

XTX Privacy Notice for Clients and other Counterparties

This privacy notice explains how and why XTX Markets SAS and its affiliates (**XTX**) collects your personal data, how XTX uses it, and what your rights are with respect to it. XTX may amend this privacy notice from time to time and will notify you of any material changes.

As a “controller”, as defined in the General Data Protection Regulation 2016/679 (**GDPR**), XTX collects and processes personal information in the course of providing services to, conducting business with, or any other interactions (such as business development activities) with clients, prospective clients and other counterparties (each a **Counterparty**) that relates to the Counterparty’s employees, officers or other associated individuals (**Personal Data**). The following terms will apply to the processing of Personal Data by XTX. If you provide Personal Data relating to another person to XTX, you will ensure that they are made aware of the information in this privacy notice and that you have taken all steps required to permit the provision of the Personal Data to XTX.

Type of Personal Data XTX processes

XTX typically collects and processes the following types of Personal Data:

- Name, business email address and telephone number;
- Job title and area of employment;
- Home address, date and place of birth of (i) directors, and (ii) Beneficial owners, in each case, where required by XTX for enhanced KYC of certain clients, which is upon occasion provided to XTX in the form of scanned copies of identification documentation such as passports.

Purpose and Legal Basis of Processing

Data	Purpose	Legal basis for processing	Further details
Names, business email addresses, telephone numbers, job titles and area of employment	To manage relationship with the Counterparty	To pursue XTX’s legitimate interests For the performance of a contract For compliance with a legal obligation	Legitimate Interests: To keep records up-to-date of relevant contacts, so that XTX may contact the Counterparty in order to exercise its rights and perform its obligations pursuant to any contractual arrangements between XTX and the Counterparty. To assist with the resolution of technical issues or other issues relating to the service provided to the Counterparty, and to notify the Counterparty of updates to the service or related services or products offered. Performance of a Contract: to enable XTX to perform its obligations under the contractual arrangement between XTX and

			<p>the Counterparty, including but not limited to any notification obligations.</p> <p>Legal Obligation: in certain limited circumstances, XTX may be required by a regulator to provide details of individuals employed by or otherwise connected with its Counterparties.</p>
Home address and date of birth of directors, associated identification documentation	To perform obligatory enhanced “know-your-customer” and anti - money laundering checks on certain clients	<p>For compliance with a legal obligation</p> <p>To pursue XTX’s legitimate interests</p>	<p>Legal Obligation: To enable XTX to comply with relevant laws and regulations that apply to it.</p> <p>Legitimate Interests: to enable us to manage risk by verifying the identity of the ultimate beneficial holders of clients, so that XTX has full visibility on who it is interacting with.</p>
Voice Recording	as a regulated investment firm XTX is required by regulation to record telephone calls of certain staff members	For compliance with a legal obligation	<p>XTX records telephone calls made to XTX staff members who may make ‘relevant communications’. In addition, XTX records the phone calls of any staff member who asks to be recorded. Counterparties should be aware, therefore, that calls to XTX personnel may be recorded.</p>

Rights of Data Subjects

*The following provisions apply to the Counterparty’s employees, officers and other associated individuals in respect of whom we collect and process Personal Data (the **Data Subjects**).*

Access to your information

Under the GDPR you have a number of rights with respect to your Personal Data. If you wish to access the Personal Data, and any supplementary information, that XTX collects and that relates to you, or you wish to correct or update the Personal Data that XTX has stored that relates to you, please send a request email to the Data Protection Officer at dataprotection@txmarkets.com. XTX will endeavour to comply with your request without undue delay and, at the latest, within one month of receipt, unless (a) the request is complex or there are multiple requests, in which case XTX will inform you of any likely delay or (b) with respect to a request to access the Personal Data, the request is manifestly unfounded or excessive, in which case XTX will inform you that a fee is payable or that XTX will be unable to comply with your request.

Where you have provided consent for the processing of your Personal Data (and XTX has specified no other legal basis for its processing), or where the sole legal basis provided for its processing is for the performance of a contract, the right to data portability enables you to request a copy of all of your

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Personal Data that XTX processes electronically, for transfer to another data controller. XTX will endeavour to comply with your request without undue delay and, at the latest, within one month of receipt, unless the request is complex or there are multiple requests, in which case XTX will inform you of any likely delay.

In certain circumstances, you have the right to object to XTX's processing of your Personal Data if there is no reason for XTX to keep it, although please note that there may be legal, regulatory or other reasons why XTX would need to keep using your Personal Data, and XTX would inform you of those reasons if applicable.

