



PRIVACY POLICY

Company **IFS MARKETS LIMITED IBC 25431 BC 2019**
Date Updated **4 June 2019**



A. Introduction

1. INTRODUCTION

- 1.1 As part of IFS Markets Limited herein referred to as IFS Markets) (“**IFS**”) process to ensure that it continues to maintain the highest levels of professional integrity and ethical conduct, IFS has adopted this Privacy Policy (“**Policy**”) to manage personal information in an open and transparent manner.
- 1.2 The provisions of this Policy will assist IFS in complying with the requirements of the *Privacy Act* and the Privacy Principles in protecting the personal information IFS holds about its clients.

2. WHEN DOES THIS POLICY APPLY?

- 2.1 This Policy applies to all representatives and employees of IFS at all times and the requirements remain in force on an ongoing basis.

3. GLOSSARY

Collects

IFS collects personal information only if IFS collects the personal information for inclusion in a record or generally available publication.

Court/tribunal order

means an order, direction or other instrument made by:

- a. a court; or
- b. a tribunal; or
- c. a judge (including a judge acting in a personal capacity) or a person acting as a judge; or
- d. a magistrate (including a magistrate acting in a personal capacity) or a person acting as a magistrate; or
- e. a member or an officer of a tribunal;

and includes an order, direction or other instrument that is of an interim or interlocutory nature.

De-identified

personal information is de-identified if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

Holds

IFS holds personal information if it has possession or control of a record that contains the personal information.

Identifier of an individual

means a number, letter or symbol, or a combination of any or all of those things, that is used to identify the individual or to verify the identity of the individual, but does not include:

- a. the individual's name; or
- b. the individual's business number

Personal information means

means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a. whether the information or opinion is true or not; and
- b. whether the information or opinion is recorded in a material form or not.

Sensitive information

means

- a. information or an opinion about an individual's:
 - racial or ethnic origin; or
 - political opinions; or
 - membership of a political association; or
 - religious beliefs or affiliations; or
 - philosophical beliefs; or
 - membership of a professional or trade association; or
 - membership of a trade union; or
 - sexual orientation or practices; or
 - criminal record;

that is also personal information; or

- b. health information about an individual; or
- c. genetic information about an individual that is not otherwise health information.
- d. biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- e. biometric templates.

B. Consideration of Personal Information Privacy

4. PRIVACY STATEMENT

- 4.1 IFS' Compliance Officer ensure that at all times the provisions of this policy are implemented in the day to day running of IFS.
- 4.2 The Compliance Officer must ensure that at all times this Policy:
- a. is current and reflects the latest applicable laws; and
 - b. contains the following information:
 - the kinds of personal information that IFS collects and holds;
 - how IFS collects and holds personal information;
 - the purposes for which IFS collects, holds, uses and discloses personal information;
 - how an individual may complain about a breach of the Privacy Principles, or other relevant legislation that binds IFS, and how IFS will deal with such a complaint;
 - whether IFS is likely to disclose personal information to overseas recipients;
 - if IFS is likely to disclose personal information to overseas recipients, the countries in which such recipients are likely to be located if it is practicable to specify those countries in this policy.
- 4.3 IFS must ensure that the IFS' Privacy Statement is available free of charge and in such form as appropriate. IFS will make the Privacy Statement available on its website.
- 4.4 If the Privacy Statement is requested in a particular form, IFS will take such steps as are reasonable to provide the Privacy Statement in the form requested.

C. Collection of Personal Information (Solicited Information)

5. PERSONAL INFORMATION (OTHER THAN SENSITIVE INFORMATION)

- 5.1 This Section C applies to the collection of personal information that is solicited by IFS.
- 5.2 IFS must not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of IFS' functions or activities.
- 5.3 IFS' functions or activities include:
- a. provide financial product advice in derivatives and foreign exchange contracts;
 - b. deal in financial products including derivatives and foreign exchange contracts;
 - c. make a market in derivatives and foreign exchange contracts.

