



Privacy Policy

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Introduction

Welcome to the Komgo privacy policy.

Komgo respects your privacy and is committed to protecting your personal data. This privacy policy will inform you how we look after your personal data when you visit our website or use any of our services (regardless of where you visit it from or the software and devices you use) and tell you about your privacy rights and how the law protects you.

Important information and who we are

Purpose of this privacy policy

This privacy policy aims to give you information on how Komgo collects and processes your personal data in the provision of the Komgo services, including any data you may provide to Komgo when you complete the application form, provide evidence of authorisation to access the Komgo services and transact with Komgo and other Komgo service users, KYC information or utilise the Komgo services.

It is important that you read this privacy policy together with any other privacy policy or fair processing policy 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 data. This privacy policy supplements other notices and privacy policies and is not intended to override them.

Controller

Komgo SA is the controller and responsible for your personal data (collectively referred to as Komgo, "we", "us" or "our" in this privacy policy).

If you have any questions about this privacy policy, including any requests to exercise your legal rights please contact us using the details set out below.

Contact details

If you have any questions about this privacy policy or our privacy practices, please contact us in the following ways:

Full name of legal entity: **Komgo SA**

Email address: privacy@komgo.io

Postal address: 20 rue Adrien Lachenal - 1207 Geneva, Switzerland

You have the right to make a complaint at any time to the competent data protection authority.

We would, however, appreciate the chance to deal with your concerns before you approach a data protection authority, so please contact us in the first instance.

Changes to the privacy policy and your duty to inform us of changes to your personal details

We keep our privacy policy under regular review. This version was last updated on 12 July 2019.

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

Third-party links

The Komgo extranet (<https://Komgo.io>) may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

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

Identity Data includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, gender and passport copies.

Contact Data includes billing address, delivery address, email address and telephone numbers.

Financial Data includes bank account details.

Transaction Data includes details about the provision of the Komgo services to you.

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 you use in accessing the Komgo services.

Profile Data includes your username and password, transactions entered into or orders made by you, your interests, preferences, feedback and survey responses.

Usage Data includes information about how you use the Komgo services.

Marketing and Communications Data includes your preferences in receiving marketing communications from us and our third party partners and your communication preferences.

KYC Data includes information required for KYC, compliance and AML checks, including any information in connection with Sanctions.

We also collect, use and share **Aggregated Data** such as statistical or demographic data. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing specific features of the Komgo services. 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 policy.

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, other than in connection with Sanctions.

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 or the onboarding process, and you fail to provide that data when requested, we may not be able to provide the Komgo services.

How is your personal data collected?

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

Direct interactions. You may give us your data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:

- Complete an application form;
- Provide the authorisation verification;
- Provide KYC information;
- Use the Komgo services
- Request marketing to be sent to you;
- Give us feedback or contact us.

Automated technologies or interactions. As you interact with our website and our online services, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our Cookies Notice for further details.

Third parties or publicly available sources. We will receive personal data about you from various third parties and public sources as set out below:
Technical Data from the following parties:

- Analytics providers such as Google based outside Switzerland or the EU;
- Advertising networks based inside or outside Switzerland or the EU; and
- Search and profile information providers based inside or outside Switzerland or the EU.

Contact, Financial and Transaction Data from providers of technical, payment and delivery services based inside or outside Switzerland or the EU.

Identity and Contact Data from data brokers or aggregators based inside or outside Switzerland or the EU.

Identity and Contact Data from publicly available sources based inside or outside Switzerland or the EU.

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 provide the Komgo services to you.

Where we carry out KYC and compliance checks.

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 obligation.

See the glossary below 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 although we will get your consent before sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to receive marketing communications at any time by contacting us.

