



ARK36 AIFLNP V.C.I.C. LTD

PRIVACY POLICY

Last updated 04-08-2020

Introduction

This privacy policy (the “**Policy**”) explains how ARK36 AIFLNP V.C.I.C Ltd (hereinafter referred to as “**ARK36**”, “**we**”, “**us**”, or “**our**”) collects, uses and discloses personal information through its websites, mobile applications, and other online products and services that link to this Policy (collectively the “**Services**”) or when you otherwise interact with us. The provisions of this Policy apply to all persons who visit and/or otherwise browse www.ark36.com (the “**Site**”) including in addition to existing as well as potential clients that receive the Services.

We encourage you to read this Policy so that you are fully aware of the type of data we collect from you including how and why we use your data and to tell you about your rights and how the law protects you.

1 Important information and who we are

Purpose

This Policy sets out how we collect and process your personal data through your use of our Site, including any data you may provide through the Services. You may contact us if you have any questions about this Policy and/or the use of your personal information (see below for further details).

Our Site and/or Services are not available nor intended for minors (i.e. under the age of 18 (or the age of legal consent for the jurisdiction the user is located in)) and we do not knowingly collect personal data relating to minors.

Controller

For the purposes of applicable international data protection laws, ARK36 is the “controller” of your personal data collected through our Site and is responsible for your personal data.

We have appointed a data privacy manager who is responsible for overseeing questions in relation to this Policy.

Changes to this Policy and your duty to inform us of changes

We may make changes to this Policy from time to time as it is kept under regular review. It is important that you check the Site regularly for any updates but we will ensure that any important changes are appropriately communicated to you. Any personal data that we hold will be governed by our most current Policy.

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

Links

The Site and/or this Policy may include links to other websites on the internet. We are not liable or responsible for the content of these sites. You should read the terms of use and the privacy policies (including the cookies policy) of such websites. This Policy (and any other relevant documentation we may provide you with such as our terms of use) apply only to information collected by us in accordance with this Policy.

2 The data we collect about you

Personal Data

Personal data, or personal information, means any information about an individual from which that person can be identified. In order for us to provide you with the best possible service, your personal data may be collected, stored and transferred by us. That data may include any information relating to you such as but without limitation your:

- first and last name;
- prefix and/or title;
- e-mail address;
- physical address;
- phone number;
- passport number;
- personal identification number (or equivalent);
- nationality;
- date of birth;
- CV;
- personal trading statements;
- bank details;
- searches on your information using LexisNexis (or similar tools);
- phone recordings
- IP Address;
- passwords;
- investor categorization; or
- suitability assessment.

We collect information that you provide directly to us. For example you may provide us with data when you enter into an agreement with us, fill out a form, by entering your data on our Site, by giving us your business card, apply for a job, communicate with us via social media sites or otherwise communicate with us.

If you fail to provide your personal data

Where we need to collect personal data by law or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you. In this case, we may have to cancel our Services or may fail to provide you with a service that you seek.

3 How we collect your personal data

We may collect personal information about you through a number of ways including through:

1. **Direct interactions.** You may give us your name, contact, financial data and technical data by filling in forms (such as the investor categorisation form) or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you apply for our services, register on our Site, create an account, wish to invest with us, subscribe to our service, request material to be sent to you or give us feedback or contact us.
2. **Automated interactions.** As you browse our Site, we may automatically collect personal data about your equipment, browsing actions and patterns. We collect this personal data by using cookies. Please see our [cookie policy](#) for further details.

We will also ask you to provide additional optional information about yourself to complete your profile and/or investor categorisation. The information we ask for may include your gender, date of birth, place of birth, addresses, nationality, national insurance number (or tax identification number), citizenship and residency status and information about your experience trading, investing, education, source of income, investment portfolio, total cash and liquid assets and other details or questions as may be required and may be processed by us.

Copies of your identification document(s) such as national identity card, residency card or passport, utility bill and such other documents required by us in order to comply with our regulatory obligations and to verify your identity.

4 How we use your personal data

We process personal data fairly, lawfully, for a specified and legitimate purpose and will to the extent that they are relevant, appropriate and not excessive with regards to the purpose of such processing.

We will only use your personal data when the law allows (and obliges) us to. We will use your personal data where we (a) need to perform the Services, (b) register you as a new client, (c) perform the contract we are about to enter with you, (d) where it is necessary for our legitimate interests and your interests and fundamental rights do not override those interests, and (e) where we need to comply with our legal and regulatory obligations. Please note that we may process your personal data without your knowledge or consent where we are required, obliged or permitted by law.

For instance, and in light of the services that you wish to receive from us, we may use your personal data to comply with a number of legal and regulatory obligations such as: a) to be in compliance with financial regulation, b) to record when necessary e-mails, phone calls etc, c) as per request to deliver information by the financial regulator or authority, d) for the prevention of money-laundering and financing of terror activities, or e) to otherwise live up to other obligations and/or regulations.

