

# Evolution Markets Ltd.

## Privacy Notice

### 1. Introduction

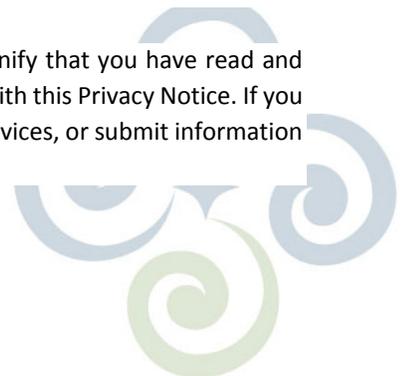
Your privacy is very important to us. We are committed to protecting and respecting your personal data, ensuring that when you choose to use our services, you know what data we collect about you and how we use and protect that personal data. This Privacy Notice describes what types of your personal data we collect when you choose to use our services, how we will use your personal data, and how we will keep it safe. Please take the time to read and understand our Privacy Notice.

### 2. Who We Are

2.1 Evolution Markets Limited (“Evolution Markets”) is a limited company with company number 4679177 whose registered office is at The Broadgate Tower, Third Floor, 20 Primrose Street EC2A 2RS. We are considered data controllers under the General Data Protection Regulation 2016/679 (the “**GDPR**”) and are registered as controllers. We provide broking services in commodity products to our clients and are authorized and regulated by the Financial Conduct Authority. We collect personal data from customers in order for customers (“you”) to utilise our services.

### 3. Scope of this Privacy Notice

- 3.1 This Privacy Notice (together with our “terms and conditions” and any other documents referred to in it) explains the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. This Privacy Notice also sets out how you can instruct us, if you prefer, to limit the use of your personal data and the procedures that we have in place to safeguard your privacy.
- 3.2 For the purpose of this Privacy Notice, Data Protection Legislation means: (i) the GDPR applicable in the European Union, including the UK until any UK data protection legislation replaces or adopts the GDPR in the UK and (ii) then such UK data protection legislation replacing the GDPR, once in force and applicable. For the purpose of the Data Protection Legislation, the data controllers is Evolution Markets Limited.
- 3.3 By using our Websites, registering with us or submitting information to us you signify that you have read and understood our collection, use and disclosure of your personal data in accordance with this Privacy Notice. If you do not agree with this Privacy Notice, you must not use our Websites, access our services, or submit information to us.



## 4. Data We May Collect (or Receive) About You

4.1 We may collect (or receive) and process your personal data when:

- (a) you contact us, whether through our Websites or otherwise (for example, via our online form, by e-mail, post, fax or phone), as we may keep a record of that correspondence;
- (b) you fill in and submit information on our Websites via your PC, a mobile device or otherwise. This includes information provided by you when you update a customer account such as your name, e-mail, country, password, etc.;
- (c) we ask you to complete surveys or forms that we use for compliance or research purposes, although you do not have to respond to them;
- (d) you use and interact with our Websites including your device's manufacturer and model, IP address, browser type and version, time zone setting, browser plug-in types and versions, operating system, web browser, platform, mobile carrier and your ISP. We may collect details of your visits to our Websites (including, but not limited to, traffic data, location data, weblogs and other communication data). We do this via email and website cookies, and similar tracking technology built into our Websites. We make cookie policies available on each of our Websites to give you more detailed information on how we use them;
- (e) you use your customer account to login to and use our platform technology and other features and functionalities, including our solutions and applications;
- (f) you use the online trading products we provide to you. Under no circumstances are these details disclosed to any third parties other than those who need to know this information in the context of the services we provide or the performance of associated business activities;
- (g) we use cookies and other technologies as described below;
- (h) you apply for employment at Evolution Markets;
- (i) the personal data you give us may include your:
  - (i) name and address;
  - (ii) e-mail address;
  - (iii) username, password;
  - (iv) IP address;



- (v) phone numbers (which could be your home, work or mobile numbers);
- (vi) information relating to your source of wealth;
- (vii) occupation;
- (viii) bank account details, including institution name, branch, account name, bank identifier;
- (ix) bank account number or IBAN; and
- (x) information relating to your trading experience.

4.2 We are required by law to identify you if you are opening a new account or adding a new signatory to an existing account. Anti-money laundering laws require us to sight and record details of certain documents (i.e. photographic and non-photographic documents) in order to meet the standards set under those laws. Identification documentation, as required under anti-money laundering legislation or other legislation relevant to the services we provide to you, includes:

- (a) passport;
- (b) driver's licence;
- (c) national identity card (if applicable);
- (d) utility bills;
- (e) trust deed;
- (f) a credit check on the individual; or
- (g) other information we consider necessary to our functions and activities.

