



# Privacy Policy

<b>v.</b>	1.2
<b>Date</b>	10.10.2019

## 1. General

This page informs You of xpate's (hereinafter — Company or our) policies regarding the collection, use, and disclosure of personal data when You use Company's service and the choices You have associated with that data. Company's customer's private data security is the first priority for Company. Company would like to highlight that Company fully obeys all the laws and regulations. This privacy policy applies only to the xpate web-site. By using xpate web-site You agree with all the policies described in this page. Your personal data may be transferred to and processed at a destination outside the European Economic Area (hereinafter – “EEA”) including countries that have different data protection rules than Your country. It may also be processed by Company's staff operating outside the EEA who work for xpate or one of xpate's service providers. By using xpate platform and services, You consent to Your Personal Data being transferred to other countries.

For any inquires or additional information, please contact us at:

**xpate Ltd**

**Address:** Level 18, 40 Bank Street, Canary Wharf, London, England, E14 5NR

**E-mail:** [dpo@xpate.com](mailto:dpo@xpate.com)

## 2. What information do we collect or use?

### 2.1. Information you give us

You may give us information about yourself when you use our services, contact us, or in other way. Please note that you are only allowed to provide your own personal data when using the services, for the services to be provided correctly.

Depending on which Service you choose to use, this personal data will be:

- Contact- and identification information – name, date of birth, national ID number, title, billing and shipping address, email address, mobile phone number, nationality, salary, employment and employment history, audio recordings, photos and video recordings of you and your ID card etc.
- Payment information – credit and debit card data (card number, validity date, and CVV code), bank account number, e-wallet number, etc.
- Special categories of data – you may, at your sole discretion, choose to provide us information about you which constitutes “special categories” of personal data according to EU Regulation 2016/679 (the “GDPR”), including e.g. data revealing religious, political or philosophical beliefs, trade union membership, or data concerning health, biometric data, sex life or sexual orientation. We will never require this type of data from you in order to provide you with our Services. Providing us with this information will be strictly voluntary and based on your explicit consent. Please see Section 5 for information about how you can revoke your consent.

You can at any time change your profile information such as your contact information and other editable settings. This can be done by contacting us.

### 2.2. Information we collect about you

Depending on which services you choose to use, we may collect the following information about you, either ourselves or via third parties (for example credit and fraud prevention agencies, stores, or public databases):

- Contact and identification information – audio recordings, photos and video recordings of you and your ID card etc.
- Information on orders – details about the goods/services you purchase or order, including for example type of goods or shipment tracking number.
- Financial information – financial information collected from third parties such as your income, potential credit commitments, negative payment remarks etc.
- Transaction information - xpate saves Your information such as transaction type, transaction amount, payer's details (such as card, name, email), address transaction comes from/sent to for the purpose of implementing Company's services.
- Information about the interaction between you and xpate – how you use the services, including information on outstanding and historical debts ; technical data such as page response times, download errors, personal preferences; your interactions with our customer service, etc.
- Recorded conversations – we record telephone conversations if you call our customer service and web-site chats, and sometimes when we call you, if we inform you about this at the start of the call.
- Device information – e.g. IP address, language settings, browser settings, time zone settings, operating system and platform and screen resolution.
- Information from external sanction lists and PEP lists – we may screen your information against lists of persons subject to sanctions, and lists of persons who are so called Politically Exposed Persons. These lists include information such as name, date of birth, place of birth, occupation or position and reason for being listed.
- Service-specific information – in order to provide you with some of our services we may collect and process additional personal data that is not covered by the above categories.

### 3. Purpose

#### 3.1. General information on purpose

xpate must have a legal basis (a valid legal reason) for using your personal information

Valid legal reason is:

- **Fulfil contractual obligations**

xpate need certain personal information to provide our services and cannot provide them without this information.

- **Comply with laws**

In some cases, xpate have a legal responsibility to collect and store your personal information (for example, under money-laundering laws we must hold certain information about our customers).

- **Legitimate interests**

xpate sometimes collect and use your personal information, or share it with other organizations, because we or they have a legitimate reason to have it and this is reasonable when balanced against your right to privacy.

- **Consent**

Where you've agreed to xpate collecting your information, for example by using xpate website or when you have ticked a box to indicate you are happy for us to use your personal information in a certain way.

### 3.2. What personal data do we process, for what purpose, and why is it lawful for us to do so?

Depending on which services you use, xpate may process your personal data for the purposes listed below, based on the legal bases stated for each respective purpose.