Purposes for which we will use your personal data

Komgo may process personal data for the purposes relating to the provision of the Komgo services. We have set out below, in a table format, a description of all the ways we may 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 personal data. Please contact us if you need details about the specific legal ground, we are relying on to process your personal data. The purposes of processing the personal data are also provided in the Platform User Onboarding Process.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To check your application to become a new Platform User	(a) Identity (b) Contact (c) Financial (d) KYC	(a) Performance of a contract with you (b) Necessary for our legitimate interests (the completion of compliance and AML checks)
To process and deliver the Komgo services: (a) Development, deployment, provision, support, promotion of the Komgo Services (b) Conduct KYC and compliance checks (c) Manage payments, fees and charges for use of the Platform (d) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) KYC (e) Transaction (f) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (the completion of compliance and AML checks; enforcement of claims to payment) (c) Necessary to comply with a legal obligation (d) Consent
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services) (d) Consent
To provide related services ancillary to the Komgo services through interoperation with third party electronic platforms	(a) Identity (b) Contact (c) Transaction (d) Financial (e) KYC (f) Technical	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to enable the interoperability of Komgo with third party electronic platforms)
To enable you to complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study

	(e) Marketing and Communications	how customers use our products/services, to develop them and grow our business) (c) Consent
To administer and protect our business (including troubleshooting, data analysis, testing, system maintenance, support, fraud detection, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

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, including by your prior express opt-in consent, and you have not opted out of receiving that marketing.

Third-party marketing

We will only share your personal data with any third party for marketing purposes with your prior express opt-in consent.

Opting out

You can ask us to stop sending you marketing messages at any time by logging into the website and checking or unchecking relevant boxes to adjust your marketing preferences or by following the opt-out links on any marketing message sent to you or by contacting us at any time. You must directly ask the relevant third party to stop sending you marketing messages for marketing messages provided by a third party.

Where you opt out of receiving marketing messages, this will not affect our processing of personal data in order to provide a product/service, in connection with a warranty registration or product/service experience or other transactions.

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of our website and online services may become inaccessible or not function properly.

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 receive 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 a purpose other than stated herein, 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.

Disclosures of your personal data

We may share your personal data with the parties set out below for the purposes set out in the table *Purposes for which we will use your personal data* above.

Internal Third Parties as set out in the Glossary.

External Third Parties as set out in the Glossary.

Specific third parties listed in the table *Purposes for which we will use your personal data* above.

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.

International transfers

We may share your personal data with External Third Parties, including Third Party Electronic Platforms, which might involve transferring your data outside Switzerland or the European Economic Area (EEA).

Some of our External Third Parties are based outside Switzerland and the EEA so their processing of your personal data will involve a transfer of data outside Switzerland or the EEA.

Whenever we transfer your personal data out of Switzerland and the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see European Commission: Adequacy of the protection of personal data in non-EU countries or under the following safeguards.

Where we use certain service providers, 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 Europe and the US. For further details, see European Commission: EU-US Privacy Shield or for Switzerland Swiss-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 Switzerland or the EEA.

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 data protection authority of a breach where we are legally required to do so.

Data retention

How long will you use my personal data for?

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data such as:

Request access to your personal data

Request correction of your personal data

Request erasure of your personal *data*.

Object to processing of your personal data.

Request restriction of processing your personal data.

Request transfer of your personal data.

Right to withdraw consent.

Please see the Glossary for more information about these rights.

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 could 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 could 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.

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

Sanctions means economic, trade, or financial sanctions, requirements or embargoes imposed, administered, or enforced from time to time by any Sanctions Authority.

Sanctions Authority means the United States of America (including, without limitation, the United States Department of the Treasury's Office of Foreign Asset Controls), the United Kingdom (including without limitation, HM Treasury's Office of Financial Sanctions Implementation), the European Union, the United Nations Security Council, the Swiss Secretariat for Economic Affairs and any other body of a similar nature that Komgo from time to time in its sole discretion determines to be a sanctions authority (providing always that Komgo shall provide Platform Users with 60 days' notice prior to such sanctions authority becoming a Sanctions Authority).

THIRD PARTIES

External Third Parties

Service providers acting as processors based within Switzerland or the EU who provide compliance services, IT and system administration services.

Third party electronic platforms

The onboarding manager responsible for onboarding users of the Komgo services

Professional advisers acting as processors or joint controllers including lawyers,

bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
Regulators and other authorities acting as processors or joint controllers based in Switzerland or outside Switzerland and the EEA who require reporting of processing activities in certain circumstances.

Internal Third Parties

Other companies in the Komgo group acting as joint controllers or processors and providing IT and system administration services

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:

If you want us to establish the data's accuracy.

Where our use of the data is unlawful, but you do not want us to erase it.

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.

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.