6. SENSITIVE INFORMATION

- 6.1 IFS must not collect sensitive information about an individual unless:
- a. the individual consents to the collection of the information and the information is reasonably necessary for one or more of IFS' functions or activities (as described in section 5.3); or
 - b. the collection of the information is required or authorised by or under an St Vincent and the Grenadines law or a Court/Tribunal order; or
 - c. a permitted general situation exists in relation to the collection of the information by IFS; or
 - d. a permitted health situation exists in relation to the collection of the information by IFS.

7. MEANS OF COLLECTION

- 7.1 IFS must only collect personal information by lawful and fair means.
- 7.2 IFS must only collect personal information about an individual from the individual (rather than someone else), unless it is unreasonable or impracticable to do so or the individual has instructed IFS to liaise with someone else.
- 7.3 IFS will collect personal information from an individual when:
- a. IFS' Application Form is completed;
 - b. IFS collects and verifies a Client's information to fulfil its obligations under the Anti-Money Laundering and Counter Terrorism Financing Code;
 - c. a Client provides the information to IFS' representatives over the telephone or via email;
 - d. a Client provides the information to IFS on the website; and
 - e. a Client provides the information to IFS via the Client Portal.

8. INFORMATION COLLECTED BY IFS

- 8.1 The information IFS collects may include the following:
- a. name;
 - b. date of birth;
 - c. postal or email address; or
 - d. phone numbers;
 - e. other information IFS considers necessary to their functions and activities.

9. PURPOSE OF COLLECTION

- 9.1 If an individual is acquiring or has acquired a product or service from IFS, the individual's personal information will be collected and held for the purposes of:
- a. checking whether an individual is eligible for IFS' product or service;
 - b. providing the individual with IFS' product or service;
 - c. managing and administering IFS' product or service;

- d. protecting against fraud, crime or other activity which may cause harm in relation to IFS' products or services;
- e. complying with legislative and regulatory requirements in any jurisdiction; and
- f. to assist IFS in the running of its business.

9.2 IFS may also collect personal information for the purposes of letting an individual know about products or services that might better serve their needs or other opportunities in which they may be interested. Please refer to Section G for further information.

D. Collection of Personal Information (Unsolicited Information)

10. DEALING WITH UNSOLICITED PERSONAL INFORMATION

10.1 If IFS:

- a. receives personal information about an individual; and
- b. the information is not solicited by IFS

IFS must, within a reasonable period after receiving the information, determine whether or not it was permitted to collect the information under Section C above.

10.2 IFS may use or disclose the personal information for the purposes of making the determination under paragraph 10.1.

10.3 If IFS:

- a. determines that it could not have collected the personal information;

IFS must as soon as practicable, destroy the information or ensure that the information is de-identified, only if it is lawful and reasonable to do so.

E. Notification of the Collection of Personal Information

11. NOTIFICATION OF COLLECTION

11.1 This section 11 applies to:

- a. solicited information; and
- b. unsolicited information to which section 10 does not apply.

11.2 IFS must notify the individual of the following matters in the Privacy Statement:

- a. IFS' identity and contact details;
- b. if IFS collects the personal information from a third party or the individual is not aware that IFS has collected the personal information, the fact that IFS so collects, or has collected the information and the circumstances of that collection;
- c. if the collection of the personal information is required or authorised by or under an St Vincent and the Grenadines law or a Court/Tribunal order, the fact that the collection is so required or authorised (including the details of the law or court);
- d. the purposes for which IFS collects the personal information;
- e. the main consequences (if any) for the individual if the information is not collected by IFS;
- f. any other entities to which IFS usually discloses personal information of the kind collected by IFS;
- g. that IFS' Privacy Statement and this Privacy Policy contains information about how the individual may access the personal information about the individual that is held by IFS and seek correction of such information;
- h. whether IFS will disclose the personal information to overseas recipients; and
- i. if IFS discloses the personal information to overseas recipients – the countries in which such recipients will be located if it is practicable to

specify those countries in the notification or to otherwise make the individual aware of them.

