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BROKR

Privacy Statement

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1. Introduction

This privacy statement ("**Statement**") provides information on the processing of personal data by BROKR.

BROKR takes privacy and secure handling of your personal data seriously. This Statement applies to all personal data processed by BROKR and/or on behalf of you, the client regarding the use of our services, based on which they may be identified or become identifiable ("**Personal Data**").

This Statement explains the elements necessary for BROKR's compliance with applicable privacy legislation, principles and practice, including but not limited to the General Data Protection Regulation ("**Applicable Laws**"). BROKR reserves the right to review and/or amend the Statement periodically, in order to comply with (local and/or European Union) legislation, and for any other purpose deemed reasonably necessary by BROKR.

2. Who are We?

BROKR Ltd is located in Malta. BROKR is registered as data controller as defined in the General Data Protection Regulation (GDPR). In case of general questions, You can send an e-mail to contact@thebrokr.eu.

BROKR Ltd is registered on the following address:

BROKR Ltd

168, St. Christopher Street

Valetta Malta

VLT 1467

Email: contact@thebrokr.eu

Website: www.thebrokr.eu

3. What are Personal Data?

Personal Data includes any information that identifies you or can be used to identify you.

As a client of BROKR, you provide us with personal data including your name, email address, address details, date of birth, country of birth and tax residence. This may also include your IP address which in some cases may be used to identify you.

4. What do we mean with processing?

Processing is a concept from the law. It is a broad concept which covers all operations concerning your personal data such as: collecting, recording, organising, structuring, storing, updating or modifying, retrieving, consulting, using, providing by means of transmission, distributing or otherwise making available, aligning or combining, blocking, erasing or destroying data.

When BROKR processes your personal data, we do so in line with the relevant privacy regulations and GDPR in particular.

5. How do we collect Personal Data?

We collect personal data in the following ways:

- When you provide information by signing up, email, via the website or investment platform, by telephone, in writing or otherwise. This includes, for example, the information you provide during registration, when requesting information or if you participate in a promotion or survey.
- When you visit our websites, we automatically collect information such as IP address. We also store information about your visit such as your so-called click path, mouse movements, pages visited, searches and other interactions on our pages.

6. Why do we process Personal Data?

Based on the following legal grounds, BROKR is processing Personal Data for the following purposes:

- To comply with our obligations under the applicable laws and regulations;
- To ensure that You are able to use our services (performance of contract); and
- Marketing activities.

BROKR, as an investment firm in Malta, has a number of legal obligations which require the processing of client data; client identification is one of the main reasons we collect and process personal data. BROKR is therefore obliged to collect personal data in line with the Malta AML obligations. In addition to financial regulations, BROKR has to comply with Maltese tax regulations and is therefore required to collect tax identification numbers and other personal data (e.g., name, address details, tax residence etc.). This collected data is reported to the Maltese Tax Authority, which may transfer the personal data to the local tax authorities in the country where the client is a tax resident. The legal basis for this exchange of personal data is the Maltese 'Cooperation with Other Jurisdiction on Tax Matters Regulations' (S.L.123.127), which codifies the CRS Directive.

As a US Qualified Intermediary (QI), BROKR has an agreement with the Internal Revenue Service (IRS) that allows it to withhold US withholding tax at a reduced tax rate in accordance with a double tax treaty between the tax resident or domiciled country and the US (if applicable). BROKR may exchange personal data with the IRS to the extent required under the QI agreement.

In addition, there is a legal obligation to cooperate with courts and appropriate law enforcement agencies to prevent and detect crime. Also, when BROKR is contacted for additional information or to become a client, it is necessary for BROKR to contact or inform this client or potential client by means of a message or our periodic newsletter. BROKR also has contractual obligations that means processing client data is necessary to fulfil these obligations. When BROKR processes clients' personal data, it will do so by using the minimum amount of data needed to achieve the objective (according to the principle of data minimization).

7. Where do we use Personal Data for?

BROKR will only process Personal Data to the extent necessary for the described purposes. If there is a need to process Personal Data for other purposes, BROKR will only do so if such processing is compatible with the original purposes or if You give consent to such processing. BROKR will in any event provide You with further information on such purpose prior to the further processing.

7.1 Client acceptance

It is required by law to verify the identity of our clients; without this personal information it would not be possible for BROKR to offer its services. To identify and verify clients, internal policies and procedures have been established based on both regulations and guidelines from relevant authorities. BROKR periodically reviews these policies and procedures to ensure they are appropriate.

