

# Data Protection & Privacy Policy

LCG Capital Markets Limited

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## Definitions

<b>The Company</b>	means LCG Capital Markets Limited, a registered firm in the Commonwealth of The Bahamas.
<b>The Law</b>	means the Bahamas Data Protection Regulations.
<b>Responsible Person</b>	means The Chief Compliance Officer.
<b>Cookie(s)</b>	means a small file placed on the user’s computer or device by the website when certain parts of the website are visited, and/or when certain features are used.

The Company is committed to processing data in accordance with its responsibilities under the law. Section II of Chapter 324A - Data Protection (Privacy of Personal Information) Act.

### 1. Collection, processing, keeping, use and disclosure of personal data

The responsible person shall comply with the following provisions in relation to personal data kept by the Company:

- a. The data shall have been collected by means which are both fair and lawful in the circumstances of the particular case;
- b. The data is accurate and, where necessary, kept up to date, (except in the case of back-up-data);
- c. The data –
  - i. shall be kept only for one or more specified and lawful purposes;
  - ii. shall not be used or disclosed in any manner incompatible with that purpose;
  - iii. shall be adequate, relevant and not excessive in relation to that purpose, and
  - iv. shall not be kept for longer than is necessary for that purpose, except in the case of personal data kept for historical, statistical or research purposes, and
- d. appropriate security measures shall be taken against unauthorized access, alteration, disclosure, destruction and/or accidental loss of data.

In determining for the purposes of Section 1(a) above, whether personal data or information are

fair, in particular to ascertain whether any person from whom the data are obtained was deceived as to the purpose of that data:

The Company shall respect all personal data and comply with Section 1(d) above.

## **2. Exceptions to Section 1**

Section 1(a) shall not apply to information intended for inclusion in data, or to data kept for a purpose mentioned in Section 4(a) below.

## **3. Right of Access**

Subject to the provisos of the law, any individual who makes a written request to the Company has a right, within 40 days after complying with the provisions of Section 3, to-

- a. be informed by the Company whether the data kept by the Company include personal data relating to that individual
- b. be supplied by the Company with a copy of the information constituting such data; and
- c. where any of the information is expressed in terms that are not intelligible to the average person without explanation, the information shall be accompanied by an explanation of those terms.

A request for the information specified in Section 3(a) shall be treated as including a request for a copy of the information specified in Section 3(b).

An individual making such a request shall supply the Company with such information so as to reasonably satisfy the Company of the identity of the individual and to locate any relevant information.

Section 3 does not obligate the Company to disclose personal data relating to another party to an individual unless that other individual has consented to the disclosure.

In cases where the circumstances are such that it would be reasonable for the Company to conclude that, if any particulars identifying that other individual can be omitted, the data could then be disclosed as aforementioned without the other individual being identified to the data subject. Under these circumstances the Company shall be obligated to disclose the data to the data subject with the omission of aforementioned particulars.

An individual has the right to notify the competent authority in writing if the Company refuses a request made under these provisions.

Where the Company has previously complied with a request made under Section 3 by an individual, the Company is not obligated to comply with a subsequent, identical or similar request under Section 3 by that individual unless reasonable time has elapsed between the Company's

compliance with the fist request and the latter.

In determining the purpose of the previous paragraph, whether requests under Section 3 are made at reasonable intervals, regard shall be had to the nature of the data, the purpose for which the data are processed, and the frequency which the data are altered.