4.3 Where it is necessary to do so, we also collect data regarding the following individuals:

- (a) trustees;
- (b) partners;
- (c) company directors and officers;



- (d) officers of co-operatives and associations;
- (e) client agents; and
- (f) individuals dealing with us on a “one-off” basis.

- 4.4 We may take steps to verify the data we collect. For example, a birth certificate provided as identification may be verified with records held by the General Register Office to protect against impersonation, or we may verify with an employer that employment and remuneration information provided in an application for credit is accurate.
- 4.5 We may check some of the information that you provide to us against third party databases to confirm that it is accurate.
- 4.6 We may have access to your financial information, such as your billing address, bank account details and payment history in order to allow us to take payments from you in connection with the services we provide, send you refunds or enable our customer service to deal with your enquiries. Under no circumstances are these details disclosed to any third parties other than those who need to know this information for the performance of the services requested.
- 4.7 We may also collect social media content where this is in the public domain, and any messages you send direct to us via social media. This information can include posts and comments, pictures and video footage on websites such as LinkedIn, Facebook and Twitter.
- 4.8 You have the option of not identifying yourself, or of using a pseudonym, when dealing with us in relation to a particular matter. However, we can only provide you with this option when it is not impracticable for us to do so and when no law requires identification.

## 5. How We Collect Your Personal Data

- 5.1 We collect your personal data through:
- (a) our Websites, including when you complete the online application process;
  - (b) emails you send to us, or that we send to you;
  - (c) our conversations with you; and
  - (d) your use of social media, including “like” buttons and similar functions made available by social media platforms.



## 6. How We May Use Your Personal Data

- 6.1 We may process your personal data for one or more lawful bases of processing (“**Lawful Basis**”) depending on the specific purpose for which we are using your data (see below).
- 6.2 We may process your personal data for the purpose of:
- (a) dealing with your inquiries and requests, including contacting you where necessary. *Lawful Basis:* your consent or performance of our contract with you;
  - (b) notifying you about important changes or developments to our Websites or to our products or services (e.g. changes of features or enhancements). *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
  - (c) carrying out our obligations arising from any contracts connected to you. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
  - (d) providing and personalising our services. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
  - (e) providing you access to all parts or features of our Websites or our services. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
  - (f) where applicable, processing your payments. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
  - (g) administering your registration and/or membership and other customer accounts records. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
  - (h) market research, analysis and creating statistics. *Lawful Basis:* your consent, performance of our contract with you or necessary for our legitimate interests;
  - (i) sending you marketing communications, for instance, to contact you from time to time regarding things you have told us you want to hear about, such as new products, special offers, competitions and sponsored events *Lawful Basis:* your consent, performance of our contract with you or necessary for our legitimate interests;
  - (j) preventing, detecting and investigating potentially prohibited or illegal activities, and enforcing our Terms and Conditions of Service. *Lawful Basis:* to comply with our legal obligations or necessary for our legitimate interests;
  - (k) improving and developing our Websites or our products and services. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;

- (l) ensuring that content from our Websites is presented in the most effective manner for you and for your computer or mobile device. *Lawful Basis:* performance of our contract with you or necessary for our legitimate interests;
- (m) ensuring we have adequate security measures and services so you can safely access our Websites. *Lawful Basis:* performance of our contract with you, to comply with our legal obligations or necessary for our legitimate interests;
- (n) complying with all the applicable laws and regulations. *Lawful Basis:* to comply with our legal obligations;
- (o) debt recovery or debt tracing, crime, fraud and money laundering compliance. *Lawful Basis:* to comply with our legal obligations or necessary for our legitimate interests;
- (p) administering our client areas including providing access to customers and administering privileges, rewards and loyalty scheme points. *Lawful Basis:* to comply with our legal obligations, performance of our contract with you or necessary for our legitimate interests;
- (q) running competitions and special offers and making sure you get all the benefits you are promised. *Lawful Basis:* your consent, performance of our contract with you or necessary for our legitimate interests;
- (r) collecting feedback from you about our Websites and other activities. If we do, it is possible that we will use independent research and feedback providers to act on our behalf. *Lawful Basis:* your consent or necessary for our legitimate interests;
- (s) recruitment purposes if you have applied for a position with us including to contact you to discuss a role with us and to assess your suitability. *Lawful Basis:* your consent, performance of our contract with you or necessary for our legitimate interests;
- (t) monitoring how people use our Websites to see if they are being abused or threatened, for example, by Internet trolls posting inappropriate comments in review areas or by would-be hackers looking to undermine our security. *Lawful Basis:* your consent, performance of our contract with you or necessary for our legitimate interests;
- (u) allowing us to understand our customer base across all our businesses. We do this by merging your details with information from other customers of our Websites. We can then spot trends and common factors among customers, plus we can tailor our business approach, our marketing communications, our digital and social media, and our Websites to the things we believe you and other people like you would be most interested in. This process involves the analysis of many human traits and is sometimes called profiling 'market segmentation' or 'customer segmentation'. Among other things, we look at common trends or 'segments' based on people's geographic location, trading behaviour, online behaviours, engagement with marketing activities (e.g. email opens and clicks), preferences, and any other personal information you have