F. Use or Disclosure of Personal Information

12. USE OR DISCLOSURE

12.1 Where IFS holds personal information about an individual that was collected for a particular purpose (“the primary purpose”), IFS must not use or disclose the information for another purpose (“the secondary purpose”) unless:

- a. the individual has consented to the use or disclosure of the information; or
- b. the individual would reasonably expect IFS to use or disclose the information for the secondary purpose and the secondary purpose is:
 - directly related to the primary purpose (if the information is sensitive information); or
 - related to the primary purpose (if the information is *not* sensitive information);
- c. a permitted general situation exists in relation to the use or disclosure of the information by IFS; or
- d. IFS reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

12.2 Where IFS uses or discloses personal information in accordance with section d, IFS will keep a copy of this disclosure (eg: the email or letter used to do so).

12.3 This section 12 does not apply to:

- a. personal information for the purposes of direct marketing; or
- b. government related identifiers.

12.4 If IFS collects personal information from a related body corporate, this section 12 applies as if IFS’ primary purpose for the collection was the primary purpose for which the related body corporate collected the information.

13. WHO DOES IFS DISCLOSE PERSONAL INFORMATION TO?

- 13.1 IFS may disclose personal information collected from clients and prospective clients to the following:
- a. organisations involved in providing, managing or administering IFS' product or service such as third party suppliers, e.g. printers, posting services, and our advisers;
 - b. organisations involved in maintaining, reviewing and developing IFS' business systems, procedures and infrastructure, including testing or upgrading IFS' computer systems;
 - c. organisations involved in a corporate re-organisation;
 - d. Organisations that IFS outsources its AML/CTF obligations to, including organisations that conduct background checks;
 - e. organisations involved in the payments system, including financial institutions, merchants and payment organisations;
 - f. organisations involved in product planning and development;
 - g. other organisations, who jointly with IFS', provide its products or services;
 - h. authorised representatives who provide IFS' products or services on its behalf;
 - i. the individual's representatives, including your legal advisers;
 - j. debt collectors;
 - k. IFS' financial advisers, legal advisers or auditors;
 - l. fraud bureaus or other organisations to identify, investigate or prevent fraud or other misconduct;
 - m. external dispute resolution schemes; or
 - n. regulatory bodies, government agencies and law enforcement bodies in any jurisdiction.

G. Direct Marketing

14. DIRECT MARKETING

14.1 IFS must not use or disclose the personal information it holds about an individual for the purpose of direct marketing.

15. EXCEPTION – PERSONAL INFORMATION OTHER THAN SENSITIVE INFORMATION

15.1 IFS may use or disclose personal information (other than sensitive information) about an individual for the purposes of direct marketing if:

- a. IFS collected the information from the individual; and the individual would reasonably expect IFS to use or disclose the information for that purpose; or
- b. IFS has collected the information from a third party; and either:
 - IFS has obtained the individual's consent to the use or disclose the information for the purpose of direct marketing; or
 - it is impracticable for IFS to obtain the individual's consent; and
- c. in each direct marketing communication with the individual IFS:
 - includes a prominent statement that the individual may make such a request; or
 - directs the individual's attention to the fact that the individual may make such a request; and
- d. the individual has not made such a request.

16. EXCEPTION – SENSITIVE INFORMATION

16.1 IFS may use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

17. REQUESTS TO STOP DIRECT MARKETING

17.1 Where IFS uses or discloses personal information about an individual for the purposes of direct marketing by IFS or facilitating direct marketing by another organisation, the individual may request:

- a. that IFS no longer provide them with direct marketing communications;
- b. that IFS does not use or disclose the individual's personal information for the purpose of facilitating direct marketing by another organisation;
- c. that IFS provides the source of the personal information.

17.2 Where IFS receives a request from an individual under section 17.1, IFS will:

- a. give effect to the request under section a or b within a reasonable period after the request is made and free of charge; and
- b. notify the individual of the source of the information, if the individual requests it, unless it is impracticable or unreasonable to do so.

