

# Privacy and Cookie Policy

## Introduction

Welcome to the CoinMessenger Privacy and Cookie Policy (“Privacy Policy”).

CoinMessenger respects your privacy and is committed to protecting your personal data. This Privacy Policy will inform you as to how we look after your personal data when you visit our website (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

This Privacy Policy is provided in a layered format so you can click through to the specific areas set out below.

## 1. Important information and who we are

### Purpose of this Privacy Policy

This Privacy Policy aims to give you information on how CoinMessenger collects and processes your personal data through your use of this website, including any data you may provide through this website when you sign up to our newsletter or alerts, or purchase any product or service that we offer through the website including products or services we offer in our capacity as advisors on behalf of our third party token sale clients (“Clients”) through our website and associated widgets.

This website is not intended for children and we do not knowingly collect data relating to children.

It is important that you read this Privacy Policy together with any other Privacy Policy or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This Privacy Policy supplements any other notices and is not intended to override them.

### Controller

CoinMessenger is the controller and responsible for your personal data (collectively referred to as “CoinMessenger”, “we”, “us” or “our” in this Privacy Policy).

In the event of more than one controllers of your personal data the rules under Art. 26 of the European Union General Data Protection Regulation (EU) 2016/679 are applied. Our use of your personal information will be subject to our Privacy Policy while the Client’s use of your personal information shall be subject to the Client’s own Privacy Policy.

This Privacy Policy is issued on behalf of the CoinMessenger Group so when we mention CoinMessenger “we”, “us” or “our” in this Privacy Policy, we are referring to the relevant company in the CoinMessenger Group responsible for processing your data.

We have appointed David Finney as a data privacy officer who is responsible for overseeing questions in relation to this Privacy Policy. If you have any questions about this Privacy Policy, including any requests to exercise *your legal rights*, please contact the data privacy manager using the details set out below.

### Contact details

Our full details are:

CoinMessenger

Email address: [contact@coinmessenger.net](mailto:contact@coinmessenger.net)

If you are dissatisfied you have the right to make a complaint to the Gibraltar Regulatory Authority, the supervisory authority for data protection issues ([www.gra.gi](http://www.gra.gi)). We would,

however, appreciate the chance to deal with your concerns before you approach the GRA so please contact us in the first instance.

### **Changes to the Privacy Policy and your duty to inform us of changes**

This version was last updated on 17<sup>th</sup> May 2018. The data protection law in Gibraltar will change on 25<sup>th</sup> May 2018.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

### **Third-party links**

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the Privacy Policy of every website you visit.

## **2. The data we collect about you**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender as well as, where applicable, any additional personal data collected as part of Anti Money Laundering and Know-Your-Customer (together "AML") procedures carried out by certain 3<sup>rd</sup> party AML service providers on our behalf, which may include ID photos, selfie photos and the results of any Watchlist (Politically Exposed Persons and Sanctions) checks.
- **Contact Data** includes email address, address, telephone number.
- **Financial Data** includes wallet address.
- **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us or our Clients.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our website and or widgets, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Privacy Policy.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health

and genetic and biometric data). If at any time you go through our AML process, we may collect information about criminal convictions and offences.

**If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

### 3. How is your personal data collected?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by email. This includes personal data you provide when you
  - create an account on our website;
  - subscribe to our newsletter;
  - subscribe to our alerts;
  - purchase or make use of a service or product on our website and/or widget;
  - go through our AML process;
  - request marketing to be sent to you;
  - enter a competition, promotion or survey; or
  - give us some feedback.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see further details of our use of cookies below.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
  - Technical Data from the following parties:
    1. analytics providers such as Google based outside the EU;
    2. advertising networks; and
    3. search information providers.
  - Contact, Identity, Financial and Transaction Data from providers of AML, other technical, payment and delivery services such as the AML service provider Onfido based inside the EU.
  - Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.
  - Identity, Contact, Financial and Transaction Data from Clients.

