



# Privacy and Cookie Policy

TLX Digital Trading Platform Ltd

January 2023

**thalex**

**Better products.  
Better execution.  
Better trading.**

TLX Digital Trading Platform Ltd, an International Business Company incorporated in the Republic of Seychelles, registered under company number 231189 and with its registered office at Suite 202, 2nd floor, Eden Plaza, Eden Island, PO Box 1352, Mahe, Republic of Seychelles (“**Thalex**”, “**we**”, “**us**” or “**our**”) operates a platform on which Cryptocurrency derivatives are traded (the “**Platform**”). In order to provide our Services to you, we need to process certain data about you. We take your privacy seriously and will always process your personal data in accordance with the guidelines of this Privacy and Cookie Policy. You can find information about us, the Platform and our legal basis to process your personal data in this Privacy and Cookie Policy. Any capitalised terms not defined in this Privacy and Cookie Policy have the meaning as given to them in our [Terms of Use](#).

This Privacy and Cookie Policy describes our current policies and practices in relation to the collection, handling, use and disclosure of personal information through our websites, pages, features, mobile applications, API, and other online products and services that link to this Privacy and Cookie Policy (collectively, the “**Website**”) or when you otherwise interact with us. It also deals with how you can complain about a breach of the privacy laws, how you can access the personal information we hold about you and how to have that information corrected.

We encourage you to read this Privacy and Cookie Policy carefully before proceeding further as it forms part of our [Terms of Use](#).

This Privacy and Cookie Policy applies to all visitors of the Website, or users of the related APIs, that share personal information with us. Whether you are a mere visitor of the Website, contact us directly or submit personal information in another way, we will always process your personal data in accordance with this Privacy and Cookie Policy.

## 1. About Thalex

The Website and the Platform are made available by Thalex. Thalex is the controller for the processing of your personal data.

## 2. Your Information and the Blockchain

Blockchain technology, also known as distributed ledger technology (or simply 'DLT'), is at the core of our business. Blockchains are decentralized and made up of digitally recorded data in a chain of packages called 'blocks'. The manner in which these blocks are linked is chronological, meaning that the data is very difficult to alter once recorded. Since the ledger may be distributed all over the world (across several 'nodes' which usually replicate the ledger) this means there is no single person making decisions or otherwise administering the system (such as an operator of a cloud computing system), and that there is no centralized place where it is located either.

Accordingly, by design, a blockchain's records cannot be changed or deleted and is said to be 'immutable'. This may affect your ability to exercise your rights such as your right to erasure (this being your 'right to be forgotten'), the right to rectification of your data or your rights to object or restrict processing, of your personal data. Data on the blockchain cannot generally be erased or changed, although some smart contracts may be able to revoke certain access rights, and some content may be made invisible to others; however, it is not deleted.

In certain circumstances, in order to comply with our contractual obligations to you it may be necessary to write certain personal data, such as your cryptographic wallet address, onto one or more blockchains; this is done through a smart contract and requires you to execute such transactions using your cryptographic wallet's private key.

In most cases ultimate decisions to (i) transact on the blockchain using your Ethereum/Bitcoin or any other Cryptocurrency wallet address, as well as (ii) share the public key relating to your Ethereum/Bitcoin or any other Cryptocurrency wallet address with anyone (including us) rests on you.

**IF YOU WANT TO ENSURE YOUR PRIVACY RIGHTS ARE NOT AFFECTED IN ANY WAY, YOU SHOULD NOT TRANSACT ON BLOCKCHAINS AS CERTAIN RIGHTS WILL NOT BE FULLY AVAILABLE OR EXERCISABLE BY YOU OR US.**

**IN PARTICULAR THE BLOCKCHAIN IS AVAILABLE TO THE PUBLIC AND ANY PERSONAL DATA SHARED ON THE BLOCKCHAIN WILL BECOME PUBLICLY AVAILABLE.**

Your information may also be written on other blockchains of the Cryptocurrency which you transact with.

## 3. Types Of Personal Data Collected

- 3.1. We collect and processes various categories of personal data at the start of and for the duration of our relationship with you. Some categories of personal data are kept beyond the termination of our relationship where so required and there is a legitimate purpose for doing so. We limit the collection

and processing of information to what is necessary to achieve one or more of the lawful bases identified in this Privacy and Cookie Policy.