17.3 This Section G does not apply to the extent that the following laws apply:

- a. the Do Not Call Register;
- b. the Spam Act; or
- c. any other Act.

H. Cross Border Disclosure of Personal Information

18. DISCLOSING PERSONAL INFORMATION TO CROSS BORDER RECIPIENTS

- 18.1 Where IFS discloses personal information about an individual to a recipient who is not in St Vincent and the Grenadines and who is not IFS or the individual, IFS must ensure that the overseas recipient does not breach our Privacy Principles.
- 18.2 The countries we may disclose an individual's personal information to include:
- a. China mainland;
 - b. Hong Kong; and
 - c. New Zealand.
- 18.3 Section 18.1 does not apply where:
- a. IFS reasonably believes that:
 - information is subject to a law or binding scheme that has the effect of protecting the information in a way that is at least substantially similar to the way in which our Privacy Principles protect the information; and
 - there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or
 - b. both of the following apply:
 - IFS has informed the individual that if they consent to the disclosure of information IFS will not take reasonable steps to ensure the overseas recipient does not breach our Privacy Principles; and
 - after being so informed, the individual consents to disclosure;
 - c. the disclosure of the information is required or authorised by or under a St Vincent and the Grenadines law or a Court/Tribunal order; or

a permitted general situation exists in relation to the disclosure of the information by IFS.

I. Adoption, Use or Disclosure of Government Identifiers

19. ADOPTION OF GOVERNMENT RELATED IDENTIFIERS

- 19.1 IFS must not adopt a government related identifier of an individual as its own identifier unless:
- a. IFS is required or authorised by or under a St Vincent and the Grenadines law or a Court/Tribunal order to do so; or
 - b. the identifier, IFS and the circumstances of the adoption are prescribed by regulations.

20. USE OR DISCLOSURE OF GOVERNMENT RELATED IDENTIFIERS

- 20.1 Before using or disclosing a government related identifier of an individual, IFS must ensure that such use or disclosure is:
- a. reasonably necessary for IFS to verify the identity of the individual for the purposes of the organisation's activities or functions; or
 - b. reasonably necessary for the organisation to fulfil its obligations to an agency or a State or Territory authority; or
 - c. required or authorised by or under an St Vincent and the Grenadines law or a Court/Tribunal order; or
 - d. within a permitted general situation (other than the situation referred to in the Privacy Act; or
 - e. reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
 - f. the identifier, IFS and the circumstances of the adoption are prescribed by regulations.

J. Integrity of Personal Information

21. QUALITY OF PERSONAL INFORMATION

21.1 IFS will ensure that the personal information it collects and the personal information it uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

22. SECURITY OF PERSONAL INFORMATION

22.1 IFS will ensure that it protects any personal information it holds from misuse, interference, loss, unauthorised access, modification and disclosure.

22.2 IFS will take reasonable steps to destroy or de-identify any personal information it holds where:

- a. IFS no longer needs the personal information for any purpose for which the information may be used or disclosed by IFS;
- b. IFS is not required to retain that information under a St Vincent and the Grenadines law, or a Court/Tribunal order.

23. STORAGE OF PERSONAL INFORMATION

23.1 IFS stores personal information in different ways, including:

- a. hard copy on site at IFSs head office; and
- b. electronically secure data centres owned by either IFS or external service providers.

In order to ensure IFS protects any personal information it holds from misuse, interference, loss, unauthorised access, modification and disclosure, IFS implements the following procedure/system:

- c. access to information systems is controlled through identity and access management;
- d. employees are bound by internal information securities policies and are required to keep information secure;
- e. all employees are required to complete training about information security; and

- f. IFS regularly monitors and reviews its compliance with internal policies and industry best practice.

