

**KYMIS.LTD.**  
**PRIVACY POLICY**  
**Last Updated: 10.11.2022**

This Privacy Policy sets out the basis on which **Kymis Ltd.** and its related and/or authorized third parties collect, use and share Personal Data (as defined below) of Clients in the course of rendering Services under Terms and Conditions of which this Privacy Policy forms part. In anything not expressly stipulated in this Privacy Policy the Parties shall be governed by the Terms and Conditions. Capitalized terms not otherwise defined in this Privacy Policy shall have the meaning given to them in the Terms and Conditions.

IMPORTANT NOTICE: IF YOU DO NOT AGREE TO THE PROCESSING OF YOUR PERSONAL DATA IN THE WAY THAT THIS POLICY DESCRIBES, PLEASE DO NOT PROVIDE YOUR INFORMATION (WHEN THE COMPANY REQUESTS) AND STOP USING ANY SERVICES. BY USING THE SERVICE, CLIENTS ARE EXPLICITLY AND SPECIFICALLY AGREEING TO THE COLLECTION, USE AND ANY OTHER WAYS OF OPERATION OF THEIR PERSONAL DATA AS OUTLINED IN THIS POLICY. THE COMPANY MAY AMEND THE PRIVACY POLICY FROM TIME TO TIME ACCORDING TO THE RELEVANT LAWS, CLIENTS CAN FIND THE UPDATED PRIVACY POLICY ON THE WEBSITE. UNLESS SPECIFICALLY NOTIFIED TO THE COMPANY, CLIENTS ARE DEEMED AS AGREEING TO ANY AMENDMENT MADE BY THE COMPANY.

For purposes of the Privacy Policy, “Personal Data” means any information that identifies or relates to a particular individual which the Client provides to the Company and/or collected about the Client by the Company and/or information the Company obtains from third parties. The definition of Personal Data also includes information referred to as “personally identifiable information” or “personal information” under applicable data privacy laws, rules, or regulations, including the GDPR and the CCPA.

This Privacy Policy is split in the following sections for your comfort:

- 1. PERSONAL DATA PROVIDED AND PROCESSED.**
- 2. LEGAL BASIS AND USE OF PERSONAL DATA.**
- 3. AUTOMATED DECISION MAKING.**
- 4. SHARING CLIENT’S PERSONAL DATA.**
- 5. THIRD PARTIES AND THEIR PRIVACY POLICIES.**
- 6. SECURITY.**
- 7. CLIENT’S RIGHTS.**

## **8. HOW LONG PERSONAL DATA WILL BE PROCESSED.**

## **9. DIRECT MARKETING RIGHTS AND OPT-OUT OPPORTUNITIES.**

## **10. CONTACT INFORMATION.**

## **11. CHANGES TO THIS PRIVACY POLICY.**

### **1. PERSONAL DATA PROVIDED AND PROCESSED**

The Company is responsible for the processing of Personal Data that the Client contributes to the Service and for Personal Data that the Company collects in other ways with regards to the Service.

#### **1.1. Personal Data and information provided by the Client**

The Client provides Personal Data when the Client fills any forms, including register form and Verification form, and when the Client communicates with the Company. Such Personal Data may include:

- Full name;
- Email address;
- Phone number;
- Password;
- Demographic information (such as your gender and occupation);
- Transactions information, information necessary for execution of Transfer Orders (information about the recipient, the amount, currencies, timestamp);
- Additional Personal Data and documents for Account Verification as specified in the Annex#1 to the Terms of Service (KYC Policy) and/or directly provided by the Client.

For the provision of Services, namely for the issue of Virtual Cards and their use, for the Virtual Items conversion, as well as for the performance of other Services, third parties may also request to provide the following Personal Data:

- Identification documents, including image in photo, copies of any other documents necessary for identification purposes;
- Information deemed necessary to comply with third parties' legal obligations under applicable financial or anti-money laundering laws (if applicable in any jurisdiction).

For avoidance of doubt, all questions of data flow, processing, use and storage of Personal Data provided by the Client to the third parties are reflected in respective privacy policies with such third parties. The Company therefore has no responsibility or liability for the activities of these third parties.