Purpose of the processing	Personal data	Legal basis for the processing
Administer the customer relationship with you in different ways, for example to process your payment.	Contact- and identification information, payment information, information on goods/services, financial information, information about the interaction between you and xpate, information about the interaction between you and stores, device information, and service-specific information.	Fulfil contractual obligations.
Create and send information to you in electronic format (non-marketing).	Contact- and identification information, payment information, information on goods/services, financial information, information about the interaction between you and xpate, device information, and service-specific information.	Fulfil contractual obligations.
Assess which is the most suitable way to contact you to inform you about outstanding matters	Contact- and identification information, financial information (if we have this available) and information about the interaction between you and xpate.	xpate has a legitimate interest in being able to contact you in the most effective way.  We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.
Conduct customer satisfaction surveys regarding our Services (for example after you have contacted xpate's customer service) via email, sms, phone, or through other means.  You can object to this at any time. You will also be informed about your right to opt-out from these communications every time your email or phone number is used for this purpose.	Contact- and identification information, information on goods/services, information about the interaction between you and xpate, and information about the interaction between you and stores.	xpate has a legitimate interest in conducting customer satisfaction surveys.  We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.
Carry out AML checks	Contact- and identification information, financial information and information about the interaction between you and xpate.	Comply with laws
Prevent IT attacks (for example DDoS attacks) toward xpate's services, as part of our efforts to keep our services safe and secure.	Contact- and identification information, information about the interaction between you and xpate, information about the interaction between you and stores, as well as device information.	xpate has a legitimate interest in keeping our Services safe and secure.  We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and

		that our interest outweighs your interest in not having your personal data processed for this purpose.
Improve our services, training and quality assurance, as well as documenting what has been discussed and decided between you and xpate	Recorded telephone conversations, web chat discussions.	<p>xpate has a legitimate interest in improving our services, and in conducting training and quality assurance.</p> <p>We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.</p>
Transfer your data to stores, suppliers and other recipients..	All of the personal data categories under Section 2.	Varies depending on recipients, for example, xpate has a legitimate interest to use suppliers to provide its services, and we may have legal obligations to share data with authorities. Data sharing with payment service providers and international payment systems is necessary to carry out the payment contract with you.
Carry out risk analysis, fraud prevention and risk management (for example through verifying your identity, and carry out checks with fraud prevention agencies and similar agencies).	Contact- and identification information, payment information, information on goods/services, financial information, information about the interaction between you and xpate, information about the interaction between you and stores, special categories of personal data and device information.	<p>xpate and other parties (foremost our customers) have a legitimate interest in risk management of xpate's business, for example handling fraud risks.</p> <p>We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.</p> <p>xpate also has legal obligations to establish its customers' identities.</p> <p>Special categories of data are processed based on your explicit consent.</p>
Perform debt collection services, i.e. to collect and sell debt.	Contact- and identification information, information on goods/services, financial information, information about the interaction between you and xpate and information about the interaction between you and the stores.	<p>xpate has a legitimate interest in collecting and selling debt.</p> <p>We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.</p>

**Product improvement and research**

<b>Purpose of the processing</b>	<b>Personal data</b>	<b>Legal basis for the processing</b>
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Anonymise your personal data for product development in order to analyse customer behaviour.	Contact- and identification information, payment information, information on goods/services, financial information, information about the interaction between you and xpate, information about the interaction between you and stores, device information, and service-specific information.	<p>xpate has a legitimate interest in anonymising your personal data for product development in order to analyse customer behaviour.</p> <p>We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.</p>
Perform data analysis for product improvement and product testing (for example to improve risk- and fraud models).	Contact- and identification information, payment information, information on goods/services, financial information, information about the interaction between you and xpate, information about the interaction between you and stores, device information, information from external sanction lists and PEP lists, and service-specific information.	<p>xpate has a legitimate interest in performing data analysis for product improvement and product testing.</p> <p>We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.</p>
Enable internal research and creation of statistical models.	Contact- and identification information, payment information, information on goods/services, financial information, information about the interaction between you and xpate, information about the interaction between you and stores, device information, and service-specific information.	<p>xpate has a legitimate interest in enabling internal research and to create statistical models.</p> <p>We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.</p>

#### Compliance and to protect xpate from legal claims

Purpose of the processing	Personal data	Legal basis for the processing
Comply with applicable laws, such as anti-money laundering and bookkeeping laws, and regulatory capital adequacy requirements.	Contact- and identification information, payment information, information on goods/services, financial information, information about the interaction between you and xpate, information about the interaction between you and stores, device information, information from external sanction lists and PEP lists, and service-specific information.	Comply with laws.
Perform screening against lists of persons subject to sanctions, and lists of persons who are so called Politically Exposed Persons.	Contact- and identification information, information from external sanction lists and PEP lists.	Comply with laws.
Protect xpate from legal claims, and enforce xpate's legal rights.	All of the personal data categories under Section 2.	xpate has a legitimate interest in protecting itself from legal claims, and in enforcing its legal rights.

