we suspect that you have infringed any of our legal rights, we will have a legitimate interest in obtaining and processing information about you from such sources in order to investigate and pursue any suspected or potential infringement. We will only seek this information after obtaining your consent.





# Disclosure and additional uses of your information

This section sets out the circumstances in which we will disclose information about you to third parties and any additional purposes for which we use your information.

## Disclosure of your information to service providers

We use a number of third parties to provide us with services which are necessary to run our business or to assist us with running our business. These include the following:

- Telephone providers, including Shaw Business. Their privacy policy is available here: <https://www.shaw.ca/privacy-policy/>
- Email provider(s), including Sherweb. Their privacy policy is available here: <https://www.sherweb.com/en-ca/legal/privacy/>.
- IT service provider and Web developer, Blue Ocean Info Technologies Private Limited. They have agreed to comply with our privacy policies.
- IT service provider Datasoft FX Office. They have agreed to comply with our privacy policies.
- Hosting provider(s), including Pathway Communications. Their privacy policy is available here: <https://www.pathcom.com/pathway-communications-privacy-policy>.
- HubSpot, a website hosting service and marketing software, collects and stores basic customer information. Their privacy policy is available here: <https://legal.hubspot.com/privacy-policy>
- Customer Database/CRM services are provided by Salesforce. Their privacy policy can be found here: <https://www.salesforce.com/company/privacy/>

Our third party service providers are located in Canada or the United States.

Your information will be shared with these service providers where necessary to provide you with the service you have requested, whether that is accessing our website or ordering goods and services from us.

We do not display the identities of all of our service providers publicly by name for security and competitive reasons. If you would like further information about the identities of our service providers, however, please contact us directly by email and we will provide you with such information where you have a legitimate reason for requesting it.

**Legal basis for processing:** legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest relied on:** where we share your information with these third parties in a context other than where is necessary to perform a contract (or take steps at your request to do so), we will share your information with such third parties in order to allow us to run and manage our business efficiently.

**Legal basis for processing:** necessary to perform a contract and/or to take steps at your request prior to entering into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** we may need to share information with our service providers to enable us to perform our obligations under that contract or to take the steps you have requested before we enter into a contract with you.



## Disclosure of your information to other third parties

We disclose your information to other third parties in specific circumstances, as set out below.

Providing information to third parties such as Google Inc. Google collects information through our use of Google Analytics on our website. Google uses this information, including IP addresses and information from cookies, for a number of purposes, such as improving its Google Analytics service. Information is shared with Google on an aggregated and anonymised basis. To find out more about what information Google collects, how it uses this information and how to control the information sent to Google, please see the following page: <https://www.google.com/policies/privacy/partners/>.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** meeting our contractual obligations to Google under our Google Analytics Terms of Service (<https://www.google.com/analytics/terms/us.html>)

You can opt out of Google Analytics by installing the browser plugin here:  
<https://tools.google.com/dlpage/gaoptout>

### Transfer and storage of your information

Information collected by Google Analytics is stored outside the European Economic Area on Google's servers in the United States of America.

For further information about the safeguards used when your information is transferred outside the European Economic Area, see the section of this privacy policy below entitled Transfers of your information outside the European Economic Area.

Sharing your information with third parties, which are either related to or associated with the running of our business, where it is necessary for us to do so. These third parties include our accountants, lawyers and insurers. Further information on each of these third parties is set out below.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest:** running and managing our business efficiently.

### Accountants

We share information with our accountants for tax purposes. For example, we share invoices we issue and receive with our accountants for the purpose of completing tax returns and our end of year accounts.

Our accountants are KPMG. Their privacy policy is available here:  
<https://home.kpmg/ca/en/home/misc/privacy>.

### Advisors

Occasionally, we obtain advice from advisors, such as our lawyers. We will share your information with these third parties only where it is necessary to enable these third parties to be able to provide us with the relevant advice.

Our lawyers are Eversheds Sutherland. Their privacy policy is available here: <https://www.eversheds-sutherland.com/global/en/who/contact-us/data-protection-and-privacy-statement>.

### Business partners

Business partners are businesses we work with which provide services which are complementary to our own or which allow us to provide services which we could not provide on our own. We share





information with our business partners where you have requested services which they provide whether independently from, or in connection with our own services.

If we provide your services in conjunction with a business partner, details will be included in your service level agreement.

#### Insurers

We will share your information with our insurers where it is necessary to do so, for example in relation to a claim or potential claim we receive or make or under our general disclosure obligations under our insurance contract with them.

Our insurers are Chubb Insurance Company and Continental Casualty Company. Their privacy policies are available here: <https://www.chubb.com/ca> and <https://www.cnacanada.ca/web>.

We share your information within our business' group of companies, including AscendantFX Capital Inc. for internal administrative purposes, including client, customer and employee information.