- 3.2.** When you register an Account and/or use the Website, we may ask you for the information we need to verify your identity and support the Services provided on the Website in order to facilitate trading of the Admitted Contracts. This can include a broad range of information such as (but not limited to):
- 3.2.1. Personal information:** This may include full name, home address, age, gender, signature, e-mail address, mobile number, date of birth, nationality, passport number, driver's license details, national identity card details, photographs, employment information, utility bills, cryptographic wallet 'public keys' and /or financial information. We may also ask you to provide evidence of your identity such as asking for a copy of your passport or driving licence, and proof of residence and/or proof of income.
  - 3.2.2. Logging information:** We may collect log information about your use of the Website, including the type of browser you use, app version, access times, pages viewed, your IP address, any other network identifiers, and the page you visited before navigating to the Website.
  - 3.2.3. Device information:** We may collect information about the computer or mobile device you use to access the Website, including the hardware model, operating system and version, unique device identifiers, and mobile network information.
  - 3.2.4. Activities on the Platform:** We may collect records of your activities on the Website, including, any content you post including trades, your Account details, the time, value and Cryptocurrency of any deposit, withdrawal or transaction made.
  - 3.2.5. Location information:** In accordance with your device permissions, we may collect information about the precise location of your device.
  - 3.2.6. Information collected by cookies and other tracking technologies:** We may use different technologies to collect information, including cookies and web beacons – please see Section 7 for more detail.

#### **4. How We Collect Your Personal Data**

We collect your personal data in the following manner:

- a. information you provide to us directly when contacting us;
- b. information we receive from third parties, such as third-party service providers;
- c. information acquired by us during the course of our relationship and dealings with you;
- d. information collected through the use by you of the Website, the Platform and applications; and
- e. information gathered from publicly available sources.

#### **5. Why We Process Your Personal Data**

- 5.1.** We may use the personal data that you provide or which is collected by us in accordance with this Privacy and Cookie Policy and relevant laws, to:
- 5.1.1.** provide you with our Services including processing your trades;
  - 5.1.2.** verify your identity and carry out checks that we are required to conduct by applicable laws and regulations, including without limitation, "know your customer", anti-money laundering, fraud, sanctions and politically exposed person checks;
  - 5.1.3.** contact you on matters related to your Account, including, to request any additional information or documentation;

- 5.1.4.** provide you with notices related to your Account, general updates, market updates and other marketing materials, including, the Services offered by us, it being understood that we will give you the option of electing not to receive communications and you can unsubscribe at any time by notifying us that you wish to do so;
  - 5.1.5.** customise and improve the Platform;
  - 5.1.6.** assess your AML risk score according to parameters determined by us;
  - 5.1.7.** tailor the products and Services offered through the Website to you, including without limitation, to perform any suitability or appropriateness assessments for using our Services and/or trading the Admitted Contracts;
  - 5.1.8.** assess whether you qualify for portfolio margin;
  - 5.1.9.** detect and reduce risks of fraud;
  - 5.1.10.** enable us to manage your ongoing requirements and our relationship with you, for example, to process transactions, troubleshoot a problem, prevent or investigate illegal or potentially illegal activities;
  - 5.1.11.** to enforce/defend our rights or to meet our internal policy requirements;
  - 5.1.12.** maintain administrative records relating to our business; and
  - 5.1.13.** set up security measures to secure your Account, including without limitation, to carry out two-factor authentication.
- 5.2.** We will not process your personal data for other purposes as set out in Section 5.1 or as otherwise permitted under applicable law.

## **6. Legal Grounds for Processing your Personal Data**

In order to process personal data, we need a valid lawful basis under applicable data protection laws and regulations (the “**Data Protection Legislation**”) which will justify the processing. The purposes for which your personal data is collected and processed include the following:

### **6.1. Contractual necessity**

This lawful basis applies to most of our processing activities in relation to personal data belonging to our customers. It applies both during the pre-contractual stages of our relationship (when you are signing up) as well as once the contractual agreement(s) are in place.

### **6.2. Compliance with a legal obligation to which we are subject**

We are subject to other legal obligations other than the Data Protection Legislation, which may require us to process personal data. For example, we are required to retain information in accordance with record-keeping requirements under applicable legislation. Further we may need to carry out certain investigations, customer due diligence, and reporting for the purposes of anti-money laundering (including counterterrorist and proliferation financing) legal and/or regulatory requirements.

