



HF Markets SA (PTY) Ltd

Protection of Personal Information Policy

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1. Introduction

- 1.1. HF Markets SA (Pty) Ltd (hereinafter the “**Company**”) which is a member of HF Markets Group, is incorporated under the laws of South Africa with Registration No. 2015/341406/07) and is registered under the Companies and Intellectual Property Commission (<http://www.cipc.co.za>). The Company is authorized and regulated by the Financial Sector Conduct Authority (“**FSCA**”) (<https://www.fsca.co.za/Pages/Home.aspx>) to act as a Financial Service Provider (FSP No. 46632) and to provide the Services specified in the Account Opening Agreement found on the Company’s website, and operates under the Financial Advisory and Intermediaries Services Act (FAIS Act) (Act 37 of 2002).
- 1.2. This privacy statement covers the website www.hfm.com/za and all its related sub-domains and mobile applications that are registered and operated by HF Markets SA (PTY) Ltd.
- 1.3. The Company acting in its capacity as a Financial Service Provider and in accordance with the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002) (the “**Law**”) outlines in the Protection of Personal Information Policy (herein the “**Policy**”) how the Company collects, maintains, handles, protects and discloses (if applicable) personal information of the Client.
- 1.4. This Policy applies to the Company’s employees and/or associated persons and/or any other companies within HF Markets Group and all the Companies follow the principles as outlined herein.
- 1.5. This Policy applies to existing clients, prospective clients, clients who have terminated their contractual relationship with the Company and website visitors (hereinafter jointly referred to as the “**Clients**” or “**you**”) who are accessing or using the Company’s website(s) and mobile applications (hereinafter referred to as the “**Platforms**”).
- 1.6. The Company is committed to protecting the privacy of all Clients ‘Personal Information which it processes in accordance with the Protection of Personal Information Act 4 of 2013 (herein “**POPIA**”), this Policy and the Company’s Terms of Business.

1.7. For the purposes of this Policy, references to “Personal Information” shall mean data which identifies or may identify Clients and which may include, for example, a Client’s name, address, identification number, telephone number and date of birth.

2. Collection of Personal Information

2.1. The Company collects different types of Personal Information through the Company’s Platforms from Clients who visit such Platforms or access, use or request products and services offered by the Company.

2.2. The provision of certain Personal Information is required for establishing a contractual relationship with the Company. Clients not wishing to provide such Personal Information will not be able to open an account with the Company or be provided with other products and/or services of the Company.

2.3. Clients have a responsibility to ensure that the Personal Information they provide to the Company and recorded in their personal account (myHF Area) remain accurate and up to date throughout the period of their contractual relationship with the Company.

2.4. In addition to the information provided by Clients, the Company also lawfully collects and processes Personal Information from publicly available sources (including, inter alia, the press, social media and the internet) and third-party risk management software solutions in order to meet its regulatory obligations and for confirming the validity of the provided information.

2.5. The Personal Information received from the Client, collected and processed by the Company are required for the communication, identification, verification and assessment for the business relationship establishment with the Client, contract performance and legal compliance. The following Personal Information may be collected from Clients depending on the product and/or service the Company provides to him:

- (a) Contact details such as the Client’s name, e-mail address and phone number.
- (b) Identification details such as the Client’s identification or passport number.

- (c) Biographical and demographic data such as gender, age, ethnicity, education, occupation, the Client's financial trading experience and whether he has a prominent public function status (PEP).
- (d) Financial information such as the Client's income status, bank account number and account details, tax information and other financial information.
- (e) Information relevant to the services that the Company provides to the Client such as the Client's transactions and communication records with the Company.
- (f) Details of visitors' and Clients' visits to the Company's website and information collected through cookies and other tracking technologies including IP address and domain name, browser version, operating system and geolocation.
- (g) Information in relation to criminal convictions and offences to the extent required and/or permitted by applicable law.
- (h) Information in relation to the client's mobile device Call log with the permission of the client.
- (i) Your marketing preferences.

3. No Children's Data Collection

- 3.1. The Company understands the importance of protecting children's privacy. The Company's services are not intended for children under eighteen (18) years of age nor is the Company's website designed for use by children. Therefore, the Company does not knowingly or specifically collect children's Personal Information. If the Company collects such data mistakenly or unintentionally, the Company shall delete the information at the earliest possible once it obtains knowledge thereof. If the Client becomes aware of such data collection he/she shall notify the Company at privacy.za@hfm.com.

4. Use of Personal Information

- 4.1. The Company collects and processes Personal Information which are required for the evaluation, establishment and maintenance of the contractual relationship between the Company and the Client and in order to comply with this Policy and applicable laws and

regulations governing the provision of financial services. In some cases, the Company may also process the Client's Personal Information to pursue its legitimate interests or those of third parties, provided that the Clients' interests and fundamental rights are not overridden by those of the Company or the third party.

