

# Privacy Policy

Effective date: July 2018



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## 1. INTRODUCTION

LMAX New Zealand Limited (**LMAX, we, us, our, ours** and **ourselves** as appropriate) respect your right to privacy and are committed to protecting this.

This policy (together with Terms of Business and other documents, including but not limited to our Cookie Policy, comprising our Agreement with you sets out the basis on which we process your personal data. Please read the following carefully to ensure you understand our views and practices regarding your personal data and how we will treat it. By visiting <https://nz.lmax.com> (our **Website**) you are accepting and consenting to the practices described in this Privacy Policy.

## 2. INFORMATION WE MAY COLLECT

We may collect and process the following data about you:

- Information that you provide by filling in forms on our Website. This includes information provided at the time of registering to use our Website, subscribing to our service, posting material or requesting further services (including, but not limited to, your application, LMAX account number, name, email address, home address, telephone number, trading activity and history, commission charged (including the portion shared with any third party who introduces you to us (**Introducer**) or is engaged in the activities described in 4(iii), (iv), (v), (vi), (vii) and/or (viii)), open and closed trading positions, your account balance and other financial information, use of your account and your use of our service, Website and facilities). We may automatically capture, store and otherwise process information about you even if you abandon the completion of an online application or registration form.
- We may also ask you for information when you enter a competition or promotion sponsored by our external agents.
- When you report a problem with our Website.
- If you contact us (whether electronically or by post), we may keep a record of that correspondence and retain the records for such periods as may be necessary or required by law. Please refer to our Terms of Business for further information.
- If you contact us by telephone, we may monitor and/or record your conversations with us and retain the recordings for such periods as may be necessary or required by law. Please refer to our Terms of Business for further information. We may also ask you to complete surveys that we use for research purposes, although you do not have to respond to them.
- Details of transactions you carry out through our Website and of your orders and the fulfilment of such orders.
- With regard to each of your visits to our Website we may automatically collect the following information:

- technical information, including the Internet protocol (**IP**) address used to connect your computer to the internet, location data, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform, server logs and other communication data;
  - information about your visit, including, but not limited to, all Uniform Resource Locators (**URL**) clickstream analysis information (which includes collecting, analysing and reporting aggregate data about which pages you visit and in what order, which site you have visited our Website from and which site you go to after leaving our Website (including applicable dates and times)); traffic data; products you viewed or searched for; page response times; download errors; length of visits to certain pages; page interaction information (such as scrolling, clicks, and mouse-overs); and methods used to browse away from the page; and
  - any phone number used to call our customer service number.
- When working closely with third parties (including, but not limited to, business partners, Introducers, agents and sub-contractors in technical, administration, support, payment and delivery services, advertising networks, social media networks, analytics providers and search information providers) we may exchange information about you with them.
  - We may obtain information about you from third parties for the purposes of our compliance with anti-money laundering, anti-fraud and customer due diligence checks, such as credit reference agencies and fraud prevention agencies.

### 3. COOKIES

Our Website uses cookies to enable you to use the Website, the online services we offer and the materials on the Website. Cookies are also used to distinguish you from other users of our Website. This helps us to provide you with a good experience when you browse our Website and also allows us to improve our Website. For detailed information on the cookies we use and the purposes for which we use them see our [Cookie Policy](#).

### 4. WHERE WE STORE YOUR PERSONAL DATA

The data that we collect from you may be transferred to, and stored at, a destination outside of New Zealand. It may also be processed by staff operating outside the New Zealand who work for us, one of our suppliers, Introducers, business partners, agents or sub-contractors. Such staff may be engaged in, among other things; (i) the fulfilment of your order; (ii) the processing of your payment details; (iii) the provision of administration and support services in respect of your customer account with us; (iv) communicating with you about your account and your account functionality and tools; (v) marketing and/or promoting services to you; (vi) other administration and support services; (vii) marketing; and/or (viii) other services. By submitting your personal data, you agree to this transfer, storing and processing.

