



## **Privacy Policy**

VERSION: FEBRUARY 2024

## **INTRODUCTION**

VS Capital is committed to the protection of your personal data and we do not access or use it for any purpose other than providing, maintaining and improving our services and as otherwise required by law. In order to open and maintain client accounts, we obtain and hold personal information. This policy outlines how we manage such information to ensure we meet our obligations to respect our clients' privacy and that all such information remains confidential. We are bound by the terms of the General Data Protection Regulation 2016/ 679 (GDPR) and any applicable data protection law.

### **Information for VS Capital**

This Privacy Policy applies to the data processing activities of VS Capital

**Tel.:** +2484377183

(amended with decision by the BD from 09.10.2020, 18.02.2022 and from 15.02.2024)

**Email:** info@vscapital.com

(amended with decision by the BD from 09.10.2020)

**Address:** Office A19.E, Providence Complex Building, Providence, Mahe, Seychelles

VS Capital is regulated by Financial Services Authority (FSA) with license number SD179.

### **What sort of information do we need?**

(amended with decision by the BD from 09.10.2020, 18.02.2022 and from 15.02.2024)

When you access our website at [www.vscapital.com](http://www.vscapital.com), we may collect personal data about you. We also process the personal data that we received from you as part of the contractual relationship that we have with you or for the purposes of legitimate interests pursued by VS Capital. We also process data that we have legitimately received from publicly available sources.

1. In the course of opening an account for you, we need to collect personal information from you to enable us to establish your identity. To do this, we will request some personal data which includes your full name, country of residence, your address, date of birth, nationality, contact details etc.. In order to prevent

fraud, we may collect information about your financial status (i.e. income and savings).

2. As a regulated investment firm, we are obliged by law to identify every client by his or her ID card, driving licence or passport and documents that can be used as a proof of address (e.g. utility bill, bank statement). It is also for your own security to have a proper identification upon opening an account with VS Capital.
3. To assess the appropriateness of our services to your circumstances and experience and to assess whether you may qualify as a professional or retail (non-professional) client, we may ask for additional information such as, but not limited to, trading experience, employment details, knowledge and experience in financial services and products.

The processing and the storage of your personal data is necessary to provide you the services described in the VS Capital Client Agreement and to comply with our regulatory obligations. If you choose not to provide some of the requested information to us, we may be forced not to enter into an agreement with you or to refuse the performance of an existing agreement and consequently terminate it as we will not be able to fulfil our contractual and regulatory duties.

We keep the information as up to date as possible, and will change any details, such as your address, promptly when you inform us that they have changed.

Personal data that may be processed by VS Capital comprise as well any type of electronic communications such as letters, emails, chat messages, telephone conversations, tax identification number and any related tax information, any personal information resulting from the KYC/AML checks carried out by VS Capital pursuant to the applicable legislation relating to the fight against money laundering and terrorist financing.

Your use of the Website involves the automated collection of certain types of information, some of which may be considered personal information. This information includes: IP address, browser type and operating system. In addition, the Website uses a range of cookies to improve and personalise your experience. More information about these can be found in our Cookies Policy.

## **Why do we need this information and on what legal basis is the data processed?**

### **Lawfulness of processing**

We will process your personal data (including collect, use, store and transfer, if applicable):

- i. for the performance of the VS Capital Client Agreement Concluded between you as a client and VS Capital and for the provision of the services described in the Agreement (the “Services”);

- ii. for compliance with legal and regulatory obligations to which VS Capital is subject (including but not limited to the obligations arising under the MIFID 2 regulation, anti-money laundering and countering terrorist financing regulatory obligations, any applicable tax legislation etc.) Examples of such regulatory obligations include, among others: reporting obligations to the FSA; providing information to financial crime authorities of suspicious money-laundering transactions or in the context of financial criminal proceedings; providing information to tax authorities.
- iii. In case the processing of personal data is necessary for the purposes of the legitimate interests pursued by VS Capital – for example, in case we are obliged to provide a reference about you to a public authority or agency in order to comply with a legal obligation, to send you surveys for analytical and statistical purposes, as well as to ensure that we provide you with the best trading services and information we can and to continue improving our products in your best interest.
- iv. Within the scope of your consent – for example, for marketing and promotional purposes. If you have granted us consent to process your personal data for marketing purposes, processing will only take place in accordance with the purposes set out in the declaration of consent and to the extent agreed therein. Any consent given may be revoked at any time by you with future effect.

