



Berry Privacy Policy

Berryfin International Limited



Berry limited ('Berry') takes your privacy seriously. Please read this Privacy Policy ("Privacy Notice") to learn more about how we collect, use, disclose and store information when you access or use our Website or Services or contact us a different way. We gather various types of information, including information that identifies you as an individual (Personal Information). This is explained below.

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1. How we collect and use (process) your personal information

1.1. Personal information you give to us:

1.1.1. Retail or Individual & Individual Joint Accounts

When you apply to open an account with Berry, we collect information directly from you including (but not limited to):

- ✓ your title and full name;
- ✓ your date of birth;
- ✓ your nationality and dual nationalities (if any);
- ✓ National Client Identifier (NCI) details (e.g. National Insurance or Passport Number);
- ✓ your contact details: email; phone and address;
- ✓ your employment details: employment status, occupation, employment sector and employer's name;
- ✓ financial position details: income level and source of funds;
- ✓ your trading experience and trading relevant to our services, e.g. if you ever traded OTC derivatives;
- ✓ bank details for your account administration;
- ✓ certain information related to your device, such as your device's IP address and referring Website; For further information on tracking technology, please see our Cookie Policy here
- ✓ any other information that you may disclose to us when you contact.

For the avoidance of doubt, in the case of a Joint Account the same data is collected in respect of any or both of you.

1.1.2. Additional information we may collect from Professionals and Eligible Counterparties:

We may collect personal data about you (and, where applicable, people connected to your business such as employees, contractors, officers, partners, beneficial owners and directors) in the onboarding process, including through completing due diligence, when administering transactions and carrying out reviews, when you contact us (including by telephone), when you use our website or applications, and from publicly available sources or third parties.

Where applicable, You acknowledge and warrant, when you, or anyone on your behalf provides us with any personal data relating to people connected to your business (such as employees, contractors, officers, partners, beneficial owners and directors), in connection with this Agreement, that this disclosure will only be made in compliance with Data Protection Laws.

You further warrant that you have an appropriate legal basis for disclosing the personal data to us and for us to process the personal data as contemplated under this Agreement, and that any consents required have been obtained and are valid. You shall ensure that the herein referenced people are aware of their personal data disclosure, our identity and contact details, and the matters covered in this Privacy Notice.

1.2. Live events and web conferences

Sometimes Berry participates in industry related events and exhibitions. These include in-person conferences as well as live web conferences (collectively "events").

During the event if you approach us, we will collect your name and contact information, which we will store in our database(s) and use to provide you with relevant information and services.

1.3. Via your correspondence with Berry

If you correspond with us by email, the postal service, or other form of communication, we may retain such correspondence and the information contained in it and use it to respond to your inquiry; to notify you of Berry and Group services; or to keep a record of your complaint, request, and the like.

1.4. Payment card information

To administer and monitor your account we will ask your bank details, which you can amend at any time.

You may choose to top-up your account balance using a payment card. Typically, payment card information is provided directly by users, via the Berry website, into the PCI/DSS-compliant payment processing service to which Berry subscribes, and Berry does not, itself, process or store the card information. We strongly encourage you not to submit payment card(s) information by email. When Berry employees receive payment card information from customers or members by email, fax, phone, or mail, it is entered as instructed and then deleted or destroyed.

1.5. Personal information we get from third parties

As part of Account Opening Process, to meet FCA and other regulatory rules Berry or relevant professional agents acting on its behalf may disclose your personal data in compliance with this Privacy Notice for obtaining (included but not limited to) Identity Verification and other anti-money laundering reports. Upon reasonable request made in writing by you to us, you shall be allowed to review or have a copy of any records maintained by us relating to your account standing.

1.6. What happens if you don't give us your data

If you choose not to provide the information we require to enable us to fulfil our regulatory and statutory obligations to open your account this may result in us not being able to provide the services you require and may result in our declining to open an account for you.