		We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.
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### To provide marketing

Purpose of the processing	Personal data	Legal basis for the processing
To provide marketing and offers regarding our services to you.  You may always opt out by contacting us,	Contact- and identification information, information about the interaction between you and xpate, information about the interaction between you and stores, and service-specific information.	xpate has a legitimate interest in providing marketing and offers to you.  We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.
To decide which marketing to provide you. This processing also ceases when you opt out from receiving marketing.	Contact- and identification information, information on goods/services, information about the interaction between you and xpate, information about the interaction between you and stores, device information, and service-specific information.	xpate has a legitimate interest in deciding which marketing to provide you.  We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.
To provide links that are sponsored to products and services of stores.	Information about goods/services, information about the interaction between you and xpate, information about the interaction between you and stores, device information and service-specific information.	xpate has a legitimate interest in providing links that are sponsored to promote stores in the xpate website.  We ensure that the processing performed for this purpose is necessary for fulfilling our legitimate interest, and that our interest outweighs your interest in not having your personal data processed for this purpose.

## 4. xpate's profiling and automated decision making

Profiling is any form of automated processing of personal data used to assess certain personal characteristics of you in particular to analyse or predict, for example, the economic situation, personal preferences, interests, place of residence. We use profiling based on the personal data we have about you in order to take individual or automated decisions about you, for the following purposes:

### 4.1. Decisions without legal or similarly significant effect

xpate makes the following decisions without legal or similarly significant effects for you;

- Predicting what marketing content would be of interest to you. You can always object to this and deregister from the marketing and this profiling, by contacting us.
- Deciding on the most suitable way to contact you concerning outstanding debt.

#### **4.2. Decisions with legal or similarly significant effect**

Automated decision making with legal effects, or automated decisions with similarly significant effect, means that some decisions in our services are solely based on automatic means, without any interaction from any of our employees, and carry a significant impact on you as a consumer with them. By making such decisions in an automated fashion, xpate increases objectivity and transparency in the decisions.

We use this type of automated decision making when we:

- Decide to approve your application;
- Decide not to approve your application;
- Decide whether you pose a fraud- or money laundering risk, if our processing reveals that you display behaviour consistent with money laundering or fraudulent conduct, that your behaviour is inconsistent with your previous use of our services, or that you appear to have deliberately hidden your true identity. In relevant cases, xpate also checks whether or not a specific customer is listed on a so called sanction list.

A record of any fraud or money laundering risk will be retained by the fraud prevention agencies, and may result in others refusing to provide services, financing or employment to you.

You always have the right to challenge an automated decision which carries a legal or similarly significant effect (together with the profiling connected to it), by contacting us using the email. xpate employee will then look at your case.

## **5. Who might we share your personal data with?**

We may share your personal data with the categories of recipients listed below, for the purposes listed below. Exactly which recipients we share your personal data with, and for which purposes, will depend on which service you use. When we share your personal data, we take all reasonable contractual, legal, technical, and organisational measures to ensure that your personal data is treated with an adequate level of protection and in accordance with applicable law.

xpate does not sell or rent any of the collected information to third parties. It will be used to process full service delivery. This may involve sharing data with data security services, compliance systems, financial services, credit and tax authorities.

### **5.1. Suppliers and subcontractors**

xpate may share personal data with the suppliers and subcontractors we use in order to provide our Services to you. Suppliers and subcontractors are companies who are only entitled to process the personal data they receive from xpate on xpate's behalf. Examples of such suppliers and subcontractors are software- and data storage providers, payment processing services, and business consultants.

### **5.2. Payment service providers ("PSPs") and financial institutions**

PSPs provide stores and xpate with services for accepting and administrating electronic payments through a variety of payment methods including credit card, and bank-based payments such as direct debit, bank transfers, etc. Some PSPs also collect and use your information independently in accordance with their own privacy notices. This is for example the case if you use a digital wallet.

In addition, xpate may share your information with other financial institutions when you conduct transactions with your account, in order to perform the transactions.

### **5.3. Fraud prevention agencies and companies that supply identity lookups**

Your personal data may be shared with fraud prevention agencies and companies that supply identity lookups in order to verify your identity, the accuracy of the data you have provided us with, and to prevent criminal activities.

Fraud prevention agencies can hold your personal data for different periods of time, and if you are considered to pose a fraud or money laundering risk, your data can be held for up to six years. We and fraud prevention agencies may also enable law enforcement agencies to access and use your personal data to detect, investigate and prevent crime.

### **5.4. xpate group**

Your information may be shared with companies within the xpate group, based on xpate's legitimate interest to conduct its business.

### **5.5. Social media companies**

If you contact us through social media such as Facebook or Twitter, your data will be recorded and processed by those companies, in accordance with their privacy notices.