We will also collect and use your personal data to:

- (a) verify your identity and carry out checks that we are required to conduct by applicable laws and regulations, KYC, anti-money laundering, fraud, sanctions and politically exposed person checks;
- (b) assess your adequacy to be provided with our services and assess your risk score and/or assess whether you qualify as a professional client, wholesale client or other specific category of clients;
- (c) contact you on matters related to our Services to you and/or related to your account including a request for additional information or documents as required from time to time;
- (d) provide you with notices and general updates related to your account and/or related to the services offered by ARK36;
- (e) ensure your security when using our services including carrying out two-factor authentication;
- (f) administer transactions including deposits and payments;
- (g) investigate and manage enquiries, disputes and/or legal proceedings and to comply with any court orders or similar law enforcement orders or directions; and
- (g) otherwise comply with our regulatory and other legal obligations.

5 Sharing of your personal data

In order to fulfil our purpose(s) (as mentioned above), we may share your personal data to service providers such as (but not limited to) financial, taxation, regulatory, juridical authorities, state agencies or public bodies. Your personal data may also be shared with regulated professionals such as lawyers, notaries, auditors, and companies that are conducting services for ARK36 such as due diligence exercises.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. Third party service providers may process your personal data for specified purposes and/or in accordance with our instructions.

6 Transfer of Personal Data

Transfer of Personal Data provided to any country outside the European Economic Area (EEA), which may not have protection laws equivalent to those in the EU may take place for any of the reasons described in this policy. Where it is the case, we will put appropriate measures in place to safeguard the transferred Personal Data.

7 Transfer of data to other countries

Your data may be transferred to, processed and stored at banking institutions and/or other affiliates in the European Economic Area (“**EEA**”) and other countries. Your information may be transferred to, or stored by us or our third-party service providers in jurisdictions that may not provide equivalent levels of data protection as our or your home jurisdiction. We will however take all reasonable steps that we can to ensure that your personal data is appropriately safeguarded in the jurisdictions which we process it.

For instance, we provide adequate protection for the transfer of your data to countries outside of the EEA by ensuring standard contractual clauses (authorised under EU law) are contained within the agreements we enter into. You may contact us using the contact details below to find out more.

8 Retention, return and deletion of data

We and any of our third-party service providers will only retain your personal data in for as long as 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 that there is a prospect of litigation in respect to our relationship with you.

9 Your rights

Your rights are set out below but the list is not exclusive and may be certain to certain exceptions:

- **The right to be informed**
You have the right to be provided with clear understandable information about how and when we use your information.
- **The right to access**
You have the right to receive a copy of your personal data so that you can check that we are using your information in accordance with the appropriate data protection laws.
- **The right to rectification**
You can ask us to take reasonable measures to revise your personal data if you feel it is inaccurate or incomplete.
- **The right to erasure**
Sometimes referred to as “the right to be forgotten” this is simply a general right to erasure. There are exceptions to this if your wish for erasure clashes with legal and/or regulatory obligations.
- **The right to restrict processing**
You have the right to restrict how your personal information may be used.
- **The right to data portability**
You have the right to restrict the re-use of your personal information across different organisations.
- **The right to object**
You have the right to object to certain types of processing. We are allowed to continue the processing insofar we can demonstrate that we have legitimate reasons.

You will not have to pay a fee to access your personal data or exercise any of the other rights above. 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.

10 Security and Integrity

We want to ensure that your personal data remains as secure as possible. We process your personal data in a way that ensures appropriate security and confidentiality (including preventing unauthorised access to or use of your personal data). We use appropriate data security technology and organisational measures to ensure that is the case. We ensure that our personnel engaged with processing of personal data is provided with the requisite training in relation to the GDPR and the importance of confidentiality. Your personal data may be stored electronically or in paper form.

However, we shall not be liable for unlawful or unauthorised use of any personal data due to misuse or misplacement of your password and/or login details and/or your negligence or malicious use.

11 Contact us

For any questions regarding this Policy including the way in which we process your personal data please contact us at: legal@ark36.com. We may require additional information from you to verify your identity before allowing you to exercise certain rights as set out above. We try to respond to all legitimate requests within one month but it could take us longer. Either way, we will notify you and keep you updated.

You also have the right to file a complaint about us to the Cyprus Data Protection Commissioner and/or with your data protection authority of your country of residence. You can find more information about how to contact the Cyprus Data Protection Commissioner at www.dataprotection.gov.cy. We would, however, appreciate the chance to deal with your concerns before you approach the Cyprus Data Protection Commissioner (or any other data protection authority) so please contact us in the first instance.