

# **Atriafinancial SA (Pty) Ltd**

## **Privacy Policy**

October 2023

Atriafinancial SA (Pty) Ltd is a Financial Services Provider regulated in the conduct of its activities by the South African Financial Sector Conduct Authority ("FSCA") under license 36060.

## 1. Introduction:

**Atriafinancial SA (Pty) Ltd** (hereafter the “**Company**”) is a company incorporated under the laws of South Africa, the registered office of which is at the Workplace, 44 Melrose Boulevard, Birnam, 2196 and is a Financial Services Provider regulated in the conduct of its activities by the South African Financial Sector Conduct Authority (“FSCA”) under license 36060. The Company being a provider of markets for CFD and foreign exchange contracts and other similar financial products via electronic trading platforms. The Company may from time to time add and remove financial trading products at its own discretion. The Company owns and operates the website [www.sa.evest.com](http://www.sa.evest.com) and all trading platforms and brand names in connection with the Evest brand.

This privacy policy is created to reflect, inter alia, the Company's obligations under the Dealers in Securities (Licensing) Act [CAP 70] (as it may be amended from time to time) and the Guidance Notes on Market Practice and Code of Conduct for Financial Dealers and also in regards to the collection, processing, storage, safeguarding and usage of Personal Information of clients.

The Company has an obligation to comply with the Protection of Personal Information Act, 2013 (POPIA) of South Africa and any other regulations, laws and guidelines that may govern Personal Information in South Africa.

Furthermore, where the Company collects and processes data of EU residents, the Company shall also comply with the General Data Protection Regulation (EU) 2016/679 (GDPR).

For the provision of services from our Company, we are required to collect personal information during the registration process and throughout the time that the client shall use our services. This privacy policy intends to explain how any information provide us by the client will be used and utilised. All personal information that we hold, will be governed by our Privacy Policy and applicable laws and regulations.

All Personal Information and personal data that the Company shall collect, process, hold, safeguard and store and as part of its internal policies will be in accordance with the Client Agreement and any laws and regulations that the Company will be obliged to comply with. We strongly recommend that all clients constantly review the Client

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agreement (<https://sa.evest.com/start-trading/documents-policies#/> ) as it may be amended from time to time. In case of any queries or clarifications in regards to any policies please contact us at [compliance@mena.evest.com](mailto:compliance@mena.evest.com) .

## 2. Personal Information to be collected and reasons for collecting personal information:

The company will collect the necessary information including but not limited to:

- Names and Surnames
- Email address
- Date of Birth
- Place of Birth
- Gender
- Home address
- Profession and Employment details
- Bank details
- Economic profile (including information about your income, wealth, details about your assets and any trading history)
- Information on whether you are a Politically Exposed Person (PEP)
- Tax residence and Tax Identification number
- Photo ID or Passport
- Any other required personal data in order to construct a complete economic profile.

The reasoning for the above is but not limited to:

- client Identification and to carry out the appropriate due diligence before the onboarding procedure is complete
- To Screen and use third-party sources to check the validity of the information provided (including but not limited to conducting background checks and demographic information)
- To Build an Economic Profile during the registration process.

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- To be able to receive and execute instructions of the Client
- To communicate with the client
- To safeguard client's assets
- To provide services to the client
- To fulfil our statutory obligations (including compliance and regulatory reporting)
- To improve the services provided to clients
- For Marketing purposes
- For Legal notifications
- For regulatory compliance purposes (AML and TF)

Any information that is collected, can be done so through numerous ways including the website, mobile app, account opening and registration, demo sign ups and any information collected during customer service communications. Information may also be collected from any medium which makes information publicly available. (e.g. Social Media and other service providers). The Company may request that information provided to be certified and/or authenticated prior to accepting the Information.

To comply with further regulations, we will keep records of the client's trading activities and behaviours, including reports, statements, and trades for the following:

- Products traded on our platform and their overall performance
- Historical data and investments you have made during our time with us, including amounts invested
- Preference in the type of products

The Company maintains the right to record any and all communications, either electronic, by telephone, in person or other methods not limited to the aforementioned, in relation to the services provided to the client.. These communications shall constitute Company property and will be considered as evidence of our communications between us and our clients.

### 3. How information is used and protected:

#### **Use of Information:**

Atriafinancial SA (Pty) Ltd is a Financial Services Provider regulated in the conduct of its activities by the South African Financial Sector Conduct Authority ("FSCA") under license 36060.

