

KANAK CAPITAL MARKETS

PRIVACY POLICY

Latest updated in January 2025

1. Introduction

At Kanak Capital Markets LLC (referred to as "the Company," "we," "us," or "our"), we value and respect your privacy. This Privacy Policy (the "Policy") outlines how we collect, use, share, and protect your personal information when you visit our website, www.kanakmarkets.com (the "Website"), engage with our services, or apply for any investment products or services we offer.

This Policy also applies to our processing of personal data of Clients, potential Clients, and website visitors, and explains how we ensure that your information is handled securely and transparently.

Please note, this Policy does not apply to websites or services provided by third parties. We are committed to protecting your personal data and complying with all applicable privacy regulations.

2. DEFINITIONS

2.1. For the purposes of this Policy:

(a) Cookies: Small data files stored on your hard drive or in device memory that help us improve our services and your experience. They allow us to see which areas and features of our services are popular and count visits. For more information about cookies and how to disable them, visit [this link](#).

(b) Log files: These track actions occurring on the website and collect data including your IP address, browser type, Internet service provider, referring/exit pages, and date/time stamps.

(c) Personal data: Any information that could be used, alone or in conjunction with other data, to identify an individual directly or indirectly, such as name, identification number, or location data.

(d) Processing: Any operation or set of operations performed on personal data, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, or erasure.

(e) Web beacons: Electronic images used in our services or emails that help deliver cookies, count visits, and understand usage and campaign performance.

3. Personal Data Information We May Collect (or Receive) About You

3.1. To open an account with us, you must first fill out and submit the application form with the necessary information. By completing this application form, you agree to

provide personal information in order for Us to evaluate your application and comply with applicable rules and regulations. We may also use the information you provide to notify you about Our services.

3.2. The information that we may collect from you includes:

- a) Full name, residential address and contact details (e.g., email address, telephone number);
- b) Date of birth, place of birth, gender, citizenship, nationality;
- c) Information about your income and wealth, including details about your source of funds, assets and liabilities, bank account information, trading statements and financial statements;
- d) Trading account balances, trading activity, your inquiries and our responses;
- e) Information on whether you hold a prominent public function (PEPs);
- f) Profession and employment details (i.e. employer name, position held);
- g) Authentication data (e.g., signature);
- h) Location data (IP address);
- i) Trading performance, knowledge and experience;
- j) Verification information, which includes information necessary to verify your identity such as a passport, ID or driving license copy (examples also include background information we receive about you from public records or from other entities not affiliated with us); furthermore, we may collect other identifiable information such as Tax Identification Numbers;
- k) Supporting documentation that verify your residency such as utility bills and bank statements;
- l) Financial details such a bank account details, credit card details, bank statements, loan agreements, credit facilities tax references, information regarding your investment objectives; any other similar.

3.3. Our Company may collect and process the above personal data for individuals who visit our website, individuals who decide to use any service available through our Website or individuals who are current, former or prospective clients, including, without limitation:

- a) Individuals connected or relevant to legal entity clients, such as, directors, company secretaries or other individual officeholders of our legal entity clients;
- b) Shareholders, nominee and ultimate beneficial owners of our legal entity clients;
- c) Legal representatives, agents and/or other individuals authorized to act on behalf of our clients.

4. Minors

Individuals under the age of eighteen (18) (“Minors”) are not permitted to use the Company’s services. We do not collect personal information from or about Minors knowingly. If you are a Minor, you should not download or use any of our services, nor should you provide us with any personal information.

If we discover that a Minor has shared any information with us, we will delete it. If you believe a Minor has shared any information with us, please contact us at support@kanakmarkets.com.