#### **Legitimate interests:**

- our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).
- data protection policies adhered to by the data controller and other companies and entities within our corporate group from time to time, which comply with applicable laws, known as "binding corporate rules" or "BCRs" under Article 47 of the General Data Protection Regulation. This is permitted under Article 46(2)(b) of the General Data Protection Regulation
- running and managing our business effectively

**Legal basis for processing:** necessary to perform a contract or to take steps at your request prior to entering into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** we need to share your information with other companies in order to be able to meet our contractual obligations to you or to take steps at your request prior to entering a contract, for example because of the services or information you have requested.

We do not display the identities of all of the other third parties we may share information with by name for security and competitive reasons. If you would like further information about the identities of such third parties, however, please contact us and we will provide you with such information where you have a legitimate reason for requesting it (where we have shared your information with such third parties, for example).

Sharing your information with a prospective or actual purchaser or seller in the context of a business or asset sale or acquisition by us, a merger or similar business combination event, whether actual or potential.

**Legal basis for processing:** legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** sharing your information with a prospective purchaser, seller or similar person in order to allow such a transaction to take place.



## Disclosure and use of your information for legal reasons

### Indicating possible criminal acts or threats to public security to a competent authority

If we suspect that criminal or potential criminal conduct has been occurred, we will in certain circumstances need to contact an appropriate authority, such as the police. This could be the case, for instance, if we suspect that we fraud or a cybercrime has been committed or if we receive threats or malicious communications towards us or third parties.

We will generally only need to process your information for this purpose if you were involved or affected by such an incident in some way.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** preventing crime or suspected criminal activity (such as fraud).

### In connection with the enforcement or potential enforcement our legal rights

We will use your information in connection with the enforcement or potential enforcement of our legal rights, including, for example, sharing information with debt collection agencies if you do not pay amounts owed to us when you are contractually obliged to do so. Our legal rights may be contractual (where we have entered into a contract with you) or non-contractual (such as legal rights that we have under copyright law or tort law).

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest:** enforcing our legal rights and taking steps to enforce our legal rights.

### In connection with a legal or potential legal dispute or proceedings

We may need to use your information if we are involved in a dispute with you or a third party for example, either to resolve the dispute or as part of any mediation, arbitration or court resolution or similar process.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** resolving disputes and potential disputes.

### For ongoing compliance with laws, regulations and other legal requirements

We will use and process your information in order to comply with legal obligations to which we are subject. For example, we may need to disclose your information pursuant to a court order or subpoena if we receive one [or to the National Crime Agency in connection with suspected or potential money laundering matters.

**Legal basis for processing:** compliance with a legal obligation (Article 6(1)(c) of the General Data Protection Regulation).

**Legal obligation(s):** legal obligations to disclose information which are part of the laws of England and Wales or if they have been integrated into the United Kingdom's legal framework (for example in the form of an international agreement which the United Kingdom has signed).

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).





**Legitimate interest:** where the legal obligations are part of the laws of another country and have not been integrated into the United Kingdom's legal framework, we have a legitimate interest in complying with these obligations.



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# How long we retain your information

This section sets out how long we retain your information. We have set out specific retention periods where possible. Where that has not been possible, we have set out the criteria we use to determine the retention period.

## Retention periods

Server log information: Federal law requires AFX-UK maintain records for 5 years following the date the business relationship ends with a client or from the date of the last transaction.

Order information: when you place an order for services, we retain that information for six years following the end of the financial year in which you place your order, in accordance with our legal obligation to keep records for tax purposes.

Correspondence and enquiries: when you do not have an existing business relationship with AFX and make an enquiry or correspond with us for any reason, whether by email, our contact form, or by phone, we will retain your information for as long as we do business with your organization or as long as it takes to respond to and resolve your enquiry, and for up to three months after which point we will delete your information.

E-Newsletter(s): we retain the information you used to sign up for our newsletter mailing list(s) for as long as you remain subscribed (i.e. you do not unsubscribe) or if we decide to discontinue the mailing list, whichever comes earlier.

## Criteria for determining retention periods

In any other circumstances, we will retain your information for no longer than necessary, taking into account the following:

- the purpose(s) and use of your information both now and in the future (such as whether it is necessary to continue to store that information in order to continue to perform our obligations under a contract with you or to contact you in the future);
- whether we have any legal obligation to continue to process your information (such as any record-keeping obligations imposed by relevant law or regulation);
- whether we have any legal basis to continue to process your information (such as your consent);
- how valuable your information is (both now and in the future);
- any relevant agreed industry practices on how long information should be retained;
- the levels of risk, cost and liability involved with us continuing to hold the information;
- how hard it is to ensure that the information can be kept up to date and accurate; and
- any relevant surrounding circumstances (such as the nature and status of our relationship with you).