## **Purposes**

VS Capital will process your personal data for the purposes of:

- i. providing the Services requested by you and carried out in relation to the concluded Agreement, including, among others, verify your identity, open and manage your account. This may include third parties carrying out identity checks on our behalf. Further, processing of data includes processing your deposit and withdrawal requests, managing client relationships by means of electronic, telephone or chat communication, entering into and executing transactions with financial instruments
- ii. having an email communication;
- iii. conducting a risk assessment as prescribed by applicable legal provisions by collecting and archiving required documentary evidence regarding your identity; conducting a risk management control, data analysis and global supervision of your ongoing needs and enhancing the services offered to you;
- iv. improving and personalising our Services;
- v. preventing misuse and fraud, demonstrating business transactions and communications; managing transactions surveillance and monitoring and

complying with reporting obligations; managing risks, disputes, complaints, litigation or in the context of prosecution;

vi. marketing communications with you about updates to our products and services and informing you about any promotions offered by us, as long as it is in our legitimate interest or you have consented to receive such communications and unless you choose to opt-out of them. You can choose to opt-out of receiving such communications at any time by contacting us using the contact details set out in this Policy. We can continue to offer you the Services without this additional service.

### **Who are the recipients of your personal data?**

Your personal data is received and processed by those employees of VS Capital that need it for the execution of contractual, legal and regulatory obligations. Further, we may disclose, to the extent we deem such disclosure or transmission is necessary for satisfying the purposes set out above, to the following recipients:

- i. Any lawyers, external auditors or advisors, professional consultants, credit reference agencies, notaries, bailiffs, as well as any courts, regulatory, governmental, administrative or other official bodies as agreed or may be required by law, where such disclosure is necessary (i) to comply with any applicable law or regulation; (ii) to enforce applicable terms and conditions or policies; (iii) to protect the security or integrity of our services; and (iv) to protect our rights and interests;
- ii. third-party service providers that provide IT services, advisory and consultancy services, research, identity verification checks, payment processing services, insurance or other services to VS Capital, which are only authorised to process your personal data strictly for the purposes of providing these services and in accordance with our instructions. If applicable, we will enter with such third-party service providers into the relevant contractual agreements or the standard data protection clauses that would be required under the GDPR to ensure compliance with our instructions;
- iii. third parties as part of mergers and acquisitions, provided that the prospective buyer or seller agree to respect your personal data in a manner consistent with our Privacy Policy.

We will require any entity to whom we disclose your information or who may obtain it on our behalf to ensure its confidentiality, and to handle it in line with the legitimate purpose for which they are allowed to access it and in accordance with the GDPR. We will not share or sell your information with third parties for their own independent marketing or business purposes without your consent.

### **How long will your data be stored?**

We will process your personal data for the entire duration of the Agreement you have concluded with us and for a period of five years after the termination of the Agreement to comply with the applicable anti-money laundering legislation and legal safe-keeping obligations. Further, any personal data will not be retained for longer than the time necessary for satisfying the purposes of its processing, subject to the general statutory limitation periods and the mentioned retention period where the applicable laws require that the personal data is retained for a certain period after the termination of our business relationship with you.

### **What are your rights regarding your personal data processing?**

You have the right to:

- i. access and obtain information about your personal data – you have the right to request what information (if any) we process for you and if so, provide you with information containing your personal data and a copy of that personal data undergoing processing. To request information, we will need to verify your identity. If you require additional copies, we may need to charge a reasonable administration fee for requests that we deem are manifestly unfounded. Upon receiving a request from you and/or upon the receipt of the applicable fee, we will acknowledge your request and respond to you within one month from filing your request.
- ii. rectify any factual inaccuracies or incompleteness with respect to your personal data – If the personal data we hold about you is inaccurate or incomplete, you may ask us to correct it. Upon receiving such a request from you, we will acknowledge it and respond to you within one month as from filing your request. If we have shared your personal information with others, we will let them know about the rectification where possible.
- iii. request deletion of your personal data – you can ask us to delete or remove your personal data in cases where we no longer need it. However, please note that such requests will be satisfied provided that we have no legal obligation to retain such data and will be subject to any retention periods we are required to comply with in accordance with applicable laws and regulations as specified in section “How long will your data be stored” above.
- iv. request restriction of processing – you can ask us to restrict the processing of your personal data in certain circumstances such as where you contest the accuracy of that personal information, for a period enabling VS Capital to verify the accuracy of your personal data or in case you deem the processing is

unlawful. Such objection may not impede us from storing your personal information though.