With your data, we can, for example:

- Contact you.
- Perform relevant checks to determine your eligibility to become a client of BROKR.
- Review and verify your request to become a client of BROKR.
- Maintain your details in our records and updating them when changes occur.
- Manage your profile(s) including your individual risk profile. This is based on internal client acceptance policies.

7.2 Mitigating risks

We share responsibility for the safety and stability of the financial sector. We also have a responsibility to you and all our clients. We will therefore use your personal data to reduce risks.

What you may not notice but which is also done to protect you:

- We store your IP address when you use our platform. This can be used in the event of a dispute about who has access to your account or for company security by taking preventive measures against DDoS attacks, for example.
- Ensure proper security measures and invest in resources that provide protection for both you and BROKR against various criminal activities.
- Internal quality control to identify potential problems, risks and tests to ensure regulations are correctly implemented.
- Ensure legal reporting.
- Ensuring that we remain a healthy business (risk management)

7.3 Legal obligations

There are a variety of legal obligations that BROKR must comply with as an investment firm.

- Client identification: we verify who you are and establish that we have sufficient knowledge to provide our services to you.
- Providing personal data to specific organisations authorised to request the information. Among others, the Tax Authorities and financial regulators may use this possibility. BROKR may also be legally obliged to share your data in the event of criminal proceedings, for example.
- Based on the regulations to prevent money laundering and financing of terrorism, BROKR also has a number of obligations.
- According to the Shareholders' Rights Directive, BROKR is obliged to share information about the owner of shares with the issuing institution upon request.

7.4 Marketing activities

At BROKR, we like to keep you informed through emails, newsletters, offers or changes to our investment platform or mobile application.

Your data is processed if you have given your consent to do so (Art. 6.1 paragraph a GDPR) or if there is a legitimate interest (Art. 6.1 paragraph f GDPR). You can of course withdraw your consent to the storage of your data, your e-mail address, for sending newsletters at any time via the link in the newsletter. The lawfulness of the data processing activities already carried out for this purpose remains unaffected by the withdrawal of consent.

The Personal Data you have shared with us for receiving the newsletter will be managed with us until you unsubscribe from the newsletter. If you unsubscribe, this data will be destroyed. Personal Data we hold for other purposes (e.g., an email address to subscribe to our services) will remain unaffected.

7.5 Improving and innovating

We may use your personal data for analytical research which enables us to find better solutions and remain innovative.

When we conduct these research activities, this will be done with the minimum amount of personal data necessary to do the analysis and applied in a way where your information is pseudonymised or anonymised beforehand.

7.6 Google Analytics

To ensure that BROKR's website is easy for clients to use and to assess the success of campaigns, BROKR uses Google Analytics. BROKR has a signed agreement for the use of this service and guarantees that your data is anonymised where possible, this includes masking part of your IP address.

8. From whom does BROKR collect Personal Data?

We may have (a limited amount of) personal data of anyone who has been in contact with BROKR. If you request additional information, we will retain the information you provide during this request.

We are required by law to hold personal information of all our clients. This information is collected during registration and is requested when necessary. In some cases, it may be necessary to use third parties to verify or collect information.

9. Which Personal Data is collected?

9.1 Information about you

This includes information such as your name, address, telephone number and e-mail address. We will also ask you for a copy of a valid identity document, your tax identification number(s) and other relevant identifying information.

9.2 Transaction history

In addition to the personal data BROKR holds about you, we also maintain a historical log regarding the transactions and order history of your account.

9.3 Contact history

We record when you have had contact with BROKR, this includes telephone calls, emails or other ways in which you have communicated with us.

9.4 Website visits and application usage

In the event that you visit BROKR's website, We collect the IP address which is used in the process. If your IP address is used, for example through Google Analytics, this will be done in an anonymous manner.

9.5 Sensitive personal data

Sensitive personal data includes information such as a tax identification number, criminal record, biometric data, political affiliation, sexual preference, religious belief, ethnic origin, etc. When the processing of sensitive personal data is necessary, stricter rules for this will be applied.

At BROKR, we do not use sensitive data related to health, religious, philosophical or political beliefs, sexual preferences or ethnic backgrounds.

We have a legal obligation to identify our customers and use the tax identification number for this purpose.