#### 4. Exceptions to Right of Access

Section 3 shall not apply to personal data that are -

- a. kept for the purpose of preventing, detecting or investigating an offence or a breach of agreement, apprehending or prosecuting offenders or assessing or collecting any tax, duty or other money owed to or payable to the Government, a local authority, a statutory corporation, or a public body, in the case in which the application of that section to the data would be likely to prejudice any of the matters aforementioned;
- b. to which, by virtue of Section 4(a) does not apply and which are kept for the purpose of discharging a function conferred by or under any enactment and consisting of information obtained for such a purpose from a person who had it in his possession for any of the purposes mentioned in Section 4(a);
- c. in any case in which the application of section 3 would be likely to prejudice any enactment under the laws of The Bahamas;
- d. kept for the purpose of performing such functions conferred by or under any enactment as may be specified by regulations made by the Government, being functions that, in the opinion of the Government Minister, are designed to protect members of the public against financial loss in any case in which the application of that section to the data would be likely to prejudice the proper performance of any of those functions;
- e. in respect of which the application of that section would be contrary to the interests of protecting the international relations of The Bahamas;
- f. consisting of an estimate of, or kept for the purpose of estimating, the amount of the liability of the Company concerned based on a claim for the payment of a sum of money, whether in respect of damages or compensation, in any case in which the application of section 3 would be likely to prejudice the interests of the Company in relation to that claim;
- g. in respect of which a claim of privilege could be maintained in proceedings in a court in relation to communications between a client and his professional legal advisers or between those advisers;
- h. kept only for the purpose of preparing statistics or carrying out research if the data are not used or disclosed for any other purpose and the resulting statistics or the results of the research are not made available in a form that identifies any of the data subjects;
- i. in any case in which the application of that section would reveal confidential commercial information which cannot be severed from the record containing the personal information for which access is requested; or

- j. that are back-up data.

## 5. Right of Rectification or Erasure

An individual shall, upon submission of a written request to the Company which keeps personal data relating to him, be entitled to have rectified or, where appropriate, erased any such data in relation to which there has been a contravention of Section 1 by the Company and the Company shall comply with the request within forty days after it has been given or sent to it:

Provided that the Company shall, in relation to data that are inaccurate or not kept up to date, be deemed —

- a. to have complied with the request if it supplements the data with a statement (to the terms of which the individual has agreed) relating to the matters dealt with by the data; and
- b. if the Company supplements the data as aforementioned so as to not to be in contravention of Section 1(b).

In complying with a request under this Section 5, the Company shall, within forty days after the request has been given or sent to it, notify the individual making the request of such compliance.

## 6. Right to prohibit processing for the purposes of direct marketing

Where a data subject makes a written request for the Company to cease using, for the purpose of direct marketing, any data which was kept for that purpose, the Company shall, as soon as may be and in any event not more than forty days after the request has been received —

- (i) erase all data as was kept for the purpose aforementioned; or
- (ii) if the data are kept for that purpose and other purposes, cease using the data for that purpose; and
- (iii) notify the data subject in writing accordingly.

## 7. Cookies

The Company's website may place and access certain Cookies on the user's computer. The Company uses Cookies to improve the user's experience using the Website and to improve its range of services. LCG Capital Markets Limited has carefully chosen these Cookies (which are not permanent) and has taken steps to ensure the user's privacy is protected at all times.

The Company may use the information it obtains from users for the following purposes:

- to recognise the user’s computer when visiting the website;
- to track users as they navigate the website, and to enable the use of the some of the features on the website;
- to improve the website’s usability;
- to analyse the use of our website;
- in the administration of the website;
- to personalise content on the website for users.

## **8. Duty of care owed by the Company**

The Company, being a data controller shall, in regards the collection of personal data or information, owe a duty of care to the data subject concerned: Provided that the Company shall be deemed to have complied with the provisions of Section 1(b) if and so long as the personal data concerned accurately record data or other information received from the data subject or a third party and include —

- a. an indication that the information constituting the data was received or obtained as aforementioned;
- b. if appropriate, an indication that the data subject has informed the data controller that he regards the information as inaccurate or not kept up to date; and
- c. any statement with which, pursuant to this Policy, the data are supplemented.

The Company shall use contractual or other legal means to provide a comparable level of protection from any third party to whom it discloses information for the purpose of data processing.

END OF POLICY