- v. object to the processing of personal data by VS Capital – you can require from us to terminate the processing of your personal data, and we will comply with such request in cases where your personal data is processed for the purposes of direct marketing or research (if applicable) or if we are relying on our own legitimate interests to process your data except if we can demonstrate compelling legal grounds for the processing.
- vi. request portability of your personal data – you have the right, when applicable, to receive the personal data you have provided to us in a structured, commonly used and machine-readable format and to transmit those data to another entity (data controller) of your choice when this is technically possible.
- vii. lodge a complaint with a supervisory authority – you have the right to lodge a complaint regarding our processing of your personal data with your supervisory authority.

Please contact us using the contact details provided below to make a request in respect of your rights. We will use commercially reasonable efforts to respond to your request within 30 days of receiving such a request. If we cannot honour your request within the 30-day period, we will let you know the reasons why and when we expect to be able to fulfil your request.

### **How do we manage and protect your personal data?**

We put a lot of effort and apply the highest technical and organisational standards to ensure that your personal data is secured and kept confidential. Any personal data that you provide to us is stored on secure servers, and we use rigorous procedures to protect against loss, misuse, unauthorised access, alteration, disclosure, or destruction of your personal data. We protect your personal information by maintaining physical, electronic, and procedural safeguards in compliance with the applicable laws and regulations. Part of the measures that we apply to provide a high level of security in terms of personal data management include, among others:

- i. Pseudonymisation – we process your personal data in such a manner that it can no longer be attributed to a specific person without the use of additional information which additional information is kept separately and is subject to specific technical and organisational measures to ensure that the personal data is not attributed to an identified or identifiable natural person;
- ii. Encryption – we apply cryptographic methods which convert certain information or data into a code to make it unreadable for unauthorized users;

- iii. Minimisation – the personal data we demand from you is adequate, relevant and only limited to what is necessary in relation to the purposes for which such data is processed;
- iv. Strict internal control on access to your personal data – access to your personal data is allowed only to those of our employees who need such verification to properly exercise their professional duties;
- v. Ensuring ongoing application of integrity, confidentiality and education of all our employees.

We maintain security and incident response plans in the event of a physical or technical incident to handle this in a timely manner and limit any negative effect of such incident. Although we work hard to protect your personal data, we cannot guarantee that our safeguards will prevent every unauthorised attempt to access, use or disclose personal data.

### **Will we store your personal data?**

Your information will be held on our secure computer systems. We have in place systems and procedures to prevent unauthorised access, improper modification or disclosure, misuse or loss of information.

We need to hold your information for some time after you have provided it to us, even if we no longer have a contractual relationship with you. Once we consider that such information is no longer needed, we will destroy it.

### **How to contact us and how to complain?**

If you have any questions with regard to your rights or the present policy or if you consider that we have failed to respect your confidentiality, you may contact us by:

Tel.: +2484377183

(amended with decision by the BD from 09.10.2020, 18.02.2022 and from 15.02.2024)

email:info@vscapital.com

(amended with decision by the BD from 09.10.2020)

Address:

Office A19.E, Providence Complex Building, Providence, Mahe, Seychelles



We inform you that we use video surveillance in our offices and if you visit any of our office premises, you may be subject to video recording. We are also obliged by law to record all our telephone conversations with clients.

### **Linking to Other Websites**

If you access links on the Website to third party websites which are not owned by VS Capital, or if you access the Website through links from other websites, please be aware that these websites have their own privacy policies. We do not accept any responsibility or liability for these privacy policies. You should check and review these privacy policies before you submit any personal data to these websites.

### **Are children allowed to use our services?**

The services offered by VS Capital are not allowed to be used by any person under the age of 18. We do not knowingly collect personal information from children under the age of 18 without the consent of the child's parent or guardian. If you learn that anyone younger than 18 has unlawfully provided us with personal data, please contact us, and we will take steps to delete such information.

### **Changes to This Privacy Policy**

We may change this Privacy Policy from time to time by posting the updated version on our Website. Laws, regulations and industry standards evolve, which may make those changes necessary, or we may make changes to our business. We advise you to review this page regularly to stay informed and to make sure that you are happy with any changes. If the changes are significant, we will provide you with a more prominent notice such as an email notification or through the Services. If you disagree with the changes to this Privacy Policy, you should discontinue your use of the Website or related Services. If we change this Privacy Policy in a way that will affect how we use your personal data, we will advise you of the choices you may have as a result of those changes.

This new Privacy Policy was adopted by a decision of the Board of Directors on 23.05.2018, entered into force on 25.05.2018. The policy has been amended by a decision of the Board of Directors on 09.10.2020, 18.02.2022, 24.08.2022 and from 15.02.2024.