Client' personal information may be used and processed for the purposes of sending marketing communications by the prescribed modes mentioned above (email, telephone, and others) or any other mode as agreed in advance. The purpose of the marketing communications is to keep clients up to date with the latest developments, announcements and other information about the Company's services, products and technologies.

In addition, we may process Client information in order to conduct client surveys, marketing campaigns, market analysis, or promotional activities. We may also collect information about the client preferences to create a user profile to personalize and foster the quality of our communication and interaction with the client (for example, by way of newsletter tracking or website analytics). Client data may also be used to perform an enquiry concerning your complaints.

As per the legal, compliance and regulatory requirements we may also come in contact with clients to inform them regarding changes in products, services, or legislation. Such communications shall continue regardless if clients opt out of receiving marketing materials.

Clients consent to the receipt of such contact when they consent to our terms and conditions of use when registering with the Company. Any client wishing to opt out of receiving any further communications regarding promotional offerings, may do so by informing the company at [compliancesa@evest.com](mailto:compliancesa@evest.com).

The client may withdraw its consent by contacting the Company at [compliancesa@evest.com](mailto:compliancesa@evest.com) and requesting erasure of PERSONAL INFORMATION and data. However, the client must acknowledge that the Company reserves the right to retain the Personal Information and Data for a period up to 5 years after collecting the Personal Information and/or after the termination of services and any all such request submitted by the client to the Company.

#### **Protection of Information:**

Any information provided to the Company will be considered as confidential and will be treated as such.

When collecting, processing and storing Personal Information provided by the client, we are subject to the provisions of the POPI Act and other relevant regulations of the Republic of South Africa.

Sharing of the information will be only within the Company and its affiliates and will not be shared with any third parties except under regulatory or legal proceedings or any other disclosure reasons as required by the law or regulatory authority.

We may also provide your personal data to tax authorities or organizations that require the data to be provided in order to comply with laws against money laundering and financing terrorism, or when necessary to protect our rights or property. We may pass your personal data on to third party authentication service providers when you use our system to perform identity checks and documents verification - we do this in order to comply with our legal obligations.

When transferring your information to third parties, we maintain the confidentiality and security of the information being transferred.

### **Affiliates and Partners**

Information may be shared with affiliates to a reasonable degree, in which to assist the affiliate to provide a client the Company's products and services. Information may be shared with affiliates and partners to provide offers and products which meet the client's needs and requirements. Such information will be shared, if they are useful, and the clients have authorised the Company to do so.

### **Non-Affiliate third parties:**

The Company does not sell or otherwise disclose client information to third parties except as notified in this Policy.

## **4. Keeping Information Up to date:**

If any of the original information provided during registration has changed, it is the client's responsibility and obligation to update the Company of such changes immediately. Failure to do so could result to suspension of the client's account or permanent removal from our services.

The Company shall under no circumstances accept any responsibility and/or liability for any losses suffered by the client due to the suspension and permanent removal of the clients account due to non-compliance and non-provision of new and updated information of the client as per their obligations under the terms and condition set out in the Client Agreement and in accordance with these Privacy policies.

## 5. Your Rights regarding Your Personal Information

In accordance with POPIA the client is granted protection rights of its PI as defined below. . Some of the clients rights only apply under certain circumstances and are granted specific exemptions in data protection legislation..

(a) Access to Personal Information: The client can contact the Company via the means provided and request any and all personal information currently held by the Company.

(b) Correction of Personal Information: If the Personal Information that the client has provided has been incorrectly entered or is incorrect or has changed, then the Client can must inform the Company to rectify and correct any personal Information that is currently being in the possession or is being processed by the Company and is incorrect. See clause 4 above for non-compliance with correction of Personal Information.

(c) Right to withdraw consent: Where the clients has granted the Company their consent and the Company can relied upon this consent to process Personal Information, then the client is also granted the right to withdraw that consent given. The client must inform the Company in writing of their desire revoke and/or withdraw their Consent. Should the client require any additional assistance and/or clarification regarding the withdrawal consent policy then the client can contact the Company at [compliance@mena.evest.com](mailto:compliance@mena.evest.com)

(d) Right of erasure: The client can request from the Company to erase their Personal Information where there is no valid reason or purpose to continue processing the Information. This right is only applicable in certain circumstances, it is not a guaranteed or an absolute right . Should the client require any additional assistance and/or

clarification regarding the right of erasure policy then the client can contact the Company at [compliancesa@evest.com](mailto:compliancesa@evest.com)

(e) Right to data portability: The client's Personal Information that has been consensually provide to the Company or which was necessary for the Company to provide the client with products and services may be transferred to another organisation or to another entity under the Company's Group structure as part of the services provision. The client may have the right to have its Personal Information transferred by the Company directly to the other organisation, where is option is readily available.