### **6.3. Legitimate interests of Thalex or a third party**

We may also process your personal data where it is in our legitimate interests (or the interests of a third party) to do so, provided that those interests override your interests or fundamental rights or freedoms. There may be cases where your interests and fundamental rights could override our legitimate interests. This may happen in cases where personal data are processed in circumstances where you do not reasonably expect further processing. We will always need to (i) identify a legitimate interest (ii) show that processing is necessary to achieve it; and (iii) balance it against your

interests, rights, and freedoms. Some non-exhaustive examples of situations where we may seek to pursue legitimate interests are:

- a. for marketing purposes;
- b. for the exercise, establishment, or defence of legal claims; and/or
- c. to prevent fraud

#### **6.4. Consent**

We rarely rely on your consent to process your personal data, as usually another lawful basis will be more suitable. Where we do seek to rely on your consent, we will always ensure that this consent is fairly obtained by clearly informing you about why your consent is needed. We will usually require that you provide your consent through a clear, affirmative action such as ticking a box, toggling/swiping a button or switch on the Website or on a mobile application, signing your name or other suitable method that can clearly evidence your consent. Non-exhaustive examples of when we may need your consent are:

- a. to enable a feature on a mobile device application; and/or
- b. to enable us to place cookies and similar technologies

### **7. Use of Cookies**

- 7.1.** We use cookies when you visit the Website and use the Platform. A cookie is a small file that is saved on your computer, tablet or mobile phone when viewing a website. With the help of cookies user preferences may be saved for later use, or browsing habits can be tracked for statistical purposes. A lot of improvements in a website's user experience and performance are possible thanks to the implementation of cookies.
- 7.2.** We use strictly necessary cookies for technical reasons as they are necessary to enable the Website to operate efficiently so that you can navigate the Website with ease and use specific features. These include, for example, cookies that help us to debug any errors. If these cookies are blocked or disabled, the Website will not operate.
- 7.3.** We use analytical cookies to analyze website traffic and usage and help us to improve user experience. Before saving any such cookies, we will ask for your consent. You will be able to revoke your consent at any time.
- 7.4.** The cookies set out in Section 7.2 and 7.3 are saved until you delete them in your internet browser. You can block the use of cookies by changing the settings in your browser. This may, however, limit your user experience. More information on enabling, disabling and deleting cookies can be found in the Help-function of your browser.

### **8. Retention Period**

- 8.1.** We strive to maintain the relevance, reliability, accuracy, completeness and currency of the personal data we hold and to protect its privacy and security.
- 8.2.** We keep personal data only for as long as is reasonably necessary for the purpose for which it was collected or to comply with any applicable legal or ethical reporting or document retention requirements. We will not retain your personal data in a form which permits the identification of the data subject for longer than needed for the legitimate purpose or purposes for which we originally collected it, including for the purpose of satisfying any legal, accounting or reporting requirements.

- 8.3.** 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 requirements.
- 8.4.** At the end of the retention period, we will securely delete or destroy data retained, and require our sub-processors or third parties suppliers to do likewise.

## **9. Access To Your Personal Data**

We will not share the personal information we hold about you except in the following circumstances:

- a. between and among our internal corporate entities and our current and future parents, affiliates, subsidiaries, and other companies under common control and ownership (only to the extent that this is required);
- b. we may engage third-party service providers to provide ancillary services. If and to the extent such parties will come into the possession of your personal data, such parties will act as our data processor. These are, for example, cloud service providers and suppliers of certain software solutions, such as identity verification software. We will enter into a data processing agreement with these parties, which shall include arrangements on data security to protect your personal data against data breaches. Such data processors will only process your personal data to the extent required for the provision of services for which they are engaged;
- c. we may also share personal data with affiliates who referred you to the Platform, and partners for promotions or co-branded service integrations;
- d. with other professional advisors, vendors, consultants, and other service providers, who carry out work on our behalf;
- e. in connection with, or during negotiations of, any merger, sale of company assets, financing or acquisition of all or a portion of Thalex by another company;
- f. in response to a request for information if we believe disclosure is in accordance with, or required by, any applicable law or legal process, including lawful requests by public authorities to meet national security or law enforcement requirements; and/or
- g. if we believe your actions are inconsistent with our user agreements or policies, or to protect the rights, property, and safety of Thalex or others.

## **10. Transfer and Storage of Your Personal Data**

### **Participants from the EU**

- 10.1.** We may, in certain circumstances where necessary (for example when we process and store your personal information using data centers located outside the European Union), transfer the personal information we collect about you to countries outside the European Union. Where no adequacy decision is made in respect of that country this means that the country to which we transfer your data is not deemed to provide an adequate level of protection for your personal information.
- 10.2.** However, to ensure that your personal information does receive an adequate level of protection we have put in place appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects Data Protection Legislation for example by stipulating this as part of our contract with our third-party suppliers.