If you use Touch ID or Face ID to log in to the platform of BROKR, the scans of your fingerprints or of your face are stored on a secure chip on your phone. BROKR does not have access to that chip and therefore these biometric data are unknown to BROKR.

10. With whom do we share Your Personal Data?

In principle, we do not share your information with third parties. Your information may be shared with service provider that BROKR may use for the provision of the service, applying strict data privacy standards, Police, judicial authorities, regulators and the Tax Authorities have the legal authority to request information. In these cases, BROKR will follow procedures to ensure that the sharing of information is both legitimate and proportionate.

10.1 Service providers

When we use a service provider to assist BROKR, BROKR's aim is to inform you of this and strictly limit the sharing of personal information to that which is necessary to perform the specific task.

BROKR processes your Personal Data – as necessary in view of the listed legal grounds above – to the following recipients.

Recipient	Purpose	Type	Privacy Policy
Google Cloud Services	Storage of data, managing information requests, transfer data, provision of services	Processor	https://policies.google.com/privacy

iDenfy	Customer due diligence under anti-money laundering legislation	Processor	https://www.idenfy.com/privacy-policy/
SnipTech	Customer support	Processor	https://www.sniptech.com/privacy-policy
Sparkasse Bank Malta	Payments	Data Controller	https://www.sparkasse-bank-malta.com/info/Privacy-Policy
Twickey	Payments	Processor	Privacy policy Twickey
Buckaroo	Payments	Data Controller	https://www.buckaroo.eu/privacy-statement

10.2 With other companies at your request

There are times when we only share your personal data with third parties when you specifically request it. When this is applied, it will be specified in the information sharing agreement.

10.3 Government and legislative parties

As a Malta based investment firm, there are times when we receive requests for information regarding our customers. We are obliged by law to provide the regulators with this information. In addition, BROKR has legal obligations that require us to share information with government institutions and competent legal authorities. The privacy regulations to which BROKR is bound also apply to these entities.

BROKR, in its role as Qualified Intermediary, may exchange data directly with the Internal Revenue Service (IRS) to determine your status as a non-US Person and obtain a reduced tax rate if applicable.

BROKR will share information with relevant tax authorities in certain circumstances.

11. How long do we keep your Personal Data?

As long as you are a client of BROKR, we will retain your personal data. After termination of the client relationship, we have an obligation to keep your personal data for seven years. This is necessary to comply with regulations for countering financial crimes, settling disputes or substantiating legal proceedings.

12. How do we protect your Personal Data?

12.1 Security

We spend a lot of time and resources to ensure that sufficient measures are taken to secure our systems, and the personal data we manage. In the event of a data breach, we will report this to the Personal Data Authority and notify the clients affected.

We employ high-quality technical and organisational measures to protect your personal data against unauthorised access including accidental loss, destruction or publication of your data. There are existing restrictions on access to personal data so that only employees who need the data can access it. We carry out data protection risk assessments to ensure that new processing operations are justified and compliant. During processing operations, we monitor external data processors.

12.2 Confidentiality

All BROKR employees have signed a confidentiality declaration, agreed to the internal code of conduct. In addition, only authorised employees have rights to access and process your personal data.

12.3 Supervision

BROKR is supervised by the Information and Data Protection Commissioner (IDPC) (<https://idpc.org.mt/>), which will monitor compliance with the General Data Protection Regulation (derived from GDPR).

BROKR a Malta based investment company, is primarily supervised by the Malta Financial Services Authority (MFSA).

13. Are your personal data part of automated decision-making?

There are times when your personal data are processed automatically, such as when applying for a trading account with BROKR. In this case, based on your personal data we may automatically determine the level of due diligence that is applied to assess your application.

14. Your rights

14.1 Right of inspection

You have the right to inspect personal data that BROKR holds on you. We can provide you with a copy of this information. If you wish, you can submit a request to our customer support and they will provide this information in a secure manner.

14.2 Right to rectification

If you believe that your information is incorrect or out of date, you can contact BROKR's customer support with a request to update your information.

14.3 Complaints

If you have complaints about the processing of your Personal Data, you should contact our customer support or the data protection officer at privacy@thebrokr.eu

14.4 Data Protection Commissioner

Under the GDPR, you have the right to complain about our processing of your personal data to the Data Protection Commissioner.