### **5.6. A person holding a power of attorney of your affairs**

xpate will share your data with a person holding a power of attorney from you, allowing the person holding the power of attorney to receive such data. This sharing will be done based on your consent.

### **5.7. Authorities**

xpate may disclose necessary information to authorities such as the police, tax agencies or other authorities if we are required to do so by law, or under some circumstances if you have requested us to do so or if it is required to administer tax deductions. One example of such legally required disclosures is disclosure for purposes of anti-money laundering and counter terrorist financing.

### **5.8. Debt Collection Agencies and other outstanding claims**

xpate may share your information when selling, or assigns to collect, unpaid debts to third parties, e.g. to debt collection agencies. This sharing of personal data is based on our legitimate interest in collecting and selling debts. The debt collection agencies or any other purchasers may process your personal data in line with their own privacy notices, or on xpate's behalf.

## **6. Data Security**

The security of Your data is important to the Company. xpate uses all the latest data protection tools with the highest standards in the market. Company provides the data only to those employees who need it to perform their activities. For higher level security, it is recommended to protect Your password, use the latest up-to-date browser while using xpate's platform.

Any data and information provided to Company is encrypted using advanced technologies, and xpate's website has security measures in place to protect against the loss, misuse and alteration of any data and information received by Company.

Company will keep collected information as long as it is necessary for providing the services and to meet the requirements of all applicable laws and legislation.

## **7. Choices available to You**

You have choices when it comes to the privacy practices and communications described in this Privacy Policy. Many of the choices are explained when You sign up to the services or use Company's services.

### **7.1. Choices relating to the Personal Data collection and use**



You may decline to provide Personal Data when requested. In this case, You might not be able to use crucial part of xpate's services. You also have the ability to avoid sharing information collected from the device You use while accessing xpate's platform (including but not limited to location and Usage Data) and used by xpate through the settings of the platform.

#### **7.2. Choices relating to Cookies**

You may have the ability to change the settings of cookies. Your browser or a device may allow You turn off or delete certain cookies and other tracking technologies. By disabling certain cookies You may limit Yourself from using certain services provided by xpate.

#### **7.3. Choices relating to Communication**

Company may send You advertisement about the services and products including but not limited to emails, text messages and push notifications. You may refuse or change preferences of these marketing communications in platform settings. Additionally, you may receive notifications with important information and other communication requested by You. These communications may not be refused, however You can choose the channel and format through which You prefer to receive these messages.

#### **7.4. Change of Your personal data**

You can check the data You provided to us at any time, can change it for Your account online or by contacting xpate.

## **8. Your Data Protection Rights**

### **8.1. Right to be informed.**

You have the right to be informed about how we process your information. We do this through this Privacy Notice, other information on our website, and by answering questions sent to us.

### **8.2. Right to access your data.**

You may request a copy of your data if you would like to know what personal data we process about you. This copy of your personal data can also be transmitted in a machine readable format (i.e. "data portability").

### **8.3. Right to rectification.**

You have the right to correct inaccurate or incomplete information about yourself.

### **8.4. Right to erasure.**

You have the right to request deletion of your personal data, for example when it is no longer necessary for us to process the data for the purpose it was collected, or when you have withdrawn your consent. However needs to adhere to certain legal obligations preventing us from immediately deleting some of your personal data.

### **8.5. Right to restrict processing of your data or object to our processing.**

If you believe your information is incorrect or you believe we use your data unlawfully, you have the right to ask us to stop the processing. You may also object to our processing where you believe there are circumstances that would make such processing unlawful. Furthermore, you can always object to us using your data for direct marketing.

### **8.6. Right to challenge an automated decision.**

You have the right to challenge an automated decision made by xpate if this decision carries with it legal or similarly significant effects. See Section 4 for more information on how xpate uses automated decisions.

### **8.7. Right to withdraw consent.**

Where we process your data based on consent or explicit consent, you may withdraw this consent at any time.

#### **8.8. Right to lodge a complaint.**

You have the right to lodge a complaint with your national supervisory data protection authority. Complaints to the UK supervisory authority (the Information Commissioner) can be made using this link: <https://ico.org.uk/>.

### **9. Children's Privacy**

xpate services do not address anyone under the age of 18 (hereinafter Children). xpate does not knowingly collect personally identifiable information from anyone under the age of 18. If You are a parent or guardian and You are aware that Your Children has provided Company with Personal Data, please contact xpate.

### **10. Privacy policy changes notification**

xpate reserves the right to periodically make updates to this Privacy Policy. We will publish any changes on the website. It is Your sole responsibility to periodically check the Term for any changes. By continuing to access or use our website and using our services after those changes have been made, You agree to be bound by the revised terms. If You do not agree to the new terms, please stop using the website..