

Privacy Policy

Foenix Partners is committed to safeguarding your personal information, as your privacy is important to us.

This policy describes the types of personal information we may collect about you, the purposes for which we use the information, the circumstances in which we may share the information and the steps that we take to safeguard the information to protect your privacy.

Please ensure you read this policy carefully to understand our practices regarding your personal information that we hold.

Important information and who we are

Foenix Partners Limited (company number 07677978) (collectively referred to as “Foenix”, “we”, “us” or “our” in this privacy policy) is a data processor in respect of personal data provided by our clients.

We have appointed a data privacy manager who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact the data privacy manager using the details set out below.

Contact details

Our full details are:

Full name of legal entity: Foenix Partners Limited
Name or title of data privacy manager: Pooja Sahu
Email address: support@foenixpartners.com
Postal address: 26 Curtain Road, London, EC2A 3NY

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

Changes to this privacy policy and your duty to inform us of changes

We may amend this policy as and when required. If we make any changes that will affect you, we will notify you.

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.

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Types of personal data collected from you

Personal data, or personal information, means any data 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 need to collect, store and use personal data about you (if you are an individual) or your officers and employees or partners (if you are a body corporate or a partnership respectively) (your Connected Individuals), for providing services to you, for administration purposes (including maintaining and using our contact databases) and for the prevention and detection of crime and to be compliant with our legal obligations. We may need to share your personal data with third parties worldwide (including outside the European Union), for example, other payment service providers.

For the provision of financial services to you and subject to strict compliance with all applicable laws and regulations, personal data may be collected about you indirectly from monitoring or other means (e.g. recording of telephone calls and monitoring e-mails). In these circumstances, the personal data is not accessed on a continuous or routine basis, but it may be used for compliance or security purposes.

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

- 1) **Identity Data** includes name, job title, date of birth, passport, national identity card, driving licence.
- 2) **Contact Data** includes address, email address and telephone number.
- 3) **Financial Data** includes bank account and payment details.
- 4) **Transaction Data** includes details about payments to and from you and other details of services you have purchased from us.
- 5) **Technical Data** includes internet protocol (IP) address, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to agree to our online terms of business.
- 6) **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

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We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity.

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.

We may also need additional commercial documents if you send or receive certain high-value or high-volume transactions to comply with our anti-money laundering obligations under applicable law.

In providing the personal data of any individual (other than yourself) to us during your use of our services, you promise that you have obtained consent from such individual to disclose his/her personal data to us, as well as his/her consent to our collection, use and disclosure of such personal data, for the purposes set out in this Privacy Policy.

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 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 (for example, to provide you with goods or services). In this case, we may have to cancel any trade and/or not provide services to you, but we will notify you if this is the case at the time.

How is your personal data collected?

The personal data which we collect primarily comes from the account opening process that you submit during the course of establishing a relationship with us. We may also collect personal data about your transactions and based on the products or services you require, we may obtain additional personal data about your firm if you are registering as a corporate entity such as your credit history, from credit reporting agencies.

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

Direct interactions. You may give us your Identity, Contact and Financial Data in the context of our account opening process. We may also collect personal data from you when you:

- (i) request marketing to be sent to you;
- (ii) enter a competition, promotion or survey; or
- (iii) give us some feedback.

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Automated technologies or interactions. As you interact with our website, we may 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 [cookie policy](#) for further details.

Third parties or publicly available sources. We may receive personal data about you from various third parties and public sources as set out below:

- (i) Contact, Financial and Transaction Data from providers of technical and payment services;
- (ii) Identity and Contact Data from our credit check, identity and anti-money laundering search providers.
- (iii) Identity and Contact Data from publicly available sources such as Companies House.

How do 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:

- (I) Where we need to perform the contract we are about to enter into or have entered into with you.
- (II) 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.
- (III) Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email. You have the right to withdraw consent to marketing at any time by contacting us.

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to 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 where more than one ground has been set out in the table below.

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Purpose/Activity	Type of personal data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer	a) Identity b) Contact	Performance of a contract with you
To carry out identity, credit and anti-money laundering searches on you	a) Identity b) Contact c) Financial	Legal obligation
To process and deliver your orders for our services including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	a) Identity b) Contact c) Financial d) Transaction	a) Performance of a contract with you b) Necessary for our legitimate interests (to recover debts due to us)
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) 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)
To enable you to partake in a prize draw, competition or complete a survey	a) Identity b) Contact c) Marketing and Communications	a) Performance of a contract with you b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)
To administer and protect our business and our website (including troubleshooting, data analysis, testing, system maintenance, support, 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 make suggestions and recommendations to you about goods or services that may be of interest to you	a) Identity b) Contact c) Technical d) Usage e) Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)

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Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. You may withdraw any consent given to receive direct marketing communications from us by contacting 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 services and offers may be relevant for you. We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. You may withdraw any consent given to receive direct marketing communications from us by contacting us.

You will receive marketing communications from us if you have requested information from us or purchased services from us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

Opting out

You can ask us to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of you purchasing services from us.

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 the Website 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 get 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 an unrelated purpose, 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.

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How is your data protected?

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 instruction 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 regulator of a breach where we are legally required to do so.

We also maintain physical, electronic and procedural safeguards to protect the personal data against loss, misuse, damage or modification and unauthorised access or disclosure. Some of the other central features of our information security program are:

- Storing of all your personal data on a secure cloud-based system protected by firewalls.
- Internal and external reviews of our Internet sites and services;
- Consistent monitoring of our systems infrastructure to detect weaknesses and potential intrusions.
- All software and anti-virus updates are regularly conducted to ensure security of the personal data stored. This also includes an anti-malware function which is comprised of virus and spyware security.
- Implementing controls to identify, authenticate and authorise access to various systems or sites; and providing employees with required training while handling sensitive data.
- Protecting data during transmission through various means including, where appropriate, via encryption and decryption methods.

Please be aware that any transmission of personal data on the internet can never be completely secure. Therefore, we cannot guarantee security of personal data collected or transmitted electronically however, we at Foenix Partners take precautions to safeguard your personal data.

Disclosure of your personal data

- We may need to share your data with third parties to process your transactions and for storing your personal data for audit purposes.

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- We share personal data among our affiliates and business units if required but only in circumstances where such sharing conforms to law, any applicable confidentiality agreements, and our policies and practices.
- We may disclose your personal data with our banking providers or regulatory bodies to process transactions/payment on your behalf or to comply with legal requirement and law enforcement guidelines. We may share personal data with third parties where appropriate to protect against fraud or verify or enforce our terms of use, our other rights, or other applicable policies.
- From time to time, we enter into agreements with other companies to provide services to us, or to make services and products available to you. Under these agreements, these companies may receive your personal data, but they must safeguard this personal data, and they may only use it for those purposes we specify. All third parties we are partnered with will be compliant and coincide with The General Data Protection Regulation (GDPR). This is to ensure that all personal data is securely stored.

Some of our external third parties are based outside the European Economic Area (EEA) so their processing of your personal data will involve a transfer of personal data outside the EEA.

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

- (i) 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.
- (ii) Where we use providers based in the US, we may transfer personal 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.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

Data retention

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

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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. In some circumstances you can ask us to delete your data: see Erasure Request below for further information. In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you

Your legal rights

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

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.

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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: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) 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; or (d) 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. 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 may 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 may 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.

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