



**LESCOVEX**



**Privacy Policy**



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## 1. INTRODUCTION

The The following Privacy Policy describes the way by which **LESCOVEX EXCHANGE, S.A.** (hereinafter **Lescovex** or us, which refers not only the company, but also its shareholders, directors, employees, investor or other related parties), collects, process, preserves and uses the Personal Data obtained from from you ("User" or "Customer") either by the website [www.lescovex.com](http://www.lescovex.com) ("website" or "platform") or by any of the applications through which **Lescovex's** Services might be provided.

By "Personal Data" we are referring to any information by which we can identify your directly or indirectly or by which we can contact you, such as name, address, email, trading information, etc. This privacy policy covers all the personal data that you voluntary provide us and that one we obtain from any of our partners or publicly sources. It will not be considered as a Personal Data that information from which the customer cannot be identified.

This privacy policy may change without prior notice in order to adapt it to new regulations or technological advances, as well as for any other cause from which the need to modify it may arise. These changes will be published directly on the website, indicating in the header the date of its last update, being from that moment applicable the new version that will repeal the previous one. When required by law, we will send you the new version so that you can be aware of the modifications introduced.

## 2. WHAT PERSONAL DATA WE COLLECT AND HOW WE DO IT

To provide our services we need to obtain some personal information and documentation from you, as it is required by law (i.e. create an account, make a transaction, add a payment method, etc.). If you do not provide us with that information and documentation we will not be able to allow you to use our services. When information required is not to comply any legal obligation, we will ask you before getting this information (i.e. when subscribing to get marketing and any other advertising communications). We collect, among others, the following personal data:

- A. Information that you provide to us:** We collect Personal Data that you directly provide us when you create and verify your **Lescovex** account, carry out a transaction on our platform or use any other of the Services provided by **Lescovex**. This data includes:
  - Personal Identification information: name, last name, date of birth, home address, email, city, nationality, phone number, etc.
  - Usage data: username and password, authentication data, security questions, if applied, information provided to **Lescovex**'s support team, etc.;
  - Formal identification information and documentation: ID or Passport pictures, audio and video recording, pictures taken during the audio and video recording, pictures uploaded by users, etc.
  - Financial information: bank account numbers and statements, incomes, trading information, etc.;
  - Residence verification: postal delivery, utility bills, etc.
  - Employment information: Office location, wages, employment agreement, job title, occupation, etc.
- B. Information obtained automatically when you access or use our services:** Since you access or use our services, we automatically collect information related to your device, computer or browser, such as the name and type of the browser you use, computer and mobile device, IP address, operating system, website usage information, etc.
- C. Information collected through cookies:** We use our own cookies on our website to collect some information about our users to ensure the effectiveness and manage our Website and the platform.  
**Cookies** are data files that are downloaded automatically and stored on the hard drive of the user's computer or in the memory of your device when browsing a specific website, which allow the Internet server to remember some information about the actions and preferences of a user (such as login, language, display preferences, name and password, etc.) for a certain period of time, so that the user does not have to enter them again on the website each time they want to navigate on this one website.

They help us to improve our Services and the users experience, see what areas and features of our Services are popular and count visits, manage the account registration process, remember the preferences of your site, retain certain information to process orders for transactions exchange and retain information to provide support.

We only use our own cookies, in particular session cookies, which are designed to collect and store data while the user accesses and uses the website. They only keep information needed for the provision of the services requested by users on a single occasion. If users do not use the website during a certain time (one hour), the session will be expired and users will have to log in again. The information collected by the session cookies will be, therefore, deleted when users have logged out or the session has expired for inactivity.



In most browsers cookies are automatically accepted by virtue of their default settings, however the user can adjust their browser preferences to accept or reject cookies. Disabling cookies may disable various functions of the website/API or may cause them not to display correctly. You can disable or delete cookies, which has already been stored on your computer by accessing to the tools provided to that effect by your browser. Further information can be obtained in the following links:

**Firefox:**

<https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences>

**Internet Explorer:**

<http://support.microsoft.com/ph/807/es-es>

**Safari:**

[http://support.apple.com/kb/HT1677?viewlocale=es\\_ES](http://support.apple.com/kb/HT1677?viewlocale=es_ES)

**Chrome:**

<https://support.google.com/accounts/answer/32050?co=GENIE.Platform%3DDesktop&hl=en>

For further information about cookies and how to disable them, see our **Cookies Policy** [www.lescovex.com/legal/cookies-privacy.pdf](http://www.lescovex.com/legal/cookies-privacy.pdf).