### 4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Click [[here](#)] to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email. You have the right to withdraw consent to marketing at any time by [contacting us](#).

### **Purposes for which we will use your personal data**

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please [contact us](#) if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Lawful basis for processing including basis of legitimate interest</b>
To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver your order of our products or services, or products and services provided by us to you on behalf of our token sale Clients, including: (a) Manage payments, fees and charges (b) Process AML checks	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (c) Comply with a legal or regulatory obligation
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or Privacy Policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant website content to you and measure	(a) Identity (b) Contact	Necessary for our legitimate interests (to study how customers

or understand the effectiveness of the content we serve to you	(c) Profile (d) Usage (e) Marketing and Communications (f) Technical	use our products/services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)

#### **Promotional offers from us**

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased goods or services from us or from our Clients through our website or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have opted in to receiving that marketing.

#### **Third-party marketing**

We will never share your personal data with any company outside the CoinMessenger group for marketing purposes.

#### **Opting out**

You can ask us to stop sending you marketing messages at any time by logging into the by following the opt-out links on any marketing message sent to you or by [contacting us](#) at any time.

#### **Cookies**

Our website may place and access certain first party cookies on your computer or device. First party cookies are those placed directly by us and are used only by us. We use cookies to facilitate and improve your experience of our website and to provide and improve our services. We have carefully chosen these cookies and have taken steps to ensure that your privacy is protected and respected at all times.

By using our website you may also receive certain third party cookies on your computer or device. Third party cookies are those placed by websites, services, and/or parties other than us. We use third party cookies on our website for advertising services. These cookies are not integral to the functioning of our website.

All cookies used by and on our website are used in accordance with current Gibraltar and EU cookie law.

Before any cookies are placed on your computer or device (unless strictly necessary or placed by analytics services) you will be shown a pop-up message bar requesting your consent to set those cookies. By giving your consent to the placing of cookies you are enabling us to provide the best possible experience and service to you. You may, if you wish, deny consent to the placing of cookies; however certain features of our website may not function fully or as intended. You will be given the opportunity to allow only first party cookies and block third party cookies.

Certain features of our website depend on cookies to function. Gibraltar and EU cookie law deems these cookies to be “strictly necessary”. These cookies are shown below.

Your consent will not be sought to place these cookies. You may still block these cookies by changing your internet browser's settings as detailed, but please be aware that our website may not work as intended if you do so. We have taken great care to ensure that your privacy is not at risk by allowing them.

The following cookies may be placed on your computer or device:

<b>Type of Cookie</b>	<b>Purpose</b>
Site Performance Cookies	These cookies collect information about how visitors use a website, for instance which pages visitors go to most often, and if they get error messages from web pages. These cookies don't collect information that identifies a visitor. All information these cookies collect is aggregated and therefore anonymous. It is only used to improve how a website works.
Anonymous Analytics Cookies	Every time someone visits our website, software provided by another organisation generates an 'anonymous analytics cookie'. These cookies can tell us whether or not you have visited the site before. Your browser will tell us if you have these cookies and, if you don't, we generate new ones. This allows us to track how many individual users we have, and how often they visit the site. Unless you are signed in to CoinMessenger, we cannot use these cookies to identify individuals. We use them to gather statistics, for example, the number of visits to a page. If you are logged in, we will also know the details you gave to us for this, such as your username and email address.
Geo-Targeting Cookies	These cookies are used by software which tries to work out what country you are in from the information supplied by your browser when you click on a web page. This cookie is completely anonymous and we use it in order to better understand where our users are.
Registration Cookies	When you register with CoinMessenger, we generate cookies that let us know whether you are signed in or not. Our servers use these cookies to work out which account you are signed in with. If you have not selected 'keep me signed in', your cookies get deleted when you either close your browser or shut down your computer. While you are signed in, we combine information from your registration cookies with analytics cookies, which we could use to identify which pages you have seen on the website.
Advertising Cookies	These cookies are used to deliver adverts more relevant to you and your interests They are also used to limit the number of times you see an advertisement as

