

## **EU and UK Privacy Policy of Futures & Options Xecution**

This EU and UK Privacy Notice (this “EU and UK Privacy Notice”) applies to the extent that EU and UK Data Protection Legislation (as defined below) applies to the processing of personal data by an Authorized Entity (as defined below). If this EU and UK Privacy Notice applies, the data subject has certain rights with respect to such processing of their personal data, as outlined below.

For this EU and UK Privacy Notice, “EU and UK Data Protection Legislation” means all applicable legislation and regulations relating to the processing and/or protection of personal data, in each case as in force from time to time in the EU and/or the UK, including: (i) Regulation (EU) 2016/ 679 (the “General Data Protection Regulation”); (ii) the General Data Protection Regulation as it forms part of the laws of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union Withdrawal Act 2018; (iii) any other legislation which implements any other current or future legal act of the EU or the UK concerning the protection and/or processing of personal data and any national implementing or successor legislation; and (iv) any amendment or re-enactment of any of the foregoing. The terms “controller,” “processor,” “data subject,” “personal data” and “processing” and any other applicable terms in this EU and UK Privacy Notice shall be interpreted in accordance with the applicable EU and UK Data Protection Legislation. Unless the context otherwise requires, as used herein the words “include,” “includes” and “including” shall be deemed to be followed by the phrase “without limitation.”

### *Categories of personal data collected and lawful bases for processing*

In connection with providing the services that Futures & Options Xecution, LLC (“FOX”) offers, FOX and unaffiliated companies with which FOX engages for purposes of providing such services (collectively, “Authorized Entities”) may collect, record, store and otherwise process and use personal data relating to any data subjects, including from the following sources:

- information received from data subjects on applications or other forms (including any anti-money laundering, “know your customer” identification and verification documentation);
- information from communication and interactions with data subjects; and
- information about data subjects that we obtain through an information collecting device from our website, including any information provided through online forms and any information captured via “cookies” or similar technologies.

The Authorized Entities may process personal data including name, address, age, date of birth, electronic mail address, occupation, employment information, telephone number, education, the kind of service provided to data subjects, and other similar information.

Any Authorized Entity may, in certain circumstances, combine personal data it receives from a data subject with other information that it collects from, or about such data subject. This may include information collected in an online or offline context. In addition, personal data of data subjects could be processed and controlled irrespective of whether such data subject is or becomes a client or customer of any Authorized Entity.

One or more of the Authorized Entities are “controllers” of personal data collected in connection with the services provided by the Authorized Entities. In basic terms, this means certain Authorized Entities:

(i) “control” the personal data that they or other Authorized Entities collect from data sources or other sources; and (ii) make certain decisions on how to use and protect such personal data.

There is a need for Authorized Persons to process personal data for the purposes set out in this EU and UK Privacy Notice in connection with the services that FOX offers, pursuant to applicable legal obligations and in the legitimate interests of FOX to operate its business and provide such services. From time to time, an Authorized Entity may need to process the personal data on other legal bases, including the following: (i) with consent from data subjects; (ii) to comply with a legal obligation; (iii) if it is necessary to protect the vital interests of a data subjects; or (iv) if it is necessary for a task carried out in the public interest.

A failure to provide the personal data requested to fulfill the purposes described in this EU and UK Privacy Notice may result in FOX being unable to provide the services as contemplated by FOX.

### **Purpose of processing**

The applicable Authorized Entities process the personal data for the following purposes and in respect of the legitimate interests of the Authorized Entities (or those of a third- party)):

- i. The performance of FOX’s contractual and legal obligations (including applicable anti-money laundering, KYC and other related laws and regulations).
- ii. The administrative processes (and related communication) carried out between the Authorized Entities as a matter of contractual necessity in connection with the services provided by FOX.
- iii. Ongoing communication with data subjects, their representatives, advisors and agents.
- iv. Any ongoing administrative, accounting, reporting or other processes and communications required to operate FOX’s business in accordance with applicable law and documentation between the parties.
- v. To introduce and set up data subject account(s) as a matter of contractual necessity and for the purposes of FOX’s legitimate interests.
- vi. To facilitate the execution, continuation or termination of the contractual relationship between data subjects and FOX.
- vii. Any legal, compliance, tax or regulatory rule or requirement as necessary pursuant to applicable legal obligations and/or for the purposes of the Authorized Entities’ legitimate interests.
- viii. Any other purpose for which notice has been provided, or has been agreed to, in writing, as necessary pursuant to applicable legal obligations, as a matter of contractual necessity, for the purposes of the Authorized Entities’ legitimate interests and/or where the data subject has given consent to the processing of their personal data for the specific purpose.