submitted to us or arising from your use of our Websites. *Lawful Basis:* processing is necessary for our legitimate interests;

- (v) helping us conduct focused market research based on trends and common factors, so we can further improve our Websites. *Lawful Basis:* processing is necessary for our legitimate interests;
- (w) testing new systems and processes as we roll them out (but generally only in anonymous form) to make sure they work correctly and meet the standards we set for ourselves. *Lawful Basis:* processing is necessary for our legitimate interests; and
- (x) assisting us in the development of new products and mobile apps over a period of time. For example, we may need to gauge whether a new product or mobile app is likely to appeal to a large proportion of our customer base. And if not, we will want to know why. *Lawful Basis:* processing is necessary for our legitimate interests.

6.3 If you are an existing customer, we may contact you with information, products or services that you request from us or with information, products or services which are similar to the services we are providing to you (independently or jointly with others), unless you have opted out to be contacted for such purposes. We may contact you for this purpose by post, instant message, telephone, fax and SMS, as well as by email. If you change your mind about being contacted in the future, please let us know.

6.4 We do not sell, rent, or otherwise provide your personal data to third parties unless you consent to this or it is necessary to provide you with our services, conduct our associated business activities or as described in this Privacy Notice. We may share information with any member of our group of companies, which means our subsidiaries, our ultimate holding company and its subsidiaries, as defined in section 1159 of the UK Companies Act 2006 (the “**Affiliates**”).

6.5 If you choose to post messages on any online forum or other message platforms that we may make available for this purpose, we may collect that information you provide to us. We may process this information as necessary to respond to any social media posts or other public comments you might make, whether they are directed to us or about us, our Websites, or other activities, to resolve disputes, provide customer support and troubleshoot problems, as permitted by law. *Lawful Basis:* to comply with our legal obligations, performance of our contract with you and necessary for our legitimate interests.

6.6 We may place a cookie on your device when you access our Websites. These cookies will let us know when you have accessed our Websites. This is further explained in our Cookie Policy available [HERE](#).

6.7 You may ask us to provide you with information about our services or about services offered jointly with or on behalf of other organisations by sending us an e-mail to [uklegal@evomarkets.com](mailto:uklegal@evomarkets.com) or writing to us at:

Evolution Markets Limited  
36 Leadenhall Street  
London EC3A1AT



- 6.8 If you stop using our Websites or our services or your permission to use our Websites or our services is terminated, we may continue to use and disclose your personal data in accordance with this Privacy Notice (as amended from time to time) and as permitted by law. However, if you wish us to stop emailing you with information in connection with our Websites or our services, please unsubscribe or send your request to the contact details set out above.

## 7. Your Contact Information

- 7.1 Where applicable, you can change your contact details at any time by updating your profile within your trading account. You can also update your communication preferences by changing your settings related to your notification choices.
- 7.2 We may use information you provide to us, or to third parties offering combined services with us, to customize the services we provide to you.

## 8. Data Security

- 8.1 The Internet is not a secure medium. Please be aware that communications over the Internet, such as emails/webmails, are not secure unless they have been encrypted. Your communications may route through a number of countries before being delivered. This is the nature of the World Wide Web/Internet.
- 8.2 We cannot accept responsibility for any unauthorised access or loss of personal data that is beyond our control. However, the protection of your personal data is extremely important to us, and we have put in place a range of security procedures to protect it, as set out in this Privacy Notice.
- 8.3 Where you have been allocated a trading account, this area is protected by your user name and password, which you should never divulge to anyone else.
- 8.4 We will use reasonable endeavours to implement appropriate policies, rules and technical measures to protect the personal data that we have under our control (having regard to the type and amount of that data) from unauthorised access, improper use or disclosure, unauthorised modification, unlawful destruction or accidental loss. For instance, our security measures include, but are not limited to:
- (a) educating our employees as to their obligations with regard to your personal data;
  - (b) requiring our employees to use passwords when accessing our systems;
  - (c) encrypting data sent from your computer to our systems during Internet transactions and client access codes transmitted across networks;

- (d) employing firewalls, intrusion detection systems and virus scanning tools to protect against unauthorised persons and viruses entering our systems;
- (e) using dedicated secure networks or encryption when we transmit electronic data for purposes of outsourcing;
- (f) practising a clean desk policy in all premises occupied by us and our related bodies corporate and providing secure storage for physical records; and
- (g) employing physical and electronic means such as alarms, cameras and guards (as required) to protect against unauthorised access to buildings.