	<p>well as help measure the effectiveness of the advertising campaigns. They remember that you have visited a website and this information is shared with other organisations such as advertisers. We may use cookies set by another organization so we can more accurately target advertising to you. These cookies are anonymous and store information about what you are looking at on our site, but not about who you are. We also set anonymous cookies on certain other sites that we advertise on. If you receive one of those cookies, we may then use it to identify you as having visited that site if you later visit CoinMessenger. We can then target our advertising based on this information.</p>
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Website analytics refers to a set of tools used to collect and analyse usage statistics, enabling us to better understand how people use our website. This, in turn, enables us to improve our website and the services offered through it. You do not have to allow us to use these cookies, however whilst our use of them does not pose any risk to your privacy or your safe use of our website, it does enable us to continually improve our website, making it a better and more useful experience for you.

**Change of purpose**

We will only use your personal data for the purposes for which we collected it. Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

**5. Disclosures of your personal data**

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this Privacy Policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

**6. International transfers**

We share your personal data within the CoinMessenger. This may involve transferring your data outside the European Economic Area (EEA).

We ensure your personal data is protected by requiring all our group companies to follow the same rules when processing your personal data. These rules are called "binding corporate rules". For further details, see European Commission: Binding corporate rules.

Some of our external third parties are based outside the European Economic Area (EEA) so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see European Commission: Adequacy of the protection of personal data in non-EU countries.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see European Commission: EU-US Privacy Shield.

Please [contact us](#) if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 7. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and the supervisory authority of a breach where we are legally required to do so.

## 8. Data retention

### **How long will you use my personal data for?**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes, and a minimum of 5 years from the time of the last transaction for AML purposes.

In some circumstances you can ask us to delete your data: see *Request erasure* below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## 9. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to find out more about these rights:

- *Request access to your personal data.*
- *Request correction of your personal data.*
- *Request erasure of your personal data.*
- *Object to processing of your personal data.*
- *Request restriction of processing your personal data.*
- *Request transfer of your personal data.*
- *Right to withdraw consent.*
- *Right not to be subject to a decision based solely on automated processing*

If you wish to exercise any of the rights set out above, please [contact us](#).

#### **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may under the conditions referred to in the European Union General Data Protection Regulation and Gibraltar law charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

#### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

#### **Time limit to respond**

We respond to all legitimate requests within one month. If your request is particularly complex or you have made a number of requests, we will notify you and keep you updated on the estimated time for receiving our response in a longer time than 30 days.

## **10. Glossary**

### **LAWFUL BASIS**

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by [contacting us](#)

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### **THIRD PARTIES**

#### **Internal Third Parties**

Other companies in the CoinMessenger Group acting as joint controllers or processors and who are based either in the United Kingdom or Romania and provide IT and system administration services and undertake leadership reporting.

#### **External Third Parties**

- Service providers based in the United Kingdom, the United States and/or elsewhere in the E.U. who provide IT, AML and system administration services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in Gibraltar, the UK, the United States or elsewhere in the E.U. who provide consultancy, banking, legal, insurance and accounting services.
- Regulators and other authorities acting as processors or joint controllers based in Gibraltar, the UK, the United States or elsewhere in the E.U. who require reporting of processing activities in certain circumstances.

## **YOUR LEGAL RIGHTS**

You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

**Right not to be subject to a decision based solely on automated processing** which means your right to object to a decision, which may include a measure, evaluating personal aspects relating to you which is based solely on automated processing and which produces legal effects concerning you or similarly significantly affects you, such as automatic refusal of an online credit application or e-recruiting practices without any

human intervention. As of now, CoinMessenger does not apply automated processing in its business procedures but if we were to introduce them in the future you have the right to object it.