#### **1.2. Personal Data and information collected by the Company**

1.2.1. The Company can collect Client’s Personal Data not directly provided by the Client to the Company automatically to the extent permitted under the applicable law. This information helps the Company to improve the performance of the Website and Services and to protect Client’s Account from fraud by detecting unauthorized access. Information collected automatically includes:

- Online Identifiers: Geo location/tracking details, browser fingerprint, operating system, browser name and version, and/or personal IP addresses;
- Usage Data: Authentication data, performance metrics, security questions, click-stream data and other data collected via cookies and similar technologies.

1.2.2. The Company also can receive Client’s Personal Data from the third parties involved in Services’ rendering. This means that any information provided by the Client to third parties according to this Privacy Policy can also be transferred to the Company, and further processed and stored by the Company.

1.2.3. Please note that the Company does not intentionally process any special categories of Personal Data (including any information about your health, race, religion, political views, etc.). The Company kindly recommends the Client remains cautious when sharing this data when using the Services, on the websites (forums, commentaries, etc.) and otherwise on the Internet. The Company also does not knowingly collect solicit Personal Data from, or knowingly allow the Clients under 18 years old. If the Company discovers that the Company holds Personal Data relating to the Client under 18 years of age, the Company will promptly delete the Personal Data from the Company’s records. If the Client has reason to believe the Company holds Personal Data relating to a Client under 18 years of age that is not permitted, please contact the Company at e-mail specified in section 10 of this Privacy Policy.

**2. LEGAL BASIS AND USE OF PERSONAL DATA**

2.1. Personal Data is processed and stored only in compliance with the applicable data protection legislation and by relying on one or more of the following lawful grounds:

<b>Legal Basis</b>	<b>Explanation</b>
Contractual obligations	Personal Data is to be processed to carry out Company’s obligations to render the Services arising from the Terms and Conditions entered into between the Company and the Client or to take necessary steps for contracting the Client if the Client requests that. Personal Data will be used in order to let the Client to use the Services in accordance with the Terms and Conditions.

	In order to execute Transfer Orders in order to complete Verification procedure the Company can use Personal Data to check and verify Client's identity.
Legal obligation	The Company can process Client's Personal Data, if it's required by law, specifically in order to assist any authority with their investigation as it may be required by law, to detect and prevent fraud and other illegal or prohibited activities, to comply with applicable financial or anti-money laundering laws (if applicable in any jurisdiction).
Legitimate interest	The Company can use Client's Personal Data to monitor, analyze and improve the Services, the Website's performance and functionalities.
Consent	<p>By accepting the Terms and Conditions the Client gives explicit consent to processing of Personal Data listed in this Privacy Policy in the ways and purposed stated herein.</p> <p>Where the Client has consented to the processing of Personal Data, the Client may withdraw such consent at any time. Please note, however, that in certain circumstances it may be still lawful for the Company to continue processing even where consent has been withdrawn, if one of the other legal bases described above is applicable.</p>

## 2.2. USE OF PERSONAL DATA

The Company processes the Client's Personal Data as the Company aims at providing the Client the Services in the best possible manner and the highest level of service, efficiency and convenience, and, in some cases, to make the mere provision of such Services possible, including from the technical perspective. Client's Personal Data can be used in one or more of the following ways:

- to perform identification of the Client, so the Client can log in the Account, and for Verification;
- to carry out our obligations arising from the Terms and Conditions;
- to communicate with the Client with the regards to the Services, including to send information including confirmations, invoices, technical notices, updates, security alerts, and support and administrative messages;
- to notify the Client about any changes to the Services, Terms and Conditions or other important matters related to the use of Services;

- to protect against fraudulent, unauthorized or illegal activity and/or comply with financial criminal laws;
- to ensure that content from the Website is presented in the most suitable manner for the Client's device;
- to operate, develop and improve the Services;
- for statistical analysis;
- to personalize the Services for the Client;
- to conduct advertising and marketing activity;
- to conduct surveys and research;
- to administer the Account and for internal record keeping;
- to contact the Client on other matters.

### **3. AUTOMATED DECISION MAKING**

The Company does not apply automated decision making to any process which may affect the way the Client receives the Services. Client's Account is reviewed manually in order to conduct risk assessment or fraud prevention. However, some of the Company's partners as described in Section 4 of this Privacy Policy may apply automated decision-making while processing Personal Data the Company shared according to section 4 below.