- 10.3.** If you would like further information about the safeguards in place for transfers of personal information to other third parties outside of the European Union, under the applicable data protection laws, please contact us using the details set out in Section 16.

**Participants from the rest of the World**

- 10.4.** The data that we collect from you may be processed and stored in a country that is different from the country in which Thalex is registered and incorporated. It may also be transferred outside of the country in which Thalex is registered and incorporated, and processed by staff operating in another country but who are nevertheless employed by us, one of our affiliates, suppliers, introducers, business partners, agents or third-party service providers.
- 10.5.** In both cases above, we will take all steps reasonably necessary to ensure that your personal information is treated securely and in accordance with our legal obligations and standards. Where this is not possible and we are required to disclose your personal information, for example because we are required by law to disclose your personal information, we will do this in accordance with applicable legal and regulatory obligations. You may contact us anytime using the details set out in Section 16 if you would like further information on such safeguards.

**11. Information Security**

- 11.1.** We process your personal data with the greatest possible care and scrutiny. This means we will adopt appropriate technical and organisational measures to ensure that all the information is correct, current and complete and to prevent it from being accessed by unauthorised persons inside and outside our organisation. For example, we may use the following types of measures, where appropriate: (i) encryption of personal information, (ii) back-up servers and facilities, (iii) testing, and (iv) ongoing monitoring of the effectiveness of security measures.
- 11.2.** We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

**12. Existence Of Automated Decision-Making**

- 12.1.** You have a right not to be subject to a decision based solely on automated processing (i.e. by computers and without human intervention), including profiling, which produces legal effects concerning you or similarly significantly affects you.
- 12.2.** However, this right does not apply when the decision:
- a. is necessary for entering into, or performance of, a contract between you and us;
  - b. is required or authorised by law; or
  - c. is based on your explicit consent.
- 12.3.** We use a third-party service to conduct verification of your identity and perform screenings pursuant to our legal obligations. These third-party services use automated decision making to determine whether or not you are able to open an Account and use our Services.

**13. Your Rights In Respect Of Your Personal Data**

- 13.1.** You have certain rights and protections regarding the processing of your personal information. For example, in certain circumstances you have the right to:



- 13.1.1.** request access to your personal information. This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it;
- 13.1.2.** request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected;
- 13.1.3.** request erasure of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below);
- 13.1.4.** object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes;
- 13.1.5.** request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it;
- 13.1.6.** request the transfer of your personal information to another party; and
- 13.1.7.** object to automated decision making and request human intervention and contest any automated decision making.

**13.2.** If you wish to exercise any of your rights, please contact us via the means set out in Section 16.

**13.3.** If you reside in the European Union area and have a concern about our processing of personal data that we are not able to resolve through our internal resolution process, you have the right to lodge a complaint with the data privacy authority where you reside. For contact details of your local Data Protection Authority, please see [here](#).

#### **14. Limits To Your Right To Information**

Your right to information is limited in certain cases. The requirements to give information do not apply insofar as:

- a. the provision of information to you proves impossible or would require disproportionate effort on our part in order to provide. This is provided that we take appropriate steps as controller to protect your rights as a data subject, your freedoms and your legitimate interests, including by making information publicly available (as this Privacy and Cookie Policy intends to do);
- b. obtaining or disclosure is expressly laid down by law to which we are subject, and which provides appropriate measures to protect your legitimate interests;
- c. the personal data must remain confidential subject to an obligation of professional secrecy regulated by law (such as statutory obligations of secrecy); or
- d. you already have the information.

#### **15. Complaints**

If you have complaints about how we handle your personal data, you can contact us using the contact details set out in Section 16 below. We are happy to help you find a solution. In addition, you may file a complaint about the way we process your personal data with the supervisory authority in the country where you are a resident (where applicable).

## **16. Contact**

If you have any questions concerning the manner in which we process your personal data, or you wish to invoke any of your statutory rights, you may contact us by sending an email to [support@thalex.com](mailto:support@thalex.com).

## **17. Amendments**

This Privacy and Cookie Policy will be reviewed from time to time to take account of changes to our operations or practices and, further, to make sure it remains appropriate to any changes in law, technology and the business environment. Any personal information held will be governed by our most current Privacy and Cookie Policy. We will endeavour to inform you of changes when made.

**Thalex**

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