

## 1. General provisions

The objective of the present Privacy Policy (hereinafter: "Policy") is to provide a detailed description of the methods applied by XTB Limited, with the registered office at Pikioni 10, Building: HIGHTSIGHT RENTALS LTD, 3075, Limassol, Cyprus. (hereinafter: "XTB", "we", "us") to collect and use information provided by persons using the XTB's website (hereinafter: "Users"), including – where applicable – personal data. Please read this Policy carefully.

## 2. Protection of personal data and other data of portal Users

XTB pays particular attention to respecting privacy of persons using our website and any applications available through the website (hereinafter: "Portal", "Website"). Any personal data obtained through our portal are processed in compliance with applicable national regulations issued on the ground of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Official Journal of the EU L 119, 04/05/2016, p. 1-88) (hereinafter: "GDPR"). Our priority is to ensure protection of the rights and freedoms of individuals who provide us with their personal data. Use of the Portal in the basic scope does not require provision of the User's personal data to XTB. Provision of the personal data by the User is completely voluntary; however, provision of certain data is required for performance of the services by XTB.

We understand the importance of maintaining confidentiality with regard to personal data. While providing us with his or her data, the User may be certain that we will do our best to keep it secret. We have undertaken measurable steps to ensure that users' data remains confidential, secure and intact.

## 3. Definitions

**Personal data** means any information relating to an identified or identifiable natural person. Identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Some examples of personal data are listed below:

- Name and surname;
- Identification number;
- Address of residence;
- Email address etc.

**Data subject** means the identified or identifiable living individual to whom personal data relates.

**Controller** means the natural or legal person, public authority, agency, or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.

**SSL protocol** means the Secure Sockets Layer (SSL) protocol which was developed by Netscape Communications Corporation. SSL ensures the data that is transferred between a client and a server remains private. This protocol enables the client to authenticate the identity of the server.

#### **4. Who is the controller of the User's data?**

When you send us your personal data, XTB becomes their controller within the meaning of GDPR. Access to Users' data is only granted to those employees or partners who require that information to provide support related to execution of Users' instructions connected with our products or services. We have implemented procedures connected with securing and using personal data.

#### **5. How do we protect information?**

The form filled in by the User during opening of the trading account as well as the authorization process (login) to our resources is carried out using the secure SSL protocol, which significantly increases the protection of data transmission on the Internet. The information provided by the User is stored and processed by XTB with appropriate security measures that meet the requirements of GDPR.

Although XTB undertakes all necessary efforts to ensure security of data provided to us, the User acknowledges that using the Internet is not completely safe and, therefore, we cannot always guarantee security or inviolability of personal data provided to us by the User(s) or to the User(s) via the Internet.

#### **6. What kind of information about the User do we collect, for what purposes and on which legal basis?**

##### **6.1 Goal: opening a real account**

The scope of the data:

if the User decides to open a real account, XTB will require to provide certain information and documentation. The information may include in cases where the user is individual, among others first name and surname, address, date of birth, contact information, data for execution of payments, tax and financial data, as well as other necessary information, in particular required by anti-money laundering regulations. The individual user should provide proof of identity and proof of address document.

In cases where the user is a representative of a legal entity, the Company requests the Company's details and all the statutory/incorporation documents and all the relevant documents for all related individuals (directors, shareholders, beneficial owner).

Furthermore, it is to be noted that, periodically, we may also require provision of other information and/or documentation in order to improve the services performed. Most information is obtained directly from you by means of application forms or other forms as well as by maintaining registers of information provided to us during the ongoing performance of services in favor of our Clients.

Legal basis:

- necessity to perform the agreement for the provision of services or in order to take steps at the request of the data subject prior to entering into a contract (article 6 (1) (b) of the GDPR);
- necessity to fulfill the legal obligation incumbent on XTB (article 6 (1) (c) of the GDPR).

##### **6.2 Goal: marketing of products and services**

The scope of the data:

The Company collects the User communication preferences and preferences for receiving marketing materials for the Company.

Legal basis:

- The legitimate interest of XTB in marketing of products and services (article 6 (1) (f) of the GDPR).
- The Company informs the user about new products and services once it receives the consent of the User.

### **6.3 Goal: statistics on the use of specific functionalities of the Company's website and mobile application and ensuring the IT security**

The scope of the data:

for these purposes, we process personal data regarding the User's activity on the Company's website and mobile application such as for example: websites visited, frequency and duration of stay on the website etc.

Legal basis:

- the legitimate interest of XTB (article 6 (1) (f) of the GDPR), consisting in facilitating the use of services provided electronically and improving the functionality of these services.

### **6.4 Goal: determination, investigation and enforcement of claims**

The scope of the data:

In order to determine, investigate and enforce claims, we may process some of User's personal data such as: first name, surname, date of birth, data on the use of our services.