4.2. Specifically, the Client's Personal Information will most commonly be used in the following circumstances:

(a) Where the Company needs to perform the contract it has entered with the Client or in order to take certain steps prior to entering into a contract with the Client

Processing is necessary for the Company in order to provide the Client with its products and services, and more specifically in order:

- To verify the Client's identity and carry out any required credit checks;
- To ensure that the Client meets the suitability requirements to use the Company's products and services;
- To manage the account the Client holds with the Company;
- To process the Client's transactions; and
- To send to the Client any information about transactions/post-transactions services.

If the Client does not provide the requested Personal Information, the Company may be unable to offer the Client with its products and/or services.

(b) Where the Company needs to comply with a legal obligation

As an investment firm, the Company is required to comply with certain legal and regulatory obligations which may involve the processing of Personal Information. Such obligations and requirements impose on the Company necessary data processing activities for identify verifications, compliance with court orders, tax law or other reporting obligations and anti-money laundering controls.

(c) Where the Company has legitimate interests to use the Client's Personal Information

More specifically, the Company may process the Personal Information for the following purposes:

- To develop or enhance its products and services;
- To enhance the security of the Company's network and information systems;
- To identify, prevent and investigate fraud and other unlawful activities, unauthorised transactions and other liabilities and manage risk exposure;
- To maintain its accounts and records;
- To manage its business operations and comply with internal policies and procedures;
- To defend, investigate or prosecute legal claims;
- To receive professional advice (such as legal advice), and
- For the analysis of statistical data which helps the Company in providing its Clients with better products and services in the future. It should be noted that the Company anonymises and aggregate such data so that they do not directly or indirectly reveal the Clients' identities. The Company may provide this statistical data to third parties (as described in more detail in Section 8) solely for statistical purposes and in an effort to improve the Company's marketing campaign.

(d) Where the Client has given his consent

- The Company will ask for the Client's consent when the Company wishes to provide marketing information to its Clients in relation to its products or services which may be of interest to the Client.
- The Company will ask for Clients' permission to access their mobile device call log for the sole purpose of completing the phone number verification process.
- The Company will ask for Clients' permission to electronically verify their identity by providing their personal information to identity verification providers.

The Client may withdraw such consent at any time. This right doesn't affect the lawfulness of processing that was based on that consent before its withdrawal.

5. Cookies

- 5.1. A cookie is a small text file that is stored on a user's computer for record-keeping purposes. The Company uses cookies on its website(s) to ensure and provide the Client with a good experience when he browses our website and also allows us to improve our website.
- 5.2. To understand more about the kind of cookies we use and how you can control and delete cookies, please see our [Cookie Policy](#).

6. Links to other websites

- 6.1. The Company's website contains or may contain links to other websites or social media platforms of interest. However, once you have used these links to leave the Company's website, you should note that the Company does not have any control over those other websites. Therefore, the Company cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this Policy. You should exercise caution and look at the privacy statement applicable to the website in question.
- 6.2. The Company will not be liable for the unlawful or unauthorized use of the Client's Personal Information due to misuse and/or malicious use and/or negligence and/or misplacement of the Client's passwords either by him/her or any third party.

7. Client Records Retention Periods

- 7.1. Under the applicable laws and regulations, the Company is required to keep records containing Client Personal Information, trading information, account opening documents, communications and anything else which relates to the Client after the execution of each transaction and/or for 5 (five) years of the termination of the business relationship.

8. Sharing and Disclosure of Personal Information

- 8.1. In the course of the performance of the Company's contractual and statutory obligations, the Client's Personal Information may be disclosed to third parties. Most of such third

parties enter into contractual arrangements with the Company by which they observe data protection and confidentiality.

- 8.2. Under the circumstances referred to above, recipients of Personal Information may be, for example:
- (a) third party payment service providers who help the Company provide its Clients the services of securely deposit and withdrawal to and from a Client's account;
 - (b) other service providers that the Company has chosen to support it in the effective provision of its products and services by offering technological expertise, solutions and support;
 - (c) governmental and regulatory bodies, including law enforcement authorities and FSCA, in connection with enquiries, proceedings or investigations by such parties or in order to enable the Company to comply with its legal and regulatory requirements;
 - (d) credit reference and fraud prevention agencies, third party authentication service providers and other financial institutions for the purposes of credit checking, fraud prevention and anti-money laundering controls;
 - (e) third party service providers for the provision of the required customer support services through live chat and the Company's website visits and traffic monitoring through cookies;
 - (f) external consultants including legal and tax consultants;
 - (g) data reporting service providers;
 - (h) market research companies and call centers; and
 - (i) affiliates of the Company.
- 8.3. In accordance with the recommendations of Payment Card Industry Security Standards Council, customer card details are protected using Transport Layer encryption — TLS 1.2 and application layer with algorithm AES and key length 256 bit.
- 8.4. The Company does not collect, store or process any personal credit or debit card information. All payment transactions are processed through payment gateway providers.