8.5 We will ensure that your information will not be disclosed to government institutions or authorities except if required by law (e.g. when requested by regulatory bodies or law enforcement organisations in accordance with applicable legislation).

8.6 Certain services may include social networking, chat room or forum features. When using these features please ensure that you do not submit any personal data that you do not want to be seen, collected or used by other users.

## 9. To Whom Will Your Data be Disclosed?

9.1 Your personal data may, for the purposes set out in this Privacy Notice, be disclosed for processing to:

- (a) our affiliated product and service providers and external product and service providers for whom we act as agent (so that they may provide you with the product or service you seek or in which you have expressed an interest);
- (b) any person acting on your behalf, including your financial adviser, solicitor, settlement agent, accountant, executor, administrator, trustee, guardian or attorney;
- (c) your nominated employment reference (to confirm details about you);
- (d) introducing brokers, affiliates and agents who refer your business to us;
- (e) credit reporting agencies;
- (f) other financial institutions and organisations at their request if you seek credit from them (so that they may assess whether to offer you credit);



- (g) our employees, our Affiliates and their employees. For instance, Evolution Markets Limited and Evolution Markets Futures LLC are part of the Evolution Markets Inc. group of companies and will share your information;
- (h) our third-party consultants, (sub-)contractors, suppliers or other service providers who may access your personal data when providing services to us. For instance, we may share your data with email marketing companies who help us to email or mail our market information to you and other people who help us provide our Websites and related services to you. This includes information technology experts who design and host our Websites and general service companies. We disclose personal data when we outsource certain functions, including bulk mailing, market research, direct marketing, statement production, debt recovery and information technology support. We also seek expert help from time to time to help us improve our systems, products and services;
- (i) auditors or contractors or other advisers auditing, assisting with or advising on any of our business purposes;
- (j) analytics and search engine providers that assist us in the improvement and optimisation of our Websites;
- (k) our successors in title, our prospective sellers or buyers of our business or to our Affiliates when we have a merger or re-organisation;
- (l) government bodies and law enforcement agencies where required by law and in response to other legal and regulatory requests;
- (m) any third-party where such disclosure is required in order to enforce or apply our Terms and Conditions of Service or other relevant agreements;
- (n) to protect the rights, property, integrity or security of our company, our customers, or others (including, without limitation, you). This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction;
- (o) to our advertising providers for re-targeting purposes; and
- (p) where you have consented to this, to selected third parties that may contact you about products and services which may be of interest to you in any jurisdiction where we operate.

9.2 Any social media posts or comments you send to us (on our LinkedIn page, for instance) will be shared under the terms of the relevant social media platform (e.g. Facebook or LinkedIn) on which they are written and could be made public. Other people, not us, control these platforms. We are not responsible for this kind of sharing. So before you make any such remarks or observations, you should review the terms and conditions and privacy policies of the social media platforms you use. That way, you will understand how they will use your information, what information relating to you they will place in the public domain, and how you can stop them from doing so if you are unhappy about it.

- 9.3 We use banking agents, for example, local businesses, to help provide you with face-to-face banking services. These agents collect personal data on our behalf.
- 9.4 In all circumstances where personal data may become known to our contractors, agents and outsourced service providers, there are confidentiality arrangements in place. Contractors, agents and outsourced service providers are not able to use or disclose personal data for any purposes other than our own.
- 9.5 Before using or disclosing a government related identifier of an individual, we will ensure that such use or disclosure is:
- (a) reasonably necessary for us to verify your identity for the purposes of our activities or functions;
  - (b) reasonably necessary for us to fulfil our obligations to a government agency or authority;
  - (c) required or authorised by or under a UK law, regulation or a court/tribunal order; or
  - (d) reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

## 10. Your Rights in Relation to Your Personal Data

- 10.1 You have the following rights in respect of your personal data. Please note that these rights do not apply in all circumstances. You are entitled to:
- (a) request access to your personal data (commonly known as a "data subject access request");
  - (b) request correction of the personal data that we hold about you;
  - (c) request erasure of your personal data. 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;
  - (d) 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;
  - (e) 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:

- (i) if you want us to establish the data's accuracy;
  - (ii) where our use of the data is unlawful but you do not want us to erase it;
  - (iii) 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
  - (iv) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it;
- (f) 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 (i.e. not to hard copies), which you initially provided consent for us to use or where we used the information to perform a contract with you; and
- (g) withdraw consent at any time where we are relying on consent to process your personal data. 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. Please write to:

The Head of Compliance  
Evolution Markets Limited  
36 Leadenhall Street London EC3A1AT  
uklegal@evomarkets.com

- 10.2 Please quote your name and address. We should be grateful if you would also provide brief details of the data that you would like a copy of or which you would like to be corrected (this helps us to more readily locate your data).
- 10.3 We will require proof of your identity before providing you with details of any personal data we may hold about you.
- 10.4 We try to respond to all legitimate requests within 1 (one) month. Occasionally, it may take us longer than 1 (one) month if your request is particularly complex or you have made a number of requests. In this case, we will notify you within 1 (one) month of the receipt of your request and keep you updated.
- 10.5 We may charge you a reasonable fee when a request is manifestly unfounded, excessive or repetitive, or we receive a request to provide further copies of the same data. Alternatively, we may refuse to comply with your request in these circumstances.



## 11. Access to a Credit Report About You

- 11.1 You have the right to ask for a copy of any credit report we have obtained about you from a credit-reporting agency. However, as we may not have retained a copy after we have used it, the best means of obtaining an up-to-date copy is to get in touch with the credit-reporting agency directly.
- 11.2 You have a right to have any inaccuracies corrected or, if there is any dispute as to accuracy, to have a note added to your credit reporting agency file explaining your position.
- 11.3 If we decline your credit application wholly or partly because of adverse information on your credit report, we are required to tell you of that fact.

## 12. Cookies

We use cookies to store and collect information about your use of our Websites. 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 Websites. 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 "Cookie Policy" available on our Website [www.evomarkets.com](http://www.evomarkets.com).

## 13. Where We Store and Process Your Personal Data

The data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area ("EEA"). It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers or Affiliate companies. Such staff may be engaged in, among other things, the fulfilment of your request, the processing of your payment details and the provision of support services. By submitting your personal data, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Notice.

## 14. Your Consent and Changes to this Privacy Notice

- 14.1 We reserve the right to amend or modify this Privacy Notice, and if we do so we will post the changes on our Websites. It is your responsibility to check the Privacy Notice every time you submit your personal data to us.
- 14.2 In the event that our purposes for processing personal data change, we will contact you as soon as practicable and seek your consent where such notification relates to a new additional purpose for processing.



## 15. Use of Your Personal Data Submitted to Other Websites

- 15.1 Except as otherwise expressly included in this Privacy Notice, this document addresses only the use and disclosure of personal data that we receive about you or collect from you.
- 15.2 If you disclose your personal data to others (e.g. Websites we link to), different rules may apply to their use or disclosure of the data that you disclose to them. We are not responsible for the privacy policies and practices of other websites even if you accessed the third party Website using links from our Websites.
- 15.3 We recommend that you check the policy of each Website you visit and contact the owner or operator of such Website if you have concerns or questions.

## 16. Data Retention

- 16.1 We will only retain your personal data for as long as you have consented to it or when is necessary to us to provide you with our services or fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, reporting or regulatory requirements. For instance, by law we have to keep basic information about our customers (including contact, identity, financial and transaction data) typically for six years after they cease being customers for tax purposes.
- 16.2 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.
- 16.3 In some circumstances you can ask us to delete your data.
- 16.4 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.

## 17. Further Information

- 17.1 If you would like to let us know about something we have done, or failed to do in relation to your personal data, whether positive or negative, please let us know. Your comments enable us as an organisation to learn and continuously improve our services.
- 17.2 If you think there is a problem with the way we are handling your data, you have the right to complain to the Information Commissioners Office at: <https://www.gov.uk/government/organisations/information-commissioner-s-office>

17.3 Questions, comments and requests regarding this Privacy Notice should be addressed to:

The Head of Compliance  
Evolution Markets Limited  
36 Leadenhall Street London EC3A1AT  
[uklegal@evomarkets.com](mailto:uklegal@evomarkets.com)

## 18. Your Duty to Inform Us of Changes

18.1 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.

18.2 If your personal details change, please help us to keep your information up to date by notifying us at [uklegal@evomarkets.com](mailto:uklegal@evomarkets.com).

**Please note that Evolution Markets Limited's Head of Compliance deals with data protection-related queries and customer complaints only. For general sales, billing and product support enquiries please contact [londoncarbon@evomarkets.com](mailto:londoncarbon@evomarkets.com).**