- D. Information collected from other sources or channels: We also may collect some other information obtained by others publicly available sources or channels, so that we can contrast the information you have provided us with and verify its authenticity and truthfulness. For example: we may collect information about users from third parties, including, among others, social networks or official registers, etc.

### 3. WHO IS RESPONSIBLE (CONTROLLER) FOR THE PROCESSING OF YOUR PERSONAL DATA

The person responsible for the processing of your data (hereinafter “controller”) is **LESCOVEX EXCHANGE, S.A.**, which is the owner of the website [www.lescovex.com](http://www.lescovex.com) and the commercial name and trademark **Lescovex**.

The address of the aforesaid company is located in Rue Baptiste-Savoie, 25- 3-1, 2610 St. Imier (Switzerland) and it is registered in the “Registre du commerce du Canton de Berne”, Company Number: CHE-393.897.130.

Email contact: [support@lescovex.com](mailto:support@lescovex.com).

## 4. HOW WE USE YOUR PERSONAL DATA

- A. To verify customer's identity:** As required by the enforceable law, we collect and use your personal information to identify you in accordance with the Swiss Federal Act on Combating Money Laundering and Terrorism Financing (AMLA) and our Manual for the Prevention of Money Laundering and Countering the Financing of Terrorism (AML and CFT policy), as well as all the European regulation related to the Prevention of Money Laundering and Countering the Financing of Terrorism. The procedure to do so is set out in our AML and CFT policy, which is mainly based at the same time on the Swiss Financial Market Supervisory (FINMA) Circular 2016/7 "Video and online identification".

We may also share your information to financial institutions, especially FINMA, or any other government or judicial authority when we are required to do it and when we have any suspicious about the activity you are carrying out in our platform.

- B. To provide our services and processing all the transactions:** We will use your personal data to provide you **Lescovex's** Services and perform all the transactions you carry out in the Exchange platform. To comply with the AMLA and AML and CFT policy, we will perform behavioural customer's activities, to be sure that nobody is using our platform to carry out any illegal activity. We will inform the Reporting Office of FINMA in case we have any suspicious or we find any indication that anyone of our customers is performing any unlawful activity.
- C. To Enhance customers website experience:** We use your information to analyse, process, manage, improve and personalize our services and respond to the demands of our users, so that they can enjoy our services in a safe and adequate way to their needs and expectations.
- D. To Ensure network and information security:** The use of your personal data is also useful, among other things, to identify, prevent and report potentially suspicious, fraudulent or illegal activities from your account and facilitate the creation and secure your account.
- E. To Contact users:** We will use your email address to keep in touch with you, so we can send you administrative notifications, such as activity of your account, transactions made and their processing (i.e.: asking for confirmation and so on), maintenance notifications, any change of our terms and conditions, privacy, cookies or AML and CFT policy, answer any enquiry, process payments, etc.
- F. Marketing Purposes:** We also may use your email address to send you company news, promotions, updates and any other information related to similar products or services provided by **Lescovex**.  
If you do not want to receive this kind of communications, you can opt-out of our marketing communications at any time by going to "email configuration" in you personal account and opt-out it or by sending an email to [support@lescovex.com](mailto:support@lescovex.com).
- G. To facilitate corporate acquisitions, mergers or transactions:** We may process any information regarding your account and use of our Services as it is necessary in the context of corporate acquisitions, mergers, or other corporate transactions. You have the option of closing your account if you do not wish to have your personal information processed for such purposes.

## 5. HOW WE SHARE AND STORE YOUR INFORMATION

**Lescovex** may disclose your personal data to third parties, legal and regulatory authorities, as well as transfer your personal data:

### **A. Disclosure to third parties:**

We may share some of your personal data with third parties service providers who may help to our business operations. **Lescovex's** third party service providers are contractually bound to protect and use such information only for the purposes for which it was disclosed, except as otherwise required or permitted by law. We ensure that such third parties will be bound by terms no less protective those described in this Privacy Policy, or those we are subject to under applicable data protection laws.