14.5 Other Rights

Under the GDPR, you also have the following rights which may apply in some situations:

- Right to oblivion: In some circumstances, we may delete (part of) your personal data.
- Right to restrict processing: You can ask BROKR to impose restrictions on the processing of your data.
- Right to data portability: It is possible to make a request to deliver your personal data ready for transmission to a third party.
- Right to object: You have the right to object to the processing of your personal data based on a legitimate interest.
- Right to discontinue marketing: It is possible to make a request to stop using your personal data for marketing purposes. This can be done via the unsubscribe option at the designated button in the marketing emails. However, we are obliged to inform you about in some matters and it is not possible to unsubscribe from these communications as well. This includes, for example, changes to the client agreement.

At the time your consent is required to process your personal data, you retain the right to withdraw this consent at any time.

The above requests will be assessed and responded to by BROKR within a reasonable time. You should note that not all requests can be granted at all times, for example in cases where they would result in BROKR no longer complying with laws and regulations or if they would limit BROKR's legal options.

14.6 Our view on privacy

At BROKR, our clients' trust is fundamental to our relationship. We strive to gain our clients' trust in how we manage their personal data. With great care, we ensure that your information is secure and only processed when we are entitled to do so.

When processing your personal data, this care is essential to us. If possible, personal data will be anonymised. If this is not possible, only the minimum required amount of data will be used by us. When processing your data, we ensure that the concept of "privacy by design" is at the core of development.

As laws and regulations are constantly changing, our privacy policy will be updated regularly.

15. Questions and inquiries

In case you have additional questions regarding privacy or your personal data, please contact BROKR's customer support where your questions will be answered.

If you have a complaint about the way we process your personal data, you can contact our data protection officer at privacy@thebrokr.eu. The data protection officer will then address your complaint and work towards a solution.

If you then still feel that your personal data is not handled in a manner prescribed by law, you can contact the Data Protection Commissioner (IDPC) (<https://idpc.org.mt/>).

16. For what does BROKR use your personal data?

After your explicit consent or if you become a customer of BROKR, BROKR records the (personal) data it requests. Without this data, BROKR cannot and may not conduct its business activities. BROKR uses your data for the provision of services to you, to inform you about (new) products and services, for anonymous statistical analyses and to comply with legal obligations.

Tape recordings are made of all telephone conversations between the Customer and BROKR. These recordings are stored and may be used for:

- being able to provide evidence, e.g., in case of differences of interpretation or disagreement regarding the content of the telephone conversation;
- (fraud) investigation and detection;
- evaluating service quality;
- training, coaching and assessment purposes.

17. Information about your Right to Object under Article 21 of the General Data Protection Regulation (GDPR)

17.1 Individual right to object

You have the right to object at any time from your personal situation to the processing of your personal data carried out on the basis of a public interest (Art. 6.1(e) GDPR) and on the basis of a balancing of interests (Art. 6.1(f) GDPR); this also applies to profiling based on the definition in Art. 4.4 GDPR.

If you object, we will no longer process your personal data, unless we can demonstrate compelling legitimate grounds for the processing which outweigh your interests, rights and freedoms, or the processing serves to file, exercise or defend legal claims.

17.2 Right to object to data processing for direct marketing purposes

We may also process your personal data for direct marketing purposes. You have the right to object to the processing of your personal data for such advertising at any time; this includes profiling to the extent applicable to such direct advertising.

If you object to processing for direct marketing purposes, we will no longer process your personal data for these purposes. Your objection can be formulated in your own way and should preferably be addressed to:

BROKR Ltd
168, ST. CHRISTOPHER STREET
VALLETTA
MALTA VLT 1467
E-mail: contact@thebrokr.eu
Website www.thebrokr.eu

18. Care

BROKR considers it important that the processing of your (personal) data takes place in a manner consistent with existing safeguards for the protection of your privacy. BROKR complies with the rules of the Personal Data Protection Act and the Financial Supervision Act in all its activities. Your (personal) data will not be provided to third parties outside BROKR unless it is necessary for the provision of the service, without your explicit consent, or unless legal obligations of BROKR require this.

Websites of third parties

BROKR is not responsible for the privacy measures taken by other websites, even if they are linked to the websites of BROKR by hyperlinks or otherwise.

19. Changes

BROKR reserves the right to make amendments to this privacy statement. You are therefore advised to consult this privacy statement regularly when visiting this website.

Do you believe that this privacy statement has been violated or are you dissatisfied with another aspect of our service? We would like to hear from you. Your complaint will be handled by BROKR's compliance officer.