The Authorized Entities monitor communications where the law requires them to do so. The Authorized Entities also monitor communications, where required to do so, to comply with regulatory rules and practices and, where permitted to do so, to protect their respective businesses and the security of their respective systems for the purposes of their legitimate interests.

### ***Sharing and transfers of personal data***

In addition to disclosing personal data amongst themselves, any Authorized Entity may disclose personal data, where permitted by EU and UK Data Protection Legislation, to service providers, employees, agents, contractors, consultants, professional advisors, processors and persons employed and/or retained by them in order to fulfill the purposes described in this EU and UK Privacy Notice. In addition, any Authorized Entity may share personal data with regulatory bodies having competent jurisdiction over them, as well as with the tax authorities, auditors and tax advisers (where necessary or advisable to comply with law).

Any Authorized Entity may transfer personal data cross-border, including to a Non-Equivalent Country (as defined below), in order to fulfil the purposes described in this EU and UK Privacy Notice and in accordance with applicable law, including where such transfer is a matter of contractual necessity to enter into, perform and administer the services offered by FOX, and to implement requested pre-contractual measures. For information on the safeguards applied to such transfers, please contact FOX. For the purposes of this EU and UK Privacy Notice, “Non-Equivalent Country” shall mean a country or territory other than: (i) a member state of the EU; (ii) the UK; or (iii) a country or territory which has at the relevant time been determined by the European Commission, the Government of the UK, or any other relevant authority, to ensure an adequate level of protection for personal data in accordance with EU and UK Data Protection Legislation.

#### *Retention and security of personal data*

FOX and the Authorized Entities consider the protection of personal data to be a sound business practice, and to that end, employ appropriate technical and organizational measures, including robust physical, electronic and procedural safeguards designed to protect personal data in their possession or under their control.

Personal data may be kept for as long as it is required for the applicable purposes described in this EU and UK Privacy Policy, or where longer, such longer period as is required by applicable legal or regulatory obligations. Some personal data will be retained after a data subject ceases to be a customer of FOX.

#### **Data Subject Rights**

Subject to applicable EU and UK Data Protection Legislation, the data subjects to which personal data relates have the following rights under EU and UK Data Protection Legislation:

- **right to withdraw consent:** if the lawful bases for the processing of personal data is the data subject’s consent, the data subject has the right to withdraw consent given in relation to, the processing of their personal data at any time. This will not affect the lawfulness of processing based on consent before its withdrawal;
- **right of access:** if the data subject requires, the Authorized Entities will confirm whether they are processing personal data and, if so, will provide the data subject with a copy of their personal data;
- **right to rectification:** if personal data of the data subject is inaccurate or incomplete, the data subject is entitled to ask for correction or completion of their personal data;

- **right to erasure:** the data subject has the right to require the deletion of their personal data, such as when personal data is no longer necessary for the purpose or the data subject withdraws consent (if applicable). Please note that the right to erasure is not absolute, and it may not always be possible to erase personal data on request, including where the personal data must be retained to comply with a legal obligation. In addition, erasure of the personal data requested to fulfil the purposes described in this EU and UK Privacy Notice may result in the inability to provide the services as contemplated by FOX;
- **right to object:** the data subject has the right to (i) object at any time, on grounds relating to the data subject's particular situation, to the processing of personal data when the processing is based on the legitimate interest basis in the circumstances described above, unless the controllers demonstrate compelling legitimate grounds for the processing, and (ii) object to the processing of personal data for direct marketing (if applicable).
- **right to data portability:** the data subject has the right to obtain personal data that the data subject consented to provide or that is necessary for FOX to perform the services that FOX provides and that is processed by automated means, in a structure, commonly used machine-readable format;
- **right not to be subject to automated decision-making:** the data subject has the right to not be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning the data subject or similarly affects the data subject; and
- **right to lodge a complaint with a data protection authority:** if the data subject has a concern about processing of personal data under this EU and UK Privacy Notice, the data subject has the right to report it to the data protection authority that is authorized to hear those concerns.

Please direct any questions arising out of this EU and UK Privacy Notice, including any request relating to the processing of personal data, as follows

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