Some or all of your personal data may also be shared on the occasion of or during the negotiation of any merger, financing, acquisition or dissolution transaction or proceeding related to the sale, transfer, divestment or disclosure of all or part of our business or assets. If another company acquires our company, our business, **Lescovex** project or our assets, that company will own the Personal Data we collect and will assume the rights and obligations with respect to your Personal Data as described in this Privacy Policy.

### **B. Disclosure to legal and regulatory authorities:**

We may also share your Personal Data with financial authorities, such as FINMA, governments officials, data protection authorities or any other authorities when:

- Compelled by subpoena, court order or any other legal procedure;
- We have any suspicious of you carrying out any unlawful activity through our platform;
- To prevent physical harm or financial loss;
- To investigate any violations of our Privacy Policy.

### **C. International transfers of Personal Data:**

We store and process your Personal Information in data centres around the world, wherever **Lescovex** facilities or service providers are located. As such, we may transfer your Personal Data outside of the Economic European Area (EEA). Such transfers are undertaken in accordance with our legal and regulatory obligations.

## 6. HOW WE PROTECT YOUR INFORMATION

**Lescovex** has implemented the security measures of technical and organizational nature necessary to ensure the security of your personal data and protect it from loss, theft, unauthorised access, alteration, misuse or destruction, taking into account the state of the technology, the nature of the stored data and the risks to which they are exposed, whether they come from human action or from the physical, technical or natural environment. These security measures include, but are not limited to:

- Restrict the access to your personal data to **Lescovex** personnel who should know them in attention to the tasks they perform;
- Password and encrypted protected directories and databases. If it has to be transferred, it also will be done in encrypted format;
- Secure Sockets Layered (SSL) technology to ensure that your information is fully encrypted and sent across the Internet securely.
- PCI Scanning to actively protect our server from hacker and other vulnerabilities.

However, we cannot guarantee that loss, misuse, unauthorised acquisition, or alteration of your data will not occur. Please recognise that you play a vital role in protecting your own personal information. When registering with our Services, it is important to choose a password of sufficient length and complexity, to not reveal this password to any third-parties, and to immediately notify us if you become aware of any unauthorised access to or use of your account.

Furthermore, we cannot ensure or warrant the security or confidentiality of information you transmit to us or receive from us by Internet or wireless connection, including email, phone, or SMS, since we have no way of protecting that information once it leaves and until it reaches us. If you have reason to believe that your data is no longer secure, please contact us [support@lescovex.com](mailto:support@lescovex.com).

The security measures set out above will be reviewed regularly in light of new and relevant legal and technical developments.

## 7. HOW LONG ARE WE GOING TO KEEP YOUR PERSONAL DATA FOR

We retain Personal Information for as long as necessary to fulfil purposes described in this Privacy Policy, subject to our own legal and regulatory obligations. In accordance with our record keeping obligations, we will retain Account and other Personal Information for at least ten years after an Account is closed or a transaction is been made, pursuant to art.7.par.3 of the Swiss Federal Act on Combating Money Laundering and Terrorism Financing of 10th October 1997 (status as 1 January 2016).

When the information is collected for marketing purposes we will keep this information during the following two years after the date of which we got your consent, unless you have requested us to erase it by executing your rights set forth in Section 8 of this Privacy Policy.

## 8. LEGAL BASIS

- A.** We mainly collect and process your personal data to compliance with a legal duty to which **Lescovex** is subject. This is the case of the data collected to verify your identity or to provide our services and process the transactions and to contact to users, in some way. The regulation and law enforceable in this sense is the Swiss Federal Act on Combating Money Laundering and Countering the Financing of Terrorism and all the European regulation about Anti-Money Laundering and Countering the Financing of Terrorism. The procedure followed to verify your identity is laid down in the Swiss Financial Supervisory Authority (FINMA) 2016/7 "Video and online identification" and in our Manual for Prevention of Money Laundering and Countering the Financing of Terrorism.
- B.** We also collect and use your personal data to carry out our obligations arising from the contract entered with you when you become a member of our Website and, therefore, we have to provide you with our services.
- C.** We may use you personal data to satisfy our legitimate interests to protect our property, rights or safety of **Lescovex**, our customers or others. This will be the case of when we are using your personal data to enhance your website experience or to facilitate corporate acquisitions, mergers or transactions.
- D.** We solely will need you express consent to send you information related to new services, promotions updates and commercial notifications, as the rest of information collected and processed is, as we said, necessary to comply with legal obligations, to perform the obligations arising from the contract entered with you and to satisfy our legitimate interests.