5. How We Collect Your Personal Information

- a. We collect this information through your use of our services in a variety of ways, including through any of our websites, apps, account opening applications, demo sign up forms, subscribing to our newsletter, and information provided in the course of ongoing client service communications.
- b. We may also obtain this information about you from third parties to verify your identity in accordance with our regulatory obligations. Identity verification agencies, credit referencing agencies, and similar bodies may be included. Also, when you use or connect to the Company via a third-party platform (e.g., LinkedIn, Facebook, or other sites), you authorize us to access and/or collect certain information from your Third-Party Platform profile/account as permitted by the terms of the agreement and your privacy settings with the third-party platform.
- c. We also keep records of your trading behaviour, including records regarding:
 - a) Products you trade with us and their performance;
 - b) Historical data about the trades and investments you have made, including the amount invested;
 - c) Your preference for certain types of products and
- d. We may, from time to time, voluntarily request additional personal information (for example, through market research or surveys). If you do not provide the information, we require to fulfill your request for a specific product or service, we may be unable to provide you with that product or service.
- e. We will keep a record of any electronic, telephone, in-person, or other communications we have with you in relation to the services we provide to you and our business relationship with you. These recordings will be our sole property and will serve as evidence of our communications. Such phone conversations must be recorded without the use of a warning tone or any other additional notification.

6. Personal Information Collected Automatically

When you access or use our Services, we automatically collect information about you, including:

- a) **Log Information:** We collect log information about your use of the Services, including the type of browser you use, app version, access times, pages viewed, your IP address, any other network identifiers, and the page you visited before navigating to our Services.
- b) **Device Information:** We collect information about the computer or mobile device you use to access our Services, including the hardware model, operating system and version, unique device identifiers, and mobile network information.
- c) **Activities on Website:** We collect records of activities on the Website, including, any content you post, your account details, the time, value and currency of any deposit, withdrawal, or transaction made and the payment method.
- d) **Location Information:** In accordance with your device permissions, we may collect information about the precise location of your device.
- e) **Information Collected by Cookies and Other Tracking Technologies:** We may collect some of the Cookies that are already installed on your device. We use different technologies to collect information, including Cookies, web Beacons and Log files.

You can find out more about Our use of Cookies in our Cookies Policy.

7. How We May Use Your Personal Information

We ensure that your personal data is processed lawfully, fairly and in a transparent manner for the following purposes and on the following lawful bases:

a. Performance of a Contract

Based on our contractual relationship with our clients, we process personal data in order to provide our services and products, as well as information about our products and services. Furthermore, personal data is processed in order to complete our client onboarding/acceptance procedures. Given the foregoing, we must verify your identity in order to accept you as a Client, and we will need to use those details to effectively manage your trading account with us in order to provide you with the best possible service. This may include third-party credit or identity checks performed on our behalf. We use your personal information to identify you because we are required by law to comply with certain 'Know Your Customer' and 'Customer Due Diligence' regulatory obligations.

b. Compliance with a legal obligation

In order to comply with our legal obligations under various laws to which we are subject, we must process your personal data for a variety of reasons, including identification and verification processes, anti-money laundering evaluations, the retention of personal data for a predetermined period of time, and the disclosure of personal data to the supervisory authority or other regulatory authorities. Please be aware that in order to establish a commercial relationship with our company and to provide you with the services you have requested, we must have access to your personal data. Additionally, we are obligated by law and contract to disclose and maintain correct personal data on you. Please be aware that as compliance with our legal requirements will be judged to be impossible, our commercial relationship cannot start or continue if you do not furnish us with any personal data we request.

c. Through Consent

The lawfulness of processing is dependent on your express consent when you give it to us, such as when information is given for marketing reasons. You are always free to withdraw your consent. Nevertheless, your withdrawal will not have any impact on any processing of personal data that has already taken place.

d. Safeguarding legitimate interests

Your personal data must be processed in order to protect the legitimate interests that we or a third party are pursuing. If we need to use your information for a business or commercial purpose, it is a legitimate interest. Even in this scenario, it must be fair, right, and in your best interest