K. Access to, and Correction of, Personal Information

24. ACCESS

- 24.1 IFS must give an individual access to the personal information it holds about the individual if so requested by the individual.
- 24.2 IFS must respond to any request for access to personal information within a reasonable period after the request is made.
- 24.3 IFS must give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so and must take such steps as are reasonable in the circumstances to give access in a way that meets the needs of IFS and the individual.
- 24.4 IFS must not charge an individual for making a request, and must not impose excessive charges for the individual to access their personal information.

25. EXCEPTIONS

- 25.1 IFS is not required to give an individual access to their personal information if:
 - a. IFS reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
 - b. giving access would have an unreasonable impact on the privacy of other individuals; or
 - c. the request for access is frivolous or vexatious; or
 - d. the information relates to existing or anticipated legal proceedings between IFS and the individual, and would not be accessible by the process of discovery in those proceedings; or
 - e. giving access would reveal intentions of IFS in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - f. giving access would be unlawful; or
 - g. denying access is required or authorised by or under a St Vincent and the Grenadines law or a Court/Tribunal order; or

- h. IFS has reason that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- i. giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- j. giving access would reveal evaluative information generated within IFS in connection with a commercially sensitive decision-making process.

26. REFUSAL TO GIVE ACCESS

26.1 If IFS refuses to give access in accordance with section 24 or to give access in the manner requested by the individual, IFS will give the individual a written notice that sets out:

- a. the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- b. the mechanisms available to complain about the refusal; and
- c. any other matter prescribed by the regulations.

26.2 Where IFS refuses to give access under section 25.1.j IFS may include an explanation of the commercially sensitive decision in its written notice of the reasons for denial.



Correction of Personal Information



27. CORRECTION OF INFORMATION

27.1 IFS must take reasonable steps to correct all personal information, having regard to the purpose for which the information is held where:

- a. IFS is satisfied the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- b. the individual requests IFS corrects the information.

27.2 Where IFS corrects personal information about an individual that IFS previously disclosed to another entity as permitted and the individual requests IFS to notify such entity of the correction, IFS must take reasonable steps to give that notification, unless it is impracticable or unlawful to do so.

28. REFUSAL TO CORRECT INFORMATION

28.1 If IFS refuses to correct personal information as requested by the individual, IFS will give the individual a written notice that sets out:

- a. the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- b. the mechanisms available to complain about the refusal; and
- c. any other matter prescribed by the regulations.

29. REQUEST FROM A CLIENT TO ASSOCIATE A STATEMENT WITH THEIR INFORMATION

29.1 If:

- a. IFS refuses to correct personal information as requested by the individual; and
- b. the individual requests that IFS associate a statement noting that the information is inaccurate, out of date, incomplete, irrelevant or misleading, with the individual's information,

IFS must take such steps as are reasonable in the circumstances to associate the statement (as described in section 29.1b) with the individual's personal

information. The statement should be associated with the information in such a way that will make the statement apparent to users of the information.

30. DEALING WITH REQUESTS

30.1 IFS must:

- a. respond to requests under this Section L within a reasonable period after the request is made; and
- b. must not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information.

M. Miscellaneous

31. POLICY BREACHES

- 31.1 Breaches of this Policy may lead to disciplinary action being taken against the relevant party, including dismissal in serious cases and may also result in prosecution under the law where that act is illegal. This may include re-assessment of bonus qualification, termination of employment and/or fines.
- 31.2 Staff are trained internally on compliance and their regulatory obligation to IFS. They are encouraged to respond appropriately to, and report all breaches of the law and other incidents of non-compliance, including IFS' policies, and seek guidance if they are unsure.
- 31.3 Staff must report breaches of this Policy directly to the Compliance Officer.

32. RETENTION OF FORMS

- 32.1 The Compliance Officer will retain the completed forms for seven (7) years in accordance with IFS' Document Retention Policy. The completed forms are retained for future reference and review.
- 32.2 As part of their training, all staff are made aware of the need to practice thorough and up to date record keeping, not only as a way of meeting IFS' compliance obligations, but as a way of minimising risk.

Issued by IFS Markets

4 June 2019