## How we secure your information

We take appropriate technical and organisational measures to secure your information and to protect it against unauthorised or unlawful use and accidental loss or destruction, including:

- only sharing and providing access to your information to the minimum extent necessary, subject to confidentiality restrictions where appropriate, and on an anonymised basis wherever possible;
- using secure servers to store your information;
- verifying the identity of any individual who requests access to information prior to granting them access to information;
- using Secure Sockets Layer (SSL) software to encrypt any information you submit to us via any forms on our website and any payment transactions you make on or via our website; and
- only transferring your information via closed system or encrypted data transfers.

### Transmission of information to us by email

Transmission of information over the internet is not entirely secure, and if you submit any information to us over the internet (whether by email, via our website or any other means) you do so entirely at your own risk.

We cannot be responsible for any costs, expenses, loss of profits, harm to reputation, damages, liabilities or any other form of loss or damage suffered by you as a result of your decision to transmit information to us by such means.



# Transfers of your information outside the European Economic Area

Your information will be transferred and stored outside the European Economic Area (EEA) in the circumstances set out below. We will also transfer your information outside the EEA or to an international organisation in order to comply with legal obligations to which we are subject (compliance with a court order, for example). Where we are required to do so, we will ensure appropriate safeguards and protections are in place.

## Server log information

Information collected when you visit our website is transferred outside of the EEA and stored on the servers of our third party hosting Pathway Communications, in Canada. You can access their privacy policy here: <https://www.pathcom.com/pathway-communications-privacy-policy>.

Country of storage: Canada has been deemed to have adequate personal privacy protection by the European Commission, [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en#relatedlinks](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en#relatedlinks)

Safeguard(s) used: Pathway Communications is a data centre that is certified under ISO270001, Tier 111 Design, Soc2 Type II, and ISO9001 2015.

## Contact form

Information you submit to us via our contact form is transferred outside the EEA and stored on HubSpot and Salesforce Servers in Germany and the United States. Our third party hosting is Pathway Communications. You can access their privacy policy here: <https://www.pathcom.com/pathway-communications-privacy-policy>.

Country of storage: Canada has been deemed to have adequate personal privacy protection by the European Commission, [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en#relatedlinks](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en#relatedlinks)

Safeguard(s) used: Pathway Communications is a data centre that is certified under ISO270001, Tier 111 Design, Soc2 Type II, and ISO9001 2015.

## Email

Information you submit to us by email is transferred outside the EEA and stored on our third party email provider's servers. Our third party email provider is Sherweb. You can access their privacy policy here: <https://www.sherweb.com/en-ca/legal/privacy/>.

Country of storage: Canada has been deemed to have adequate personal privacy protection by the European Commission, [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en#relatedlinks](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en#relatedlinks)

Safeguard(s) used: Sherweb has SOC2 certification.





## **Google Analytics**

Information collected by Google Analytics (your IP address and actions you take in relation to our website) is transferred outside the EEA and stored on Google's servers. You can access Google's privacy policy here: <https://www.google.com/policies/privacy/>

Country of storage: United States of America. This country is not subject to an adequacy decision by the European Commission.

Safeguard(s) used: Google has self-certified its compliance with the EU-U.S. Privacy Shield which is available here: <https://www.privacyshield.gov/welcome>. The EU-U.S. Privacy Shield is an approved certification mechanism under Article 42 of the General Data Protection Regulation, which is permitted under Article 46(2)(f) of the General Data Protection Regulation. You can access the European Commission decision on the adequacy of the EU-U.S. Privacy Shield here: [http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm)





# Your rights in relation to your information

Subject to certain limitations on certain rights, you have the following rights in relation to your information, which you can exercise by writing to [privacy@ascendantfx.com](mailto:privacy@ascendantfx.com):

- **to request access to your information** and information related to our use and processing of your information;
- **to request the correction or deletion** of your information;
- **to request that we restrict our use** of your information;
- **to receive information which you have provided to us in a structured, commonly used and machine-readable format** (e.g. a CSV file) and the right to have that information transferred to another data controller (including a third party data controller);
- **to object to the processing of your information for certain purposes** (for further information, see the section below entitled Your right to object to the processing of your information for certain purposes); and
- **to withdraw your consent to our use of your information** at any time where we rely on your consent to use or process that information. Please note that if you withdraw your consent, this will not affect the lawfulness of our use and processing of your information on the basis of your consent before the point in time when you withdraw your consent.

In accordance with Article 77 of the General Data Protection Regulation, you also have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or of an alleged infringement of the General Data Protection Regulation.