You also have the right to restrict XTX's processing of your Personal Data, meaning that without your consent, XTX may only use it where they have a legitimate interest in doing so, or to establish, exercise or defend a legal claim or to exercise certain limited legal rights, in the following circumstances:

- It is inaccurate;
- You have already contacted XTX to object to the processing of it, and XTX are still considering whether or not to agree to your request;
- It has been processed unlawfully and you would prefer XTX to restrict the processing of it, rather than to delete it; and
- XTX no longer needs the data, but you require it to be restricted rather than deleted to exercise, establish or defend a legal claim.

You also have the right to request the deletion or removal of your Personal Data, and subject to relevant law or regulation, XTX has to comply with that request in the following circumstances:

- Where the Personal Data is no longer necessary in relation to the purpose for which it was originally collected;
- If you have provided consent for the processing of your Personal Data and you decide to withdraw that consent (where XTX has specified no other legal basis for its processing);
- Where there is no overriding legitimate interest for continuing the processing of it;
- Where it was unlawfully processed; and
- Where XTX needs to comply with a legal obligation to erase it.

Sharing Personal Data with Third Parties

XTX may share your personal data in the following ways:

- To other entities in the XTX Group;
- To professional advisers such as accountants, auditors and law firms;
- Where required or requested by financial institutions, exchanges, platforms, data centres or other entities in order to progress XTX's business interests or for XTX to meet its contractual or regulatory obligations;
- Where required or requested by law, regulation, by a court of competent jurisdiction or by any regulatory body or governmental authority;
- To selected service providers who perform services on our behalf, such as anti-money laundering screening or onboarding due diligence services.

How XTX protects Personal Data

XTX will comply with the GDPR when processing your Personal Data. In particular, XTX has implemented generally accepted standards of technology and operational security in order to protect Personal Data against accidental loss, destruction or damage.

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Please note, however, that XTX does not guarantee that Personal Data will be 100% secure in all circumstances.

Sending data outside of the UK and/or European Economic Area

XTX will only send your data outside of the UK and/or European Economic Area (“EEA”) in the following circumstances:

- To staff members of another entity in the XTX Group in Singapore or the US;
- To professional advisers such as accountants, auditors and law firms in the jurisdictions in which we operate or are proposing to operate;
- Where required or requested by financial institutions, exchanges, platforms, data centres or other entities in the jurisdictions in which we operate or are proposing to operate in order to progress XTX’s business interests or for XTX to meet its contractual or regulatory obligations;
- Where required or requested by law, regulation, by a court of competent jurisdiction or by any regulatory body or governmental authority.

XTX may also store your personal data via third party web-based applications, cloud services or web-based storage providers, some of whom may be based outside of the EEA.

In the event that your Personal Data is sent outside the UK and/or European Economic Area (a “**Restricted Transfer**”) in one of the above circumstances, and such transfer is not necessary for the performance of a contract or in relation to a legal or regulatory process, XTX will ensure that at least one of the following safeguards are in place to protect your data:

- The Restricted Transfer is to a non-UK/EEA country with equivalent data protection and privacy laws to the UK/EEA (as applicable);
- The entity receiving the Personal Data commits to maintaining sufficient levels of security and protection with respect to its handling of the Personal Data.

Data retention

XTX will keep your data for up to six years following the termination of all agreements between XTX and the Counterparty, unless one of the following reasons apply:

- We are required to retain the data for a longer period of time in order to comply with a legal or regulatory obligation;
- We are unable or it is impractical, for technical or operational reasons, to delete the data. This exception generally applies to circumstances where the data has been written to offline storage such as back-up tapes. In such circumstances, it would be impractical to delete this data because to do so would involve a significant amount of work, including recalling the relevant tapes, restoring the data, deleting relevant sections, and rewriting new back-up tapes with the remaining data left intact. XTX therefore reserves the right to retain its back-up tapes indefinitely. XTX mitigates the risk of retaining such tapes by storing the data offline and ensuring that the tapes can only be recalled by a restricted group of authorised individuals in the Infrastructure team, who will only access the data where they have a legitimate interest in doing so, such as to comply with a legal or regulatory obligation.

If XTX retains your Personal Data for a longer period as described above, it will ensure that it continues to comply with the provisions of the GDPR with respect to securing and protecting your Personal Data.

Complaints and Further Information

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You have the right to lodge a complaint to the Commission Nationale de l'Informatique et des Libertés (CNIL) if you believe that XTX has not complied with the requirements of GDPR with regard to your Personal Data.

For further information on how Personal Data is used, how XTX maintains the security of Personal Data, and your rights to access your Personal Data, or if you have any concerns as to how your data is processed, please contact the Data Protection Officer at dataprotection@txmarkets.com.