(f) Right to restrict processing of Personal Information: The client has the right in certain circumstances to request that the Company temporarily suspend the processing of its Personal Information. Where there has been a temporary suspension in in the processing of the Clients Personal Information, the Company is still obligated to store Personal Information of the client that has been collected, but any other and/or further processing of the clients information will require consent of the client.

(g) Right to object to processing of Personal Information: The client has the right to object to use of their Personal Information by providing valid reasons. . However, the Clients objection may not prevent the company from continuing to process personal Information provided , , where the Company is obligated and/or compelled by law to do so or we need to process your Personal Information in connection with any legal claims. Should the client require any additional assistance and/or clarification regarding the objection policy contact the Company at [compliancesa@evest.com](mailto:compliancesa@evest.com)

## 6. Use of Cookies:

We use cookies to store and collect information about your use of our Website. Cookies are small text files stored by the browser on your equipment's hard drive. They send information stored on them back to our web server when you access our Website. These cookies enable us to put in place personal settings and load your personal preferences to improve your experience. You can find out more about our cookies on our "Cookies Policy" available on our Website.



We may use external organisations to help manage, update, create and maintain our website, analysing all statistical data collected. Such organisations may install and use their own cookies on our behalf.

## 7. Storage of Personal Information:

Keeping client and other information secure is of great importance to our Company and any such information held, however they may have been collected, shall remain in the Company's records throughout the period in which a client has a business relationship with us.

Records of all information may be kept in secure computer storage, paper-based files and other records, taking all appropriate measures to protect such personal information from being lost, misused, modified or disclosed.

We may maintain records for as long as necessary to meet legal, regulatory and business requirements. Retention periods may be extended if we are required to preserve Client Information in connection with litigation, investigations and proceedings. Further to the time mentioned above, records will be securely destroyed and removed from our possession. Communications between the Company and Clients will also be held for a period of up to 5 (five) years.

## 8. Restriction of Responsibility:

The Company does not hold any responsibility and shall not be held responsible for the Privacy Policies of any other third-party company, or partner that may be linked to it. The company also has no control on how Client information will be used by such third-parties or partners.

The Company shall not be liable for information provided by the client to any linked websites which are not operated by the Company. Please note that such information is recorded by a third party and will be governed by the privacy policy of that third party.

## 9. Right to Complain

The Client can contact the Information Officer and file any complaint if they are dissatisfied with how their Personal Information is being handled, processed,

safeguarded or stored by the Company. Your formal complaint may be filed to the following email [compliancesa@mena.evest.com](mailto:compliancesa@mena.evest.com).

If the Information Officer or the Company cannot resolve your complaint, to a satisfactory level then the Client has the right to complain to the Information Regulator.

Should you feel that your personal information has been violated, complete the prescribed form and send it to [POPIAComplaints@info regulator.org.za](mailto:POPIAComplaints@info regulator.org.za)

Website: <http://info regulator.org.za/complaints/>

## 10. Changes and Updates to this Privacy Policy:

This Privacy Policy is reviewed once a year taking into account the changes in local and international legislation but also the changing environment and advances in technologies. This is to ensure that it remains appropriate to the changing environment.

The Company may inform Clients about any changes in this Privacy Policy document and as to how their information is affected following the aforementioned changes. The amended and revised Policies will be posted on the Website keeping you informed. It's the sole obligation and responsibility of the Client to remain updated of any amendments.

Should the Client require any additional assistance and/or clarification regarding any policies updates then the client can contact the Company at [compliancesa@evest.com](mailto:compliancesa@evest.com)

## 11. Acknowledgement of the Privacy Policies

The Client must agree and acknowledge that they are fully aware of the Terms of the Client Agreement and all the privacy policies that the Company has implemented and is obliged to enforce and comply with under Protection of Personal Information Act, 2013 (POPIA, the Laws and Regulations of South Africa. The Client has read all terms and conditions and is fully aware of them and as such agreed to be bound by them.

For any additional assistance and/or clarification regarding any policies the client can contact the Company at [compliancesa@evest.evest.com](mailto:compliancesa@evest.evest.com)

**DISCLAIMER:** in regards to the abovementioned information, the Company will not be held responsible or liable for any misinformation and misunderstanding that the Client may perceive as rights under these policies. This Information should not be deemed as legal advice but is provided only for informative purposes and we strongly advise you the Client to seek and/or consult with an independent and personal legal advisor and/or with the Information Regulator if you believe that there has been as breach in any of your rights.