



Privacy Policy



INTRODUCTION

OTC Europe LLP, together with OTC Europe Holdings Limited and OTC Global Holdings LP (The Ultimate Beneficial Owner) – collectively, "OTC", "we" or "us", the largest independent Interdealer Broker of Commodities in North America and Europe. We are committed to protecting the privacy of personal data, including personal data related to OTC clients and non-clients who contact us.

This Policy is specifically addressed to OTC clients and non-clients who contact us. It also applies to anyone who visits or uses our website at <http://www.otcgh.com/> (Website). This Policy sets out how we collect, store and use your personal data when visiting our Website, instructing our brokerage services or by sending us communications.

Privacy Policy last updated: May 2018

1. **We are the Data Controller in respect of your personal data:**

- **OTC Europe LLP**, LLP number OC346399, 5th Floor 10 Finsbury Square, London, EC2A 1AF; and
- **OTC Europe Holdings Limited**, registered as a European Economic Area (EEA) LLP, registration number: 06934346, 5th Floor 10 Finsbury Square, London, EC2A 1AF.
- **OTC Global Holdings LP** - 5151 San Felipe, Suite 2200, Houston, TX 77056

OTC Europe LLP and OTC Europe Holdings Limited are registered as data controllers with the Information Commissioner's Office for the United Kingdom and are collectively referred to as OTC in this document. This Policy is written in accordance with the Data Protection Laws (which means the General Data Protection Regulation (GDPR) 2018, Data Protection Act 1998, Data Protection Act 2018, Privacy and Electronic Communications Directive (2002/58/EC), Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI/2003/2426) and such other applicable privacy and data protection laws.

2. **How your data is collected:**

We collect personal data directly when you provide it to us. This may include data:

- provided during the OTC engagement process through our request for information and due diligence form;
- acquired as a result of any interactions you have with us, either in writing, by email, over the phone, or through our LinkedIn, Twitter or other social media accounts;
- collated from any networking event we have attended which has led to us making a new contact;
- gathered through web analytics (Google Analytics); and

- through the transactions we conduct on your behalf or in connection with services offered by OTC.

3. **We collect the following information from you:**

Information you give us:

- Name, email address, contact details and any communications you send to OTC;
- Data we have collated throughout our engagement process (request for information and due diligence form, for Anti-Money Laundering Purposes). This data may include:
 - your name and business address;
 - your business email address and phone number;
 - Company formation documentation
 - Identity verification documents, such as a passport or driving licence (For senior members of staff only inc. Board Members/CEO/Ultimate Beneficial Owners).
- Details of any requests or transactions made through OTC on your behalf;
- We use Oracle as a third-party payment platforms. These companies will access and store your data in accordance with their privacy policies. This will store your name and business email address. The payment data you submit is collected on this platforms and used by OTC only; and
- Communication you send to OTC such as emails, telephone calls and letters.

Information we collect about you:

- Data about the ways people visit and interact with our Website in the form of traffic analytics using Google Analytics. This includes IP addresses. You can opt out of being included in Google Analytics by contacting Adam Merrick on GDPR@otceuro.com or by writing to 5th Floor, 10 Finsbury Square, London, EC2A 1AF, or calling +4420 7726 8601 (9.30am to 5.30pm, Monday to Friday). For more information about the use of data analytics to protect and improve our services, please read Section 10 of this Policy.

We will only collect special categories of data where absolutely necessary. All data collected by OTC will be archived for a maximum of 7 years in accordance with the Financial Conduct Authority (FCA) Regulations, and then will be deleted after this time.

You may decline to provide us with your data, however, there are circumstances in which OTC cannot take action without certain of your personal data, for example, because this personal data is required to process your instructions or provide you with access to our services.

4. **We and our service providers collect your personal data for the following purposes:**

- Provide you with brokerage services, if you are or become a customer of OTC and/or deal with any requests or inquiries you may have;
- To collect data about what specific products entity(ies) you are buying and selling to create a user profile to personalize and foster the quality of our brokerage services and interaction with you;
- To better understand who is visiting and using our Website so that we can tailor it to our customer base;
- To keep your account secure and protect our services, including to verify the identity of others to prevent fraud and abuse; and
- To contact you (unless you tell us that you prefer us not to) regarding features and functionality that may be of interest to you.