8. How We Share Your Personal Information

- a. We shall not disclose any of its clients' confidential information to a third party, except:
 - i. To the extent that it is required to do so by under and/or pursuant to any Applicable Laws, Rules and/or Regulations;
 - ii. Where there is a duty to the public to disclose;
 - iii. Where our legitimate business interests require disclosure; or
 - iv. At your request or with your consent to the parties described
- b. Under such circumstances, the Company shall expressly inform the third party regarding the confidential nature of any such information. As part of using your personal data for the purposes set out above, the Company may disclose your personal information to the following:

- a) Between and among the Company and our current and future parents, affiliates, subsidiaries, and other companies under common control and ownership;
- b) Our Associates, for business purposes, including certain third parties such as service providers and specialist advisers who have been contracted to provide us with administrative, financial, legal, insurance, research or other services;
- c) Business introducers with whom we have a mutual business relationship;
- d) Business parties such as payment service providers, credit institutions, IT hosting companies, credit reference agencies
- e) Courts, tribunals, public and regulatory authorities as agreed or authorized by law; and
- f) Anyone authorized by you.

If the Company provides your personal information to business partners—such as banks or card processing firms—to carry out the services that customers have requested, those partners may preserve your information in order to uphold their legal and other duties. Furthermore, any searches carried out on our behalf may be recorded by third-party service providers, such as credit referencing agencies (if and when relevant), who may use the search information to help other businesses carry out their own searches. Please be aware that this Privacy Policy and our privacy standards and procedures do not apply to the use of your personal information by external third parties who operate as data controllers of your personal information.

In general, we require that organizations who handle or obtain personal information to acknowledge the confidentiality of this information, to commit to respecting any individual's right to privacy, and to comply with all applicable data protection laws and this Privacy Policy.

9. Storage And Retention of Personal Information

We value your privacy and will protect it whether you interact with us in person, by phone, mail, the internet, or any other electronic medium. We will keep personal information for as long as it is required for the original purpose(s) for which it was collected, or for other legitimate business purposes, such as meeting our legal, regulatory, or other compliance obligations. We keep records in a combination of secure computer storage facilities and paper-based files and other records, and we take the necessary precautions to prevent misuse, loss, unauthorized access, modification, or disclosure of the personal information we have on file.

When we believe that your personal information is no longer required for the purpose for which it was collected, we will remove any details that could be used to identify you

or securely destroy the records. However, we may be required to keep records for an extended period, for example, we are subject to certain anti-money laundering laws that require us to keep the following for five (5) years after our business relationship with you has ended, or for a longer period if requested by the Law.

10. Security

Personal information provided by you when registering as a user of our website and/or services is classified as registered information and is protected in a variety of ways. After logging in, enter your username and password to access your registered information. It is your responsibility to ensure that your password is known only to you and not shared with anyone else.

Only authorized personnel have access to registered information, which is securely stored in a secure location and accessible via a username and password. All personal information is transmitted to the Company via a secure connection, and all precautions are taken to prevent unauthorized parties from viewing such information. Personal information provided to the Company that is not registered information is also kept in a secure location and is only accessible by authorized personnel using a username and password.

Although information transmission over the internet is not always completely secure, we make every effort to protect your personal data by taking stringent precautions. We will use procedures and security features to try to prevent unauthorized access once we have received your information.

The Company shall not be liable for any unlawful or unauthorized use of personal information because of password misuse or misplacement, negligent or malicious use.

11. Marketing & Personal Data

Where we have your permission (for example, if you have subscribed to our newsletter), we send you marketing communications via email, phone, or other agreed-upon means (including social media campaigns) to keep you up to date on the latest products and services. You can 'opt-out' of receiving such communications in the future at any time by clicking the "unsubscribe" link in the footer of any such email communication you receive from us, or by contacting us at support@kanakmarkets.com. By doing so, you exercise your right to withdraw your consent without affecting the lawfulness of the processing based on consent prior to withdrawal.

12. Cookies

Cookies are commonly used on many websites on the internet, and you can control whether or not a cookie is accepted by changing your browser's preferences and options. If you disable cookie acceptance in your browser, you may be unable to access certain parts of our website(s), particularly the Platform and other secure areas of our website(s).