### **4. SHARING CLIENT'S PERSONAL DATA**

**4.1.** Personal Data may be transferred to the following categories of processors of Personal Data:

- companies who technically supplies the Services, including server and hosting companies;
- analytical service companies, advertising partners and other companies with regards to improve the Services;
- Transfer Order partners;
- international banks for the issue of Virtual cards and support of operation and transactions with them for the purposes of providing the Services;
- companies for Virtual Items' currencies conversion and exchange;
- governmental authorities or legal advisors in case criminal or improper behaviour is suspected;
- persons/companies with which the Company does a business deal, or negotiates a business deal, involving the sale or transfer of all or a part of the Company's business or assets. These deals can include any merger, financing, acquisition, or bankruptcy transaction or proceeding;
- auditors and other examination organizations;
- other actors, if it is necessary for the proper provision of Services for the Client and/or if required by the Company according to law or authority's injunction.

- 4.2. The Company operates all over the world, and therefore the Company may transfer the Client's data to Company's counterparties (partners, affiliates, etc.) in different countries. The Client's Personal Data may be stored, transferred, and otherwise processed in countries outside of the country of Client's residence, which are countries within the EEA or granted recognition of adequacy by the European Commission and countries which are not granted recognition of adequacy by the European Commission.
- 4.3. The Company shall protect Personal Data when it is transferred to recipients outside the EEA and take all reasonably necessary steps to ensure that Personal Data is treated securely and in accordance with this Privacy Policy. Nonetheless, the Client confirms that he understands and accepts that these countries may have differing laws granting lower level of protection to Personal Data and that such Personal Data can become subject to the laws and disclosure requirements of such countries, including disclosure to governmental bodies, regulatory agencies and private persons, as a result of applicable governmental or regulatory inquiry, court order or other similar process. For avoidance of doubt, by accepting this Privacy Policy the Client accepts that Personal Data can be transferred to the country which is not granted recognition of adequacy by the European Commission.
- 4.4. Although the Company indicates the Transfer Order data as to be processed by the Company, for the Client's better understanding of Personal Data amount the Company processes about the Client, the Company usually does not anyhow save or store the Client's Transfer Order data at any period of time. Such data is de facto collected and further processed by the Company's partners; the Company only provides them with the technical opportunities to do so within the Company's Services. As such partners commonly do not have any general privacy policy unified for all regions, we also recommend to access and read out the relevant documents while making a Transfer Order via third-party, if applicable (e.g. after the Client has been redirected by the Services to the website of a relevant third-party platform when initiating the Transfer Order procedure, if applicable).

## **5. THIRD PARTIES AND THEIR PRIVACY POLICIES**

Company's Website may contain links to other websites not controlled or operated by the Company. Therefore, the Company cannot be responsible for the protection and privacy of any information which the Client provides whilst visiting such websites and such sites are not governed by this Privacy Policy.

## **6. SECURITY**

- 6.1.** The Company shall ensure the security of Personal Data. In order to prevent unauthorized access or disclosure, the Company uses effective physical, electronic and managerial procedures to secure Personal Data. The Company does its best to protect the Client’s Personal Data, it’s not possible to guarantee the security of information transmitted to the Website. But once the Company has received Client’s Personal Data, strict procedures and security features to prevent unauthorized access will be used.
- 6.2.** The Company also cannot guarantee that loss, misuse, unauthorized acquisition, or alteration of Client’s Personal Data will not occur. The Client confirms that when registering on the Website it is vital to choose a Password of sufficient length and complexity, not to disclose Login and Password to any third parties.

**7. CLIENT’S RIGHTS**

- 7.1.** Taking into consideration the differences in data protection laws which may be applicable to the Client by virtue of the Client’s citizenship, residence and other factors, usually data protection laws grant the data subject (the Client) the following data protection rights which are applicable to this Privacy Policy and Personal Data processing by the Company as well:

	<b>The Client’s right</b>	<b>Right Explanation</b>
1	Right to information	The Client has the right to request information about the scope of Personal Data processed by the Company by notifying in writing.
2	Right to access	The Client has the right to receive one (1) copy of the processed Personal Data without any charge. For further demanded copies, the Company will charge the fee.
3	Right to rectification	The Client has the right to rectify inaccurate Personal Data concerning that Client via a written request.
4	Right to erasure (“right to be forgotten”) and to restrict processing	The Client has the right to demand deletion or restriction of processing, and the right to object to processing based on legitimate interest under certain circumstances unless the Company has an opposite obligation required by applicable law. In these cases the Company can stop providing the Services if it is no longer possible so please consider this when deciding to exercise these rights.
5	Right to portability	The Client has the right to exercise the right of data portability, which means a right to get Personal Data and transfer these to another controller.
6	Other rights	The Client has other rights in accordance with this Privacy Policy and applicable laws.