Legal basis:

- the legitimate interest of XTB (Article 6 (1) (f) of the GDPR), consisting in determining, investigating and enforcing claims and defending against claims in proceedings before courts and other state authorities.

### **6.5 Goal: dealing with complaints and requests, answers to questions**

The scope of the data:

for this purpose, we may process certain personal data provided by the User when opening a real or demo account, data concerning the use of XTB services that result in a complaint or application as well as data contained in the documents attached to the complaint or application. In certain situations, the obligation to consider a complaint thoroughly within a specified period is imposed by law, in particular consumer law.

Legal basis:

- the legitimate interest of XTB (Article 6 (1) (f) of the GDPR), which consists in improving the functionality of services provided electronically and building positive relationships with Users and Users not logged in, based on reliability and loyalty;
- necessity to fulfill the legal obligation incumbent on XTB (article 6 (1) (c) of the GDPR)

## 6.5. Goal: Profiling including automated decision

The scope of the data:

for this purpose, we evaluate your knowledge and experience in the financial products that we offer, as well as your investment objectives including your risk tolerance and financial situation, is used to form your economic profile and confirm our assessment of the degree to which such financial products are appropriate to you. With this way, we categorise our clients according to their risk level in order to take appropriate measures. In addition, this analysis ensures that the financial instruments we offer, as well as their distribution strategy, are in line with the needs, characteristics or objectives group of clients (the so-called target group).

Legal basis:

- Necessity to fulfill the legal obligation incumbent on XTB (article 6 (1) (c) of the GDPR).

## 7. Who do we share Users' personal data with?

### Affiliate entities

XTB may share Users' personal data with affiliate entities, i.e. companies that XTB owns and/or that XTB controls and/or which are jointly with XTB controlled and/or which belong to the same group of companies of XTB.

### Third parties

XTB may share Users' personal data with service providers such as Suppliers who provide us with IT or payment and settlement infrastructure services, auditors, financial institutions (EMI, Bank Institutions, Payment Institutions), trading platforms administration providers, CRM providers, providers for recording and monitoring of phone calls, translators, tools for sending emails, regulators, official authorities, including courts and other government bodies, law enforcement authorities if such disclosure is required by law, tax authorities, companies and fraud prevention agencies to check your identity, protect against fraud, keep to tax laws, anti-money laundering laws, or any other laws and confirm that you're eligible to use our products and services etc. Also, Consultancy firms or Law Firms in connection with legal claims and to enforce our rights (and those of clients or others) and Accounting Firms for and book-keeping purposes.

XTB may provide your personal data processing in connection with the provision of services, to third parties. The third parties to which we transfer data are not controllers of your data, and XTB remains the controller of the data. XTB will share data only with those processors who have implemented GDPR policies and procedures and have in place specific measures with which they ensure an adequate level of protection as required by the GDPR. We also 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. Finally, where such third parties act as our 'processors', we also have in place the required contractual agreements for the protection of personal information in process.

### International Transfers of Your Personal Data

The provision of services by XTB may require the transfer of personal data to entities providing services to XTB in other countries, including countries outside the European Economic Area.

Please be informed that, unless you have provided us with your explicit consent, we will only transfer your data out of European Economic Area where the European Commission has decided that these countries

and/or organisations ensure an adequate level of protection and in cases where the transfer is subject to appropriate safeguards, in the form of standard data protection clauses adopted by the European Commission. The safeguards measures include, among others, Data loss prevention, file – level encryption, transport encryption, cloud data protection, database encryption etc.

On 10 July 2023, the European Commission adopted its adequacy decision for the EU-U.S. Data Privacy Framework. The adequacy decision concludes that the United States ensures an adequate level of protection – compared to that of the EU - for personal data transferred from the EU to US companies participating in the EU-U.S. Data Privacy Framework. The adequacy decision on the EU-U.S. Data Privacy Framework covers data transfers from any public or private entity in the EEA to US companies participating in the EU-U.S. Data Privacy Framework.

## **8. How long do we store personal data of the User?**

XTB stores personal data of the User for the period of duration of the agreement between the User and XTB for the purpose of provision of service and functionalities associated with it as well as for marketing purposes. After the expiry of the contractual relationship, XTB will store User's data for a period of seven (7) years. The Company keeps records containing your Personal Data complying among others with the Prevention and Suppression of Money Laundering and Terrorist Financing Laws of 2007 – 2022 (L. 188(I)/2007) and the local regulatory requirement imposed by CySEC.

XTB stores not logged Users' personal data for the period of time corresponding to the life cycle of cookies saved on their devices. Details related to the use of cookies are specified in part III. Using cookies – COOKIE FILES.