We may occasionally use third-party vendors, such as Google, to display our ads to you over the internet based on your previous use of our website (s). You can opt out of this specific cookie usage at any time by visiting Google's Ads Settings page.

See our Cookie Policy for more information on how we use cookies

13. Your Rights

12.1. Your rights regarding your personal information which we are committed to facilitating the exercise of those rights and how you can exercise them, are specified below:

- a) **Access to personal information:** If you ask, we will confirm whether we are processing your personal information. If we do, then if requested we can provide a copy of what information we process within thirty (30) days from the date of your request.
- b) **Rectification of personal information:** If the personal information we hold about you is inaccurate or incomplete, you are entitled to have it rectified. If we have disclosed your personal information to others, we will let them know about the rectification where possible. If you ask us, where possible and lawful to do so, we will also inform you who we have shared your personal information with so that you can contact them directly. You shall inform us at any time that your personal details have changed by email at support@kanakmarkets.com. The Company will update your personal information in accordance with your instructions. To proceed with such requests, in some cases we may need supporting documents from you as proof, i.e. personal information that we are required to keep for regulatory or legal purposes.
- c) **Deletion of personal information:** If you request us to delete your personal data, subject to certain criteria to being fulfilled where, for instance, your personal data is no longer required in relation to the purposes for which they were originally collected or otherwise processed or you have withdrawn consent (where applicable) provided that we have no legal obligation to retain the data, we will delete them the soonest possible. If we have disclosed your personal information to others, we will let them know about the erasure where possible. If you ask us,

where possible and lawful to do so, we will also inform you who we have shared your personal information with so that you can contact them directly.

- d) **Restrictions of Processing:** You may request that we limit our processing activities if certain conditions are met, including, but not limited to, if the processing is unlawful and you oppose the processing of personal data and instead request that their use be restricted. It will not, however, prevent us from storing your personal information. We will notify you before removing any restrictions. If we have disclosed your personal information to others, we will notify you as soon as possible. If you ask, we will also tell you who we have shared your personal information with so that you can contact them directly, where possible and lawful.
- e) **Portability of data:** You have the right to receive your personal data which you provided us in a structured, commonly used and machine-readable format and to transmit this elsewhere or ask us to transfer them to another data controller, to the extent applicable.
- f) **Objection / opt-out:** You can ask us to stop processing your personal information, and we will do so, if we are: relying on our own or someone else's legitimate interests to process your personal information except if we can demonstrate compelling legal grounds for the processing; Any withdrawal of consent has no effect on the lawfulness of processing based on consent prior to your withdrawal. If you do not want us to use your personal information, please notify us via email at support@kanakmarkets.com. If you do so, we may be unable to continue to provide you with the information, services, and/or products you have requested, and we will have no liability to you in this regard.

14. Links to Other Websites

Our website may contain links to other relevant websites. However, once you use these links to leave our site, please keep in mind that we have no control over the other website(s). As a result, we cannot guarantee the security or privacy of any information you provide while visiting such sites, and such sites are not covered by this privacy statement. You should proceed with caution and review the privacy statement applicable to the website in question in order to be fully informed about the website's processing activities(s).

15. Contact Us

If you have any questions about our Privacy Policy or the way in which we have been managing your personal information or you wish to exercise any of your legal rights as set out herein, please contact us via email at support@kanakmarkets.com.

16. Modification

We may need to change this policy from time to time in order to make sure it stays up to date with the latest legal requirements and any changes to our privacy management practices. When we do change the policy, we'll make sure to notify you about such changes, where required. A copy of the latest version of this policy will always be available on our website.

17. Legal Disclaimer

We reserve the right to disclose your personal information as required by law and when we believe that disclosure is necessary to protect our rights and/or to comply with a judicial proceeding, court order, or legal process served on our website. We will not be liable for misuse or loss of personal information resulting from cookies on our website that we don't have access to or control over. We will not be liable for unlawful or unauthorized use of your personal information due to misuse or misplacement of your passwords, negligent or malicious, however contacted.