- 7.2. The Client understands and confirms that if law applicable to the Client does not guarantee him any of the rights listed above, the Company is not obliged to fulfill such request.
- 7.3. In order to exercise data processing rights stated in the table above, the Client should send the Company a request via the Company's support service e-mail specified in section 10 and follow the instructions provided or send the Company such a request directly through the Client's Account settings (where available).
- 7.4. Please note that in some cases, in order to comply with a request, the Company may ask the Client to provide the Company with some additional information where this is necessary to identify the Client. The Company undertakes to comply with the Client's request free of additional charge within one month of receipt, but in some cases this period may be extended by a further two months. The Company has the right to refuse to comply with the Client's request or charge a reasonable fee if the Client's request is manifestly unfounded or excessive.

## **8. HOW LONG PERSONAL DATA WILL BE PROCESSED**

- 8.1. The Company retains any of the Client's Personal Data which the Company collects for as long as the Client's Account is active according to the Terms and Conditions, and/or for as long as it is necessary to provide the Client with the Services, and while the Company has a valid lawful basis for processing Personal Data. The Company also erases the Client's Personal Data after reaching the purposes for which the Company collected such data.
- 8.2. Please consider that the Company has the right to continue to retain some of the Client's Personal Data even after complying with the Client's request to delete such Personal Data in the following cases:
- The Company has the lawful basis to further process the Client's data other than a consent from the Client. As instance, the Company may be required to do so in order to comply with applicable laws (as instance, for tax or accounting reasons, know-your-client, anti-laundering or other legal requirements and obligations);
  - The Client's Personal Data has been anonymized in the way it cannot be used for identifying the Client, and therefore is no longer the Client's personal identifiable data.

## **9. DIRECT MARKETING RIGHTS AND OPT-OUT OPPORTUNITIES**

- 9.1. As the Company is entitled to send the Client direct marketing messages or emails (as specified in clause 2.2.), the Client is entitled to unsubscribe from each of such mailings by exercising the Client's opt-out rights as specified below. The Client acknowledges that refusal to receive direct marketing messages from the Company does not affect the Company's right to send the Client



other messages, emails or otherwise contact the Client as allowed by virtue of this Privacy Policy.

**9.2.** If the Client wishes to opt-out the processing of Personal Data regarding certain purposes, the Client should send the Company a request via contact e-mail specified in section 10 of this Privacy Policy.

**9.3.** Please take into consideration the following:

- opting-out certain processing purposes may lead to impossibility of providing the Client certain (or even all) Services in part (or at all). The Company will take the Client's best efforts to minimize such Services limitations.
- opt-out opportunity applies only to the processing of Client's Personal Data based on the Client's consent (as specified in clause 2.1.), unless otherwise is explicitly stated by the applicable law. The Company reserves the right to process Personal Data based on the other lawful basis such as contractual obligations, legitimate interest or legal obligation, if available by virtue of applicable law, even if the Client has opted out such processing according to the provisions of this Privacy Policy.

## **10. CONTACT INFORMATION**

If the Client has any questions about this Privacy Policy or about use of Personal Data, then the Client may contact the Company at [partnership@advada.net](mailto:partnership@advada.net)

## **11. CHANGES TO THIS PRIVACY POLICY**

**11.1.** The Company may change this Privacy Policy at any time. If the Company makes any changes, the Company will change the Last Updated date above. The Client undertakes to check such changes by itself. Any updates to this Privacy Policy shall become valid as of publication on the Website (Last Updated date).

**11.2.** In case of substantial changes, the Company reserves the right to update Privacy Policy subject to a relevant update notice and refreshing the Client's consent. Unless the Client agrees with the revised version of the Privacy Policy, the Company reserves the right to suspend providing the Client Services which require the Client's data processing by the Company.