## **9. What are User's rights in connection with processing his or her personal data?**

### **9.1 Right to object to the using of data**

Pursuant to the article 21 GDPR, the User has a right to object at any time to the use of his or her personal data, if XTB processes his or her data based on its legitimate interest e.g. in connection with the contract performance, marketing of products and services, keeping statistics on the use of particular functionalities of the Portal and facilitation of the use of the Portal.

If the User's objection turns out to be well founded and XTB will have no other legal basis to process User's personal data, XTB will delete User's personal data against the use of which opposition has been directed.

### **9.2 Right to restriction of data processing**

According to the article 18 GDPR, the User may request the restriction of processing of his or her personal data when the User contests the accuracy of his or her personal data (then XTB limits their use for the time needed to verify User's data accuracy, no longer than 14 days), when the processing of the User's data is unlawful, and the User instead of the erasure of the personal data requests the restriction of their use, if the User's personal data are not necessary for the purposes for which they were collected, but they are required by the User for the establishment, exercise or defense of claims and also when the User has objected to the use of his or her data (then XTB limits data processing for time needed to consider whether the User's protection of his or her interests, rights and freedoms prevails over interests that XTB performs when processing User's personal data).

### **9.3 Right to access, rectification and erasure of information about the User**

Article 15 GDPR states that the User has a right to obtain from XTB confirmation whether his or her personal data are being processed. Where that is the case, the User has the right to access to his or her personal

data and obtain information among others about purposes of the processing, categories of processed personal data, envisaged period for which the personal data will be stored, or the criteria used to determine that period, rights of the User under GDPR and right to lodge a complaint with a supervisory authority. Furthermore, the User has a right to receive a copy of all personal data about him or her held by XTB and to inform XTB about any inaccuracies noted. However, exceptions are provided for in this respect.

The User may at any time notify XTB that his or her data has changed or that he or she wishes XTB to rectify or erase User's personal data held by XTB. In accordance with the instruction we will change, improve or erase data from our database, except, however, the extent to which we are obliged to store them under regulation or provisions of law for the purpose of providing services for the User which he or she requested us for or keep relevant business records.

#### **9.4 Right to data portability**

Pursuant to the article 20 GDPR, the User has a right to receive his personal data, which he or she has provided and then transmit those data to another controller chosen by him or her.

#### **10. At what time do we comply with the User's request?**

If the User requests us to exercise any of the above-mentioned rights, we shall comply with this request or refuse to comply with it immediately, but no later than one month from the date of its receipt. In the event that we cannot meet the User's request within a month due to the complexity of the request or the number of requests received, we will meet it within the next two months. The User will be informed in advance about the intended extension of the deadline.

#### **11. How to contact us?**

In order to submit a request regarding the exercise of any of the above - mentioned rights you ought to contact us, verify your identity and specify your request.

The User may contact our Data Protection Officer at the following e-mail address: [iod.cy@xtb.com](mailto:iod.cy@xtb.com). You can also contact the controller directly at the following e-mail address: [office.cy@xtb.com](mailto:office.cy@xtb.com)

#### **12. Complaints in regard to the use of Personal Data**

If you have any grounds to believe that the Company does not appropriately use your Personal Data, you can submit a complaint to the Office of the Commissioner for Personal Data Protection. Further details are available at the Website link: <http://www.dataprotection.gov.cy>.

#### **13. Use of cookies - COOKIE FILES**

XTB uses cookies files to gather information.

Cookie files are small data files, in particular, text files, which are stored in the terminal equipment (hard disc) of the Portal User and are destined for the use of Portal websites. Cookie files usually contain the name of the website, which they originate from, the duration of their storage in the terminal equipment as well as the unique number.

##### **13.1 Why do we use cookies?**

XTB uses cookies files for the following purposes:

1. to provide the User with more precise and comfortable use of the Site, tailoring the content of the XTB internet websites to the User's preferences as well as to optimize the use of the Portal. In particular, such files enable to detect the equipment of the User of the Internet Service and properly display the internet website adjusted to the User's individual needs;
2. to examine the activity of the Portal's User in order to create anonymous, aggregated statistics, which help us to understand in what way the Portal's Users use the internet websites, which contributes to the improvement of the structure and content of those sites as well as identification of the source, which the User has used to enter the Site;
3. to maintain the session of the Portal's User (after logging-in).

The cookies are often used by many sites on the Internet. The User may elect whether and in what way the cookie will be accepted through the change of preferences and options in his/her browser. If the User decides to shut down the cookies support in his/her browser, access to some parts of the Site may be impossible.


XTB uses two main kinds of cookie files:

1. persistent cookies are stored in the User's terminal equipment for the period of time defined in the parameters of the cookies files, or by the time they are deleted by the User;
2. session cookies are stored in the User's terminal equipment by the time of logging-out or closing the browser's window.