5. **We rely on the following legal basis for processing your personal data:**

- To pursue legitimate interests, including to carry out, monitor and analyse our business or operations;
- For purposes which are required by law and/or for the purpose of responding to requests by government, a court of law, or law enforcement authorities conducting an investigation in any country; and
- For any other purpose for which your personal data was provided to us.

Your provision of personal data to us is a contractual requirement. If you do not supply your personal data to us, it may delay or prevent us from providing you with our products or services (for example, we will not be able to provide you with brokerage services). If we cannot provide a product or service to you because you do not supply us with your personal data, we will notify you at the time.

6. **Disclosing, sharing and transferring data**

Within OTC, only those authorised to process your data can access your data. Your personal data may be shared to our affiliates, subsidiaries, and other third parties as follows:

- Your data is uploaded and stored on our EOX server which is located in Houston USA. This data can be accessed by OTC and other group companies based overseas (shown on our website at www.otcgh.com). However, your personal data is segregated as all group companies and desks within OTC compete. For example, if "Desk A" within OTC acts for "Entity A", but no other desks within OTC act for Entity A, only Desk A and its staff will have access to Entity A's data. Equally, if Entity A is a large entity and it is shared multiple times across a number of OTC desks, the segregation is granular and will be down to the

specific trader and client. For example, if Desk A can see Entity A, Entity B but cannot see Entity C, and Desk B can see Entity C but not see Entity A, both desks can see Entity C;

- a third party provider which we use as part of delivering our brokerage services to you, such as Microsoft Outlook for storing emails and Oracle and Bluebook for payment purposes;
- our professional advisers (lawyers, accountants, financial advisers etc.);
- regulators and government authorities in connection with our compliance procedures and obligations;
- a purchaser or prospective purchaser of all or part of our assets or our business, and their professional advisers, in connection with the purchase;
- a third party to respond to requests relating to a criminal investigation or alleged or suspected illegal activity;
- a third party, in order to enforce or defend our rights, or to address financial or reputational risks; and
- other recipients where we are authorised or required by law to do so.

7. How your data is kept secure

OTC makes every effort to protect against the loss, misuse and alteration of the data under our control. We employ a variety of physical and technical measures to keep your data safe and to prevent unauthorised access to, or use or disclosure of your personal data.

Your personal data is stored on a secure EOX server which is based in Houston, USA. In order to protect your data, this server is password protected and only employees with admin rights can access, amend and add personal data for our clients.

In addition, we always use a secure connection when collecting financial data from your business (if required). We use the SSL (Secure Sockets Layer) protocol for encryption. Most web browsers (e.g. Microsoft Explorer, Mozilla Firefox, Safari, Google Chrome, etc.) support SSL.

We endeavour to ensure that any time data transferred outside the EEA is kept secure in accordance with the Data Protection Laws.

8. How we will communicate with you

We communicate with our clients by mobile calls and text messages, direct line calls and voice box (recorded lines), instant messenger and email. We will send you email relating to your transactions with OTC and service-related announcements when it's necessary to do so. The Financial Conduct Authority (FCA), our Regulatory body, requires that we keep a record of our communications for a minimum of 5 years and maximum 7 years.

In terms of marketing, we want to communicate with you only if you want to hear from us. We try to keep emails to a minimum and give you the ability to opt in to any marketing communications we send.

You can decide not to receive communications or change how we contact you at any time. You can unsubscribe from our emails at any time through the unsubscribe link at the end of all our emails. Alternatively, you can contact Adam Merrick on GDPR@otceuro.com, or by writing to 5th Floor, 10 Finsbury Square, London, EC2A 1AF, or calling +4420 7726 8601 (9.30am to 5.30pm, Monday to Friday).

9. **Data retention and storage**

OTC operations are based in the United Kingdom, however our electronic data and databases are stored on a secure EOX server which is based in Houston, USA. Therefore your data will be processed in the US. In order to protect your data, this server is password protected and only employees with admin rights can access, amend and add personal data for our clients.

