

PEAK WEALTH PTY LTD

PRIVACY POLICY

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1. Introduction

Peak Wealth (Pty) Ltd (hereinafter “the Company”, “us”, “our” “we”) is incorporated in South Africa and registered under the Companies and Intellectual Property Commission (<http://www.cipc.co.za/za/>) with a registration number 2013/007163/07. The Company is authorised and regulated by the Financial Sector Conduct Authority (“FSCA”) with authorisation number FSP44681, to provide intermediary services in connection with derivative products, operating under the Financial Advisory and Intermediary Services Act (“FAIS Act”).

Privacy is very important for us, and we are committed to protecting and respecting your personal data. The development of a standard operating procedure to ensure the effective protection of client and/or user information as well as the development of operations and risk management is of the utmost importance to us.

Personal information which are processed by the Company is done so in accordance with the provisions of the Protection of Personal Information Act 4 of 2013 (“PoPI Act”), the provisions of International Principles of Information Protection and the Basic Provisions of the Constitution of South Africa 1996.

2. Personal Information we collect

As per the PoPI Act’s definition of Personal Information: “information relating to an identifiable, living natural person, and where it is applicable, an identifiable, existing juristic person, including but not limited to-

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person
- d) the biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the person; and
- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person”

The following personal data of customers, potential customers and other users of the website and platform include:

- Name, Surname, and contact details

- Information about income, wealth, assets and liabilities, other account balances, history of trading statements, tax and other financial statements.
- Profession, employment status and other employment related details.
- Location Information, jurisdiction, residency and nationality.
- Knowledge and experience in trading and risk tolerance questions.
- IP address, device specifications.
- Bank account, e-wallets, credit card details.

The above information is either obtained directly from you or, unless required by law, obtained from another source.

3. Lawful possession and processing of Personal Information

The Company shall ensure that all the conditions set in the PoPI Act are complied with regarding the purpose and method of processing of Personal Information. Any data shared with the Company will be processed for the purposes within which they were shared and the process shall remain adequate, relevant and not excessive.

Personal Information shall only be processed

- with the prior consent of the user, or
- if it is necessary for us to carry out actions for a performance of our contract with the user, or
- to remain compliant with the processing obligations imposed by the law, or
- to protect the legitimate interests of the user, or
- if it is necessary for the performance of public law duty set by a public body, or

Personal Information may be collected and held about:

- website visitors/potential clients
- service providers and other third parties
- current and potential employees
- other people who come in contact during the course of business.

4. Information required to be collected by law: Identification

We are required under the law to identify any person who opens an account with us, or any new person who becomes a signatory to an existing account. The Anti-Money Laundering laws require us to record certain documents to meet the standards as these are set by the law. The documents that we collect, and store are:

- a) passport;
- b) driver's licence;

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

Corporate clients are required to provide further documents and information, such as the corporate documents of address, shareholder information, directors, other officers and the personal information of all of the abovementioned.

Obtaining the above information can happen through different ways, in which we see fit to be able to provide our services such as through the account opening process, demo sign up, website cookies, subscription to our email services and any other way form that information was shared for the course of our ongoing relationship.

Personal Information may also be collected through third-parties such as publicly available lists, social media, introducing brokers or affiliates, banks and other credit institutions, intelligence databases and other third-party associates.

5. Disclosure of Personal Information

All personal information shall be kept confidential; however, they may be disclosed to third parties as we may be required to do so by law. Third parties with which we have entered into contractual agreement with, will be obliged to apply data protection measures and confidentiality.

Such third parties may include:

- Services providers chosen by the Company to support in the effective provision of our services (e.g. Tech Support, expertise etc).
- Court of Law.
- The Regulator.
- Anyone the user/client has authorised to the disclosure of their personal information.
- External professional advisors and consultants, including but not limited to legal, accounting and tax consultants.
- Governmental and regulatory bodies and authorities including enforcement authorities such as the FSCA.
- Organisations involved in the potential transfer or sale of the Company's operations.

6. Purpose and Retention of Personal Information

Due to the nature of our Company's operations the Personal Information are collected for the following, but not limited to, the following purposes:

- To conduct our business of intermediation in relation to CFDs and other derivative products.
- To provide users and individuals with information about the products, services and promotions.
- Protect the users and clients from fraudulent and unlawful activity.
- To enhance the security of the Company's information systems.
- To maintain accounts and records.
- To investigate and resolve any queries, complaints and/or concerns any user or client or individual has.
- To manage any legal issues that involve the Company.
- To comply with our legal and regulatory obligations
- To help us enhance and manage our services.
- To obtain professional advice (e.g. legal or otherwise)
- For statistics purposes, such as website unique visitors and users.

Records are retained as a legal obligation as set by the applicable regulation and may be retained longer than is necessary for achieving compliance. This may be because:

- Is required by law
- The company has reasonable grounds to believe that there are lawful purposes to hold the information to be able to perform its functions or activities.
- Retention of the data is a contractual obligation between the parties.
- The user/client has consented to the retention of the Personal Information.

We hold personal information in a combination of secure computer storage facilities and paper-based files and other records and take steps to protect the personal information we hold from misuse, loss, unauthorised access, modification, or disclosure.

The records must be maintained for a period of five years after our business relationship with the user/client has ended or for a further period, as this may be requested by the regulator or change in regulation/legislation.

When we consider that personal information is no longer needed, we will remove any details that will identify you or we will securely destroy the records. The Company will also destroy or delete any record of personal information as soon as reasonably practicable after it is no longer authorised to retain the record. The destruction of such records must be done in a manner that it prevents the reconstruction in an intelligible form.

7. Security and Integrity of Personal Information

Respecting the privacy of our users is our top priority and we therefore take all reasonable steps to ensure that information shared with us are safeguarded. We have set the necessary and appropriate technical and organisational measures to ensure that all information remains secured. Furthermore, we make sure that any person(s) responsible for handling client information and data are trained and aware of the importance of maintaining and keeping client data safe and privacy respected at all times.

Transmission of information over the internet is not always completely secure, but the Company take precautions to protect the personal data and establishes procedures and security features to prevent unauthorised access.

If in the unfortunate event there are any breach of security regarding client data and information, we notify the Regulator and the affected users/clients as soon as reasonably possible by any means appropriate in the circumstances to enable all involved parties to take the necessary steps to protect their interests.

8. Your rights in connection to Personal Information

You have the right to be notified if any of the Personal Information you shared with us has access or acquired by an unauthorised person. You also maintain the right to request and obtain a copy of all the personal information that the Company holds on you.

As the personal information belongs to you, you may request for the destruction of such personal information to the extent permitted by law, as we are required to remain compliant with our regulatory obligations for personal information retention.

You may also object within reasonable grounds relating to a particular situation to the processing of your Personal Information. You may also object to the processing of your Personal Information for the purposes of direct marketing and other electronic communications.

You are also within your rights to submit a complaint with the Information Regulator for any alleged misuse of mistreating of your Personal Information as this is found at <https://justice.gov.za/inforeg/>

To exercise any of the above rights, or any questions and queries you may have about this policy please get in touch with us at support@xtrade.com

9. Restriction of Responsibility

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

10. Consent to process Personal Information

By accessing our website and using any method of communication as this is available to you, we consider that you have read and understood this Policy and now we process any information that you disclose to us, including but not limited to personal information prior to becoming a client of the Company.

11. Changes and Updates to this Privacy Policy

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

We suggest and encourage our clients to periodically review this Privacy Policy document so that they are aware of any changes and how their information is affected following the aforementioned changes.