### **Managing browser's settings**

In many cases the software which is used for viewing the internet websites implicitly allows the storage of cookies files in the User's terminal equipment. The Users of the Site may, at any time, change the settings regarding cookies files. Such settings may be changed, in particular, in such a way, so as to block the automatic processing of cookies files in the settings of the internet browser or inform each time about their placing in the User's equipment. Detailed information about the possibility and ways of processing cookies files, including, the disabling, blocking and deleting cookies files, is available in the settings of the software for a concrete internet website.

Information on disabling the handling of the cookies files for the most popular internet websites:

1. For internet browser Microsoft Edge for Windows 10 system:
  - a. click button Tools  – the gear-wheel icon at the top right of the browser window
  - b. then click the "Cookies and site permissions" tab and then the Manage and delete cookies and site data then decide whether you want to allow cookie files, block them, or whether you want to be prompted with cookie files;
2. For internet browser Internet Mozilla Firefox:
  - a. at the top of the Firefox browser window press the menu button "☰" (in XP Windows click Menu Tools) and choose "Settings";
  - b. select "Privacy & Security" panel and go to Cookies and site data
3. For internet browser Internet Google Chrome:
  - a. in the upper right corner of the Chrome browser window click "⋮";
  - b. select "Settings";
  - c. click "Privacy and security";
  - d. under "Privacy and security," click "Third-party cookies";



- e. Then decide whether you want to allow cookie files, block them, or whether you want to be prompted with cookie files;
  - f. turn off "Allow sites to save and read cookie data".
4. For internet browser Oper:
- a. at the top of the Firefox browser window press the menu button "☰"
  - b. Scroll down to Privacy and security, then click the Clear button beside Browsing data. This should open up the Clear browsing data window.
  - c. Select the box for Cookies and other site data, then click Clear data.

XTB announces that the limitations in the use of cookies files may have an impact on the operations of some functionalities available on the Portal's sites.

Not making changes of the settings of the internet browser for the settings blocking the writing of the cookies files is equivocal with the granting of consent for their writing.

You may find more information on cookies at the address: [www.aboutcookies.org](http://www.aboutcookies.org), or in section Help in the internet browser menu.

This Policy refers to the use of the cookies only through this Portal and is not applicable to their use by any third party.

If a User opens an account with us, he, or she will have to use our software which makes possible for us to use cookies with regard to the User's access to this Portal.

#### **14. Mobile Applications Privacy Policy**

This chapter describes the privacy policy of XTB mobile applications.

The mobile device stores an enciphered unique Application Identifier (the parameter is generated in the process of Application registration on the XTB side) – it is stored on the device until the deletion of the mobile application from the device.

The Application Identifier referred to above and information about the brand, type and hardware token of the mobile device is transferred to XTB in the registration process of the device in the Application and it is used for explicit identification of the Application and the mobile device.

The communication between the mobile application and XTB system is held with the use of advanced deciphering mechanisms.

Depending on a mobile platform, XTB applications may gain access to the following functions on the mobile device:

- a. Internet connection;
- b. Device camera to take pictures of documents and/or user's face during real account registration;
- c. Photo gallery on the device to send pictures of documents and/or user's face during real account registration;
- d. Access to user's space to save a picture;
- e. Advertising Identifier (IDFA) to monitor efficiency of our own advertising campaigns and installation of our application;
- f. Chat microphone;
- g. Phone mode in order to switch on the sleep mode of the application when it is in the background.



Depending on the mobile application, application functions may be cancelled by changing system settings on the device or uninstalling the application.

Mobile applications do not store any personal data which could allow a third party to identify a particular application user. Anonymous data concerning users' activity on Mobile Applications may be processed by XTB for statistical purposes.

Additionally, XTB informs that the applications have three connected services:

1. Google Firebase – to collect statistical data of application performance and information about the way customers use the application, such data is fully anonymous,
2. Fabric.io – to collect statistical data of application performance and information about the way customers use the application, such data is fully anonymous, additionally, this service allows XTB to collect crash, i.e. applications' errors which are also fully anonymous and deprived of any data which may enable to identify the customer or their information, and,
3. Facebook Mobile SDK – to collect statistical data of conducted campaigns promoting the mobile application and information about the way customers use the application, such data is fully anonymous.

If you do not consent to this privacy policy, please do not install the Application, or uninstall it.

## **15. Final provisions**

XTB reserves the right to amend this Policy without further notice to you, provided that the changes do not significantly reduce your rights under this policy. If we make material changes to this policy, we will notify you by email or by other means of a notice.

Amendments become effective at the time of publication on the Company's website. Users are encouraged to acquaint themselves periodically with the text of this Policy in order to track amendments to its provisions.

Using this website means acceptance of this Policy. If the User does not accept it, XTB will not enable access to its services and use of the services must be stopped immediately.

Any disputes regarding this Policy, if not resolved amicably, will be resolved by the court of competent jurisdiction.

*Ver 5, Feb2024*