From time to time Berry may request additional information in line with its regulatory requirements and duties; if you refuse to provide such information, e.g. your nationality or passport number Berry may have no other choice as to close your account with notice in advance being given to you. You can even enter only the minimal amount of information (marked as mandatory on the application form) to Berry application form or requests if you wish. Some personal information is necessary so that Berry can supply you with the services you have purchased or requested, and to authenticate you so that we know it is you and not someone else.

On the other hand, you may manage your Berry technical industry news and marketing subscriptions and you may opt-out of receiving marketing communication at any time.

1.7. Accuracy of information

We may contact you from time to time to ensure that the information we hold is accurate and up to date. It is in your interest to keep the data we have on you up to date to enable efficient account administration by us.

2. How do we use the information?

When you provide information to us through our Website, we may use the information to respond to your inquiries, e.g., regarding certain products or Services, job information, request for information or demo requests. We also use information to administer and improve our Website and to analyse use of the Website for marketing and advertising purposes and trend monitoring.

When you use our Services, we may use your information to:

- (a) establish and maintain responsible commercial relations and to provide ongoing administering of transactions and maintaining current and accurate information in relation to such transactions;
- (b) providing services and access to online platforms (demo or live accounts terminals) where email ID is required for example;
- (c) meet legal and regulatory requirements, e.g. collect Personal Information from you to satisfy government regulations such as tax purposes;



- (d) comply with applicable laws, including carrying out anti-money laundering checks and comply with reporting obligations
- (e) prevent fraud (or other criminal activity) or as required by law;
- (f) create statistical data in order to fulfil our legal and accounting requirements to analyse our business, and to manage risks and internal business procedures;
- (g) introducing you to third party brokers with whom we have a mutual relationship;
- (h) defending and protecting our rights;
- (i) contacting you, subject to Section 2.1 below;
- (j) for any other purposes about which we will notify you.

Legal basis for processing your personal data: For the purpose of the Data Protection Laws, the legal basis on which we process personal data are that the processing is necessary for our legitimate interest in administering our business.

2.1. Contacting You

We may contact you by post, telephone, or by email using your personal data (contact details in particular) regarding your account and/ or announcements or updates to our products and services.

If you wish to have Berry “erase” your personal information or otherwise refrain from communicating with you at all or for a particular purpose, please contact us at support@berryfinex.com (email is acceptable, and to direct your email quicker please include the words “Data Protection” in the subject line of the email).

Note: if you ask Berry not to contact you by email/or send certain information at a certain email address, Berry will retain a copy of that email address on its “master do not send” list in order to comply with your no-contact request.

3. When and how we share information with others

3.1. Disclosures of personal data as per our duties

To assess your creditworthiness or/and manage credit risk, to prevent fraud (or other criminal activity) or as required by law we may:

- (a) make periodic searches and enquiries about you and any Related Party at credit reference agencies, and your employers and any other relevant parties (as applicable);
- (b) disclose information to our Group companies/service providers and that we and our Group company/service provider may disclose it to organisations involved in fraud prevention; to regulators and governmental agencies, in any jurisdiction, where we are required to do so by Applicable Regulations;
- (c) obtain information from and disclose information to other broker-dealers or investment managers which deal in or manage investments for you concerning any payment or security default or concerning any investment which is related to or connected with Transactions which you seek to open with us;
- (d) Credit providers, courts, tribunals and regulatory authorities as agreed or authorised by law
- (e) disclose information where there is a public duty to disclose or our interests require disclosure; or with your consent.

3.2. Disclosures of personal data inter-Group, operations

Unless we inform you otherwise, the personal information we hold is used for establishing and managing your account, reviewing your and regulatory ongoing requirements, which will include enhancing the products and services we offer to you.

This means that the information we hold may be shared with:

- (a) Service providers and advisers who have been contracted to provide the group with administrative, financial, insurance and other services.
- (b) Introducing brokers with whom we have a mutual relationship (any of whom may be within or outside the European Economic Area);
- (c) Anyone to whom we transfer or propose to transfer either our rights or duties under this Agreement; or to any third party as a result of any restructuring, sale or acquisition of any company within our group provided that any recipient uses your information for the same purposes as it was originally supplied to us and/ or used by us.