We will only use and store data for so long as it is required for the purposes it was collected for. We will retain your data as long as your account is active, as necessary to provide you with the services or as otherwise set forth in this Policy. We will also retain and use this data as necessary for the purposes set out in this Policy and to the extent necessary to comply with our legal obligations, resolve disputes, enforce our agreements and protect OTC's legal rights.

10. **Cookies**

We use cookies on our Website. Cookies are files which are downloaded to a device when certain websites are accessed by users, allowing the Website to identify that user on subsequent visits.

The only cookies in use on our Website are for Google Analytics. Google Analytics are tools employed by organisations to help them understand how visitors engage with their website, so improvements can be made. Google Analytics collects data anonymously and reports overall trends without disclosing data on individual visitors. You can opt out of Google Analytics which will not affect how you visit our Website.

All browsers allow you to control which cookies you accept and which you delete. You will usually find these settings under the 'Preferences' or 'Tools' menu of your browser. For detailed information on the cookies we use and the purposes for which we use them please see our Cookie Policy available at www.otcgh.com.

11. **Marketing**

With regard to marketing-related communication, we will - where legally required - only provide you with such data after you have opted in. We also provide you with the opportunity to opt out at any time if you do not wish to receive further marketing-related communication from us. We like to keep our customers, personnel and other interested

parties informed of company developments, including news relating to OTC that we believe is of interest to them.

You also have choices about cookies, as described in Section 10 of this Policy. By modifying your browser preferences, you have the choice to accept all cookies, to be notified when a cookie is set, or to reject all cookies.

If you do not wish to receive marketing material that we consider may be of interest to you, please contact Adam Merrick on GDPR@otceuro.com, writing to 5th Floor, 10 Finsbury Square, London, EC2A 1AF, or calling +4420 7726 8601 (9.30am to 5.30pm, Monday to Friday).

12. **Your Rights**

We want to ensure you remain in control of your personal data. Part of this is making sure you understand your legal rights, which are as follows:

- the right to confirmation as to whether or not we have your personal data and, if we do, to obtain a copy of the personal data we hold (You can submit a subject access request by requesting the necessary form by emailing GDPR@otceuro.com);
- the right to have your data erased (though this will not apply where it is necessary for us to continue to use the data for a lawful reason);
- the right to have inaccurate data rectified;
- the right to opt out of being included in Google Analytics;
- the right to object to your data being used for marketing or profiling; and
- where technically feasible, you have the right to personal data you have provided to us which we process automatically on the basis of your consent or the performance of a contract. This data will be provided in a common electronic format.

Please keep in mind that there are exceptions to the rights above and, though we will always try to respond to your satisfaction, there may be situations where we are unable to do so. If you wish to exercise any of these rights, please contact Adam Merrick on GDPR@otceuro.com, writing to 5th Floor, 10 Finsbury Square, London, EC2A 1AF, or calling +4420 7726 8601 (9.30am to 5.30pm, Monday to Friday).

13. **How to find out more or make a complaint:**

OTC operates in accordance with all relevant UK data protection laws. If you would like to find out more about these laws and how you could be affected beyond what is mentioned in this Privacy Policy, please visit the [Information Commissioner's Office website](#).

If you have any specific questions about how OTC processes your data which are not answered here or you would like to make a complaint about how we have managed your data, please contact Adam Merrick on the following details:



Email: GDPR@otceuro.com and/or compliance@otceuro.com

Address: 5th Floor, 10 Finsbury Square, London, EC2A 1AF

Switchboard: +4420 7726 8601 (9.30am to 5.30pm, Monday to Friday)

You can request a downloadable copy of your personal data from OTC by emailing us and requesting the necessary form.

If you are not satisfied with our response to your enquiry then you can contact the Information Commissioner's Office directly via the details on their website.

14. **Updates to this Privacy Policy**

From time to time we may need to update this Privacy Policy to ensure that it remains up to date. If we make significant changes, we will make that clear on the Website or by some other means of contact such as email, so that you are able to review the changes before you continue to use the Website.

Please refer to the date at the top of the Privacy Policy to make sure that you are looking at the latest version.