You can opt-out of our marketing communications at any time by going to "email configuration" in you personal account and opt-out it or by sending an email to [support@lescovex.com](mailto:support@lescovex.com).

## 9. YOUR RIGHTS

You, the data subject, will have the rights lay down below, which can be exercised at any time by contacting us by email: [support@lescovex.com](mailto:support@lescovex.com) and we will consider your request under applicable law:

1. **Right to access:** You have the right at any time to know what personal data we have about you, what it is used for and the conditions and purpose of using it by us. We may charge a CHF 15 fee per copy of the personal data undergoing processing and always for more than one copy.
2. **Right to Rectification:** You have also the right to request the correction or erasure of your personal data when it is inaccurate or to complete it when it is incomplete.
3. **Right to erasure (right to be forgotten):** You have the right to request erasure of your personal information that:
  - A. is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
  - B. was collected in relation to processing that you previously consented, but later withdraw such consent; or
  - C. was collected in relation to processing activities to which you object, and there are no overriding legitimate grounds for our processing.

If we have made your personal information public and are obliged to erase the personal information, we will, taking account of available technology and the cost of implementation, take reasonable steps, including technical measures, to inform other parties that are processing your personal information that you have requested the erasure of any links to, or copy or replication of your personal information. The above is subject to limitations by relevant data protection laws.

We will not erase your personal data when we have to keep it to comply with the enforceable law and regulatory, such as the obligation to keep the trading information during 10 years after they have been made or after the termination of a business relationship, as it is set forth in the art.7.par.3 of the Swiss Federal Act on Combating Money Laundering and Terrorism Financing of 10th October 1997 (status as 1 January 2016).

4. **Right to data portability:** If we process your personal information based on a contract with you or based on your consent, or the processing is carried out by automated means, you may request to receive your personal information in a structured, commonly used and machine-readable format, and to have us transfer your personal information directly to another "controller", where technically feasible, unless exercise of this right adversely affects the rights and freedoms of others. A "controller" is a natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of your personal information.
5. **Right to restriction of processing:** You have the right to obtain from us restriction of processing where one of the following applies:
  - The accuracy of the personal data is contested by you, for a period enabling us to verify the accuracy of the personal data;



- The processing is unlawful and you oppose the erasure of the personal data and request the restriction of its use instead;
  - We no longer needs the personal data for the purposes of the processing, but it is required by you for the establishment, exercise or defence of legal claims;
  - The data subject has objected to processing, pending the verification whether the legitimate grounds of **Lescovex's** override your rights.
6. **Right to object to processing:** Where the processing of your personal information is based on consent, contract or legitimate interests you may restrict or object, at any time, to the processing of your personal information as permitted by applicable law. We can continue to process your personal information if it is necessary for the defence of legal claims, or for any other exceptions permitted by applicable law.
7. **Right to withdraw consent:** You have the right to withdraw your consent to the processing of your personal information collected on the basis of your consent at any time. Your withdrawal will not affect the lawfulness of **Lescovex's** processing based on consent before your withdrawal.

## 10. HOW TO CONTACT US

If you have any questions or concerns regarding our Privacy Policy, or if you have any complaint, you should first to contact us in [support@lescovex.com](mailto:support@lescovex.com).

You can also complaining about the processing of your personal data to the relevant data protection authority. You can complain in the EU member state where you live or work, or in the place where the alleged breach of data protection law has taken place. In Switzerland this authority is:

The Federal Data Protection and Information Commissioner:

**Office of the Federal Data Protection and Information Commissioner FDPIC**

Feldeggweg, 1

CH – 3003 Berne

**Phone number:** +41 (0)58 462 43 95 (Monday to Friday 10 – 12 am)





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