For the purposes of the UK, the supervisory authority is the Information Commissioner's Office (ICO), the contact details of which are available here: <https://ico.org.uk/global/contact-us/>

## Further information on your rights in relation to your personal data as an individual

The above rights are provided in summary form only and certain limitations apply to many of these rights. For further information about your rights in relation to your information, including any limitations which apply, please visit the following pages on the ICO's website:

- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>; and
- <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

You can also find out further information about your rights, as well as information on any limitations which apply to those rights, by reading the underlying legislation contained in Articles 12 to 22 and 34 of the General Data Protection Regulation, which is available here: [http://ec.europa.eu/justice/data-protection/reform/files/regulation\\_oj\\_en.pdf](http://ec.europa.eu/justice/data-protection/reform/files/regulation_oj_en.pdf)

## Verifying your identity where you request access to your information

Where you request access to your information, we are required by law to use all reasonable measures to verify your identity before doing so.

These measures are designed to protect your information and to reduce the risk of identity fraud, identity theft or general unauthorised access to your information.





#### *How we verify your identity*

Where we possess appropriate information about you on file, we will attempt to verify your identity using that information.

If it is not possible to identify you from such information, or if we have insufficient information about you, we may require original or certified copies of certain documentation in order to be able to verify your identity before we are able to provide you with access to your information.

We will be able to confirm the precise information we require to verify your identity in your specific circumstances if and when you make such a request.





## Your right to object to the processing of your information for certain purposes

You have the following rights in relation to your information, which you may exercise by sending an email to [privacy@ascendantfx.com](mailto:privacy@ascendantfx.com)

- to object to us using or processing your information where we use or process it in order to **carry out a task in the public interest or for our legitimate interests**, based on any of these purposes; and
- to object to us using or processing your information for **direct marketing purposes** (including any profiling we engage in that is related to such direct marketing).

You may also exercise your right to object to us using or processing your information for direct marketing purposes by:

- **clicking the unsubscribe link** contained at the bottom of any marketing email we send to you and following the instructions which appear in your browser following your clicking on that link;
- **sending an email** to [privacy@ascendantfx.com](mailto:privacy@ascendantfx.com), asking that we stop sending you marketing communications or by including the words "OPT OUT".

For more information on how to object to our use of information collected from cookies and similar technologies, please see the section entitled [How to accept or reject cookies](#).



## Sensitive Personal Information

'Sensitive personal information' is information about an individual that reveals their racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic information, biometric information for the purpose of uniquely identifying an individual, information concerning health or information concerning a natural person's sex life or sexual orientation.

We do not knowingly or intentionally collect sensitive personal information from individuals, and you must not submit sensitive personal information to us.

If, however, you inadvertently or intentionally transmit sensitive personal information to us, you will be considered to have explicitly consented to us processing that sensitive personal information under Article 9(2)(a) of the General Data Protection Regulation. We will use and process your sensitive personal information for the purposes of deleting it.



# Changes to our Privacy Policy

We update and amend our Privacy Policy from time to time.

## Minor changes to our Privacy Policy

Where we make minor changes to our Privacy Policy, we will update our Privacy Policy with a new effective date stated at the beginning of it. Our processing of your information will be governed by the practices set out in that new version of the Privacy Policy from its effective date onwards.

## Major changes to our Privacy Policy or the purposes for which we process your information

Where we make major changes to our Privacy Policy or intend to use your information for a new purpose or a different purpose than the purposes for which we originally collected it, we will notify you by email (where possible) or by posting a notice on our website.

We will provide you with the information about the change in question and the purpose and any other relevant information before we use your information for that new purpose.

Wherever required, we will obtain your prior consent before using your information for a purpose that is different from the purposes for which we originally collected it.



## Children's Privacy

Because we care about the safety and privacy of children online, we comply with the Children's Online Privacy Protection Act of 1998 (COPPA). COPPA and its accompanying regulations protect the privacy of children using the internet. We do not knowingly contact or collect information from persons under the age of 18. The website is not intended to solicit information of any kind from persons under the age of 18.

It is possible that we could receive information pertaining to persons under the age of 18 by the fraud or deception of a third party. If we are notified of this, as soon as we verify the information, we will, where required by law to do so, immediately obtain the appropriate parental consent to use that information or, if we are unable to obtain such parental consent, we will delete the information from our servers. If you would like to notify us of our receipt of information about persons under the age of 18, please do so by sending an email to [privacy@ascendantfx.com](mailto:privacy@ascendantfx.com).





## California Do Not Track Disclosures

“Do Not Track” is a privacy preference that users can set in their web browsers. When a user turns on a Do Not Track signal in their browser, the browser sends a message to websites requesting that they do not track the user. For information about Do Not Track, please visit [www.allaboutdnt.org](http://www.allaboutdnt.org)



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## Copyright, credit and logo

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## Appendix 1

### Safeguards for overseas transfers

- Data protection policies adhered to by the data controller and other companies and entities within our corporate group from time to time, which comply with applicable laws, known as “binding corporate rules” or “BCRs” under Article 47 of the General Data Protection Regulation. This is permitted under Article 46(2)(b) of the General Data Protection Regulation.