We may also gather aggregated data about our Clients and Site visitors and disclose the results of such aggregated (but not personally identifiable) information to our partners, service providers, advertisers and/or other third parties for marketing or promotional purposes.

Berry website uses interfaces with social media sites such as Facebook, LinkedIn, Twitter and others. If you choose to "like" or share information from Berry website through these services, you should review the privacy policy of that service. If you are a member of a social media site, the interfaces may allow the social media site to connect your site visit to your personal data.

4. Storage of Personal Information

Personal information is held in a combination of secure computer storage facilities, paper based files and other records. We have implemented procedures to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure.

Notwithstanding that Berry has security safeguards in place to protect Personal Information, Customers are always encouraged to take measures to protect themselves against unintended intrusions to their personal privacy (i.e., maintain access pass codes and/or PINs in a confidential manner).

Records may need to be held for a significant period of time, when we consider that the information is no longer needed, we may remove any details that may identify you or we will securely destroy the records. At the moment Berry keep your personal and account data for 6 years after the account was closed (regulatory requirement), in some cases even longer.

The personal information Berry collects from you is stored in one or more databases hosted by third parties located in the Google Data Center (London) and 3W Infra Data Center (Amsterdam). These third parties do not use or have access to your personal information for any purpose other than cloud storage and retrieval. On occasion, Berry engages third parties (Euro Message) to mail information to you.

We do not otherwise reveal your personal data to third-parties for their independent use unless: (1) you request or authorise it; (2) the information is provided to comply with the law (for example, to comply with a search warrant, subpoena or court order), enforce an agreement we have with you, or to protect our rights, property or safety, or the rights, property or safety of our employees or others; (3) the information is provided to our agents, vendors or service providers who perform functions on our behalf; (4) to address emergencies or acts of God; or (5) to address disputes, claims, or to persons demonstrating legal authority to act on your behalf and as indicated in section 3 above.



5. Your Personal Data rights

You may be entitled to request access to personal data we hold about you, or to request that your personal data is erased, that its processing is restricted, or that any inaccurate personal data we hold about you is rectified. You may also have the right to object to the processing of your personal data and, in some circumstances, you may have the right to receive a copy of the personal data we hold about you in a machine readable format. If you wish to make such a request, please give us written notice to that effect via email to support@berryfinex.com (to direct your email/mail quicker please include the words "Data Protection" in the subject line of the email/letter).

With respect to marketing communications, you can opt-out of receiving our newsletter or promotional or marketing communications at any time by using the unsubscribe link located in the email or by sending an email with word 'unsubscribe' to support@berryfinex.com.

You can set or amend your web browser controls to accept or reject cookies. If you do, you may still use our Website and Services, but some access to functionality may be restricted. See our cookie policy for more details.

Questions regarding this Privacy Notice

Individuals may address their privacy related concerns by contacting Berry at support@berryfinex.com. Every privacy-related complaint will be acknowledged, recorded and investigated, and the results of the investigation will be provided. If a complaint is found to be justified, appropriate measures will be taken.

If you are a resident of the European Economic Area and have an unresolved privacy or personal information collection, use, or disclosure concern that we have not addressed satisfactorily, please be aware you can address your concern to your local Data Protection Authority, who may decide to further investigate the matter. Berry will always fully cooperate with any regulatory request.

6. Changes to this Privacy Notice

This statement outlines Berry's policy on how it manages the personal information it holds about its clients, shareholders and others. Customers are advised that information may be held securely within various organisations in the Group to enable Berry to carry out its contractual obligations to its clients. The Company is bound by the data protection laws as contained in GDPR. These principles are applied throughout the Group. This Policy is regularly reviewed and may be amended to reflect changes in legislation and its operations and procedures.

Berry Group means Berry, its branches and interconnected parties.