9. Business Transfers Legal Requirements

9.1. If the Company is involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, sale of company assets, or transition of service to another provider, Client's Personal Information and other information may be transferred to a successor or affiliate as part of that transaction along with other assets.

10. Personal Information Transfers outside South Africa

10.1. The Company is committed to protecting Personal Information especially when these are to be transferred outside South Africa. The POPIA allows Personal Information to be transferred outside of South Africa if the conditions on the appropriate safeguards with respect to the security and protection of Personal Information are in place.

10.2. Adequate safeguards include among other laws, Binding Corporate Rules or Binding Agreements which provide an adequate level of protection similar to POPIA. Where adequate safeguards are established, the rights of Clients continue to be protected even after their data has been transferred outside the South Africa for processing.

10.3. The Company may transfer or disclose the Personal Information of Clients inside or outside South Africa to any company within the HF Group as well as third party service providers (i.e. Operators) who are engaged on our behalf and are processing such data based on our instructions and in compliance with this policy and other appropriate confidentiality and security measures or arrangements.

11. Marketing Communications – Services Subscriptions Preferences

11.1. The Company may process Personal Information to tell its Clients about products, services and offers that may be of interest to the Client. The Company may only process such Personal Information if it has obtained the Client's explicit consent to do so.

11.2. If the Client no longer wishes to receive any promotional communications, he may opt-out of receiving them by following the instructions included in each communication or by updating his email subscription preferences within the Client account area.

12. Personal Information Rights

12.1. In relation to your Personal Information, you have the right:

- To be notified that your personal information
 - is being collected; and
 - has been accessed or acquired by an unauthorised person.
- To be informed of the information we hold about you and request access to your personal information.
- To request corrections, deletion or destruction of personal information.
- The right to object on reasonable grounds to the processing of your personal information for the purposes of direct marketing
- To not have personal information processed for the purposes of direct marketing by means of unsolicited electronic communication.
- To not be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of your personal information intended to provide a profile
- To submit a complaint to the regulator regarding an alleged interference with the protection of your personal information
- To institute civil proceedings regarding the alleged interference.

To exercise any of the above rights, the Client may contact the Company at privacy.za@hfm.com.

13. Automated decision-making and profiling

13.1. When you make an application for account opening we will use systems to make an automated assessment of your knowledge and experience through the evaluation of an appropriateness test. In such cases, you have the right to contact us to:

- (a) give you information about the processing of your Personal Information (please also see Section 12 of this Policy in relation to your rights); and/or
- (b) request that one of our employees examines your application and obtain an explanation for the automated decision reached. You also have the right to challenge such a decision. Following such a request, we will reassess your application, taking into consideration both the reasons that a particular automated decision was reached as well as your own point of view.

14. Confidentiality and Security of Personal Information

- 14.1. Personal Information which the Company holds is to be treated by the Company as confidential and will not be used for any purpose other than those specified in this Policy.
- 14.2. Any Personal Information that the Client provides to the Company will be treated as confidential and shared only with the parties set out in Section 8 of this Policy.
- 14.3. Such Personal Information will not be disclosed to any other third party except if such disclosure is required under any regulatory or legal proceedings.
- 14.4. The Personal Information that the Client provides in connection with registering as a user of the website(s) or for the Services is classified as Registration Information. The Company offers high protection of the Registration Information provided by the Client. The Client can access his Registration Information through a password selected by him which is encrypted and known only to the Client. The Client must be careful and protect his password from any third parties. Registration Information is safely stored on secure servers that only authorized personnel have access to via password. The Company encrypts all Personal Information as it is transferred to the Company and thus makes all necessary effort to prevent unauthorized parties from viewing any such information.
- 14.5. Personal Information provided to the Company that is not Registration Information also resides on secure servers and is again accessible only to authorized personnel via password. This information is not accessible by the Client; therefore, no password is provided to view or modify this information.

15. Amendments to this Policy

15.1. The Company reserves the right to review and amend this Policy from time to time for any reason and notify the Clients of any such amendments accordingly by posting an updated version of this Policy on the Company's website(s). The Company will notify you about any material changes to this Policy by placing a notice on its website or by communicating with you directly.

15.2. The Client is responsible for regularly reviewing the Policy and any amendments thereof.

16. Enquiries and Contact Details

16.1. For any general enquiries regarding this Policy please contact the Company by emailing the Customer Support Department at support.za@hfm.com.

16.2. For any requests in regard to Personal Information rights, as set out in Section 12 of this Policy, or questions about how the Company processes Client's Personal Information, please contact us at privacy.za@hfm.com.

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