We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy. All information you provide to us is stored on our secure servers. Any payment transactions will be encrypted. Where you have chosen (or where we have given you) a password which enables you to access certain parts of our Website, you are responsible for keeping this password confidential. You should change your password on a regular basis and not share it with anyone. This will help to reduce the risk of unauthorised access to or use of your account. We strongly recommend that you disable any automatic password memory in your browser prior to using the Website and that you run appropriate anti-spyware, firewall and virus protection on your computer on a regular basis. Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our Website; any transmission is at your own risk. Once we have received your information, we will use appropriate technical and organisational measures to try to prevent unauthorised access or other unlawful processing of your information and against accidental loss or destruction of, or damage to, your information.

## 5. USES MADE OF THE INFORMATION

We use information held about you in the following ways:

- To ensure that content from our Website is presented in the most effective manner for you and for your computer and to improve our Website.
- To administer our Website and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes.
- To provide you with information, products or services that you request from us.
- To provide you with information, products or services that we feel may interest you where you have consented to be contacted for such purposes.
- To provide you with information, products or services of third parties where you have consented to be contacted for such purposes.
- To carry out our obligations arising from any agreement entered into between you and us.
- To allow you to participate in interactive features of our service, when you choose to do so.
- To notify you about changes to our service.

We may also use your data, or permit selected third parties to use your data, to provide you with information about goods and services which may be of interest to you and we, or they, may contact you about these goods and services by e-mail, post, SMS message or telephone.

If you are a customer, we may contact you by electronic means (e-mail, SMS, post and/or telephone) with information about goods and services similar to those which were the subject of a previous sale to you.

If you do not want us to use your data in this way, or to pass your details on to third parties for marketing purposes, please tick the relevant box situated on the form on which we collect your data (the application form). Alternatively, you can contact us by email, telephone or post to inform us that you no longer wish

to receive marketing communications. If you unsubscribe to marketing communications, you will still continue to receive operational communications from us that we deem necessary for the operation of your account.

We do not disclose information about identifiable individuals to our advertisers or partners who provide content to our Website, but we may provide them with aggregate information about our users. We may also use such aggregate information to help advertisers reach the kind of audience they want to. We may make use of the personal data we have collected from you to enable us to comply with our advertisers' wishes by displaying their advertisement to that target audience.

## **6. DISCLOSURE OF YOUR INFORMATION**

We may disclose your personal data to any member of our group, which means any subsidiary company or holding company of ours from time to time, and/or any subsidiary company of any such holding company.

We may share your information with selected third parties including but not limited to:

- Suppliers, Introducers, business partners, advisors, agents and sub-contractors for the performance of any contract we enter into with them or you, including for (but not limited to) the following purposes: (i) assisting us to administer and support your customer account with us; (ii) assisting us to communicate with you about your account and your account functionality and tools; (iii) assisting us to market and/or promote services to you.
- Selected third parties to provide you with information, products or services that you request from us or which we or they feel may interest you, where you have consented to be contacted for such purposes.
- Advertisers and advertising networks that require the data to select and serve relevant adverts to you and others. We do not disclose information about identifiable individuals to our advertisers, but we may provide them with aggregate information about our users (for example, we may inform them that 500 men aged under 30 have clicked on their advertisement on any given day). We may also use such aggregate information to help advertisers reach the kind of audience they want to target. We may make use of the personal data we have collected from you to enable us to comply with our advertisers' wishes by displaying their advertisement to that target audience.
- Analytics and search engine providers that assist us in the improvement and optimisation of our site.
- Credit reference agencies for the purpose of assessing your credit score where this is a condition of us entering into a contract with you, and to fraud prevention agencies in order to conduct appropriate anti-fraud checks, each of which may keep a record of that information.

We may disclose your personal data to third parties:

- In the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets.
- If LMAX New Zealand Ltd or substantially all of its assets are acquired by a third party, in which case personal data held by it about its customers will be one of the transferred assets.

- If you are introduced to us by an Introducer, we may disclose your personal data to such Introducer.
- If we instruct specialist advisers (such as research providers) to provide us with specialist services.
- If we are under a duty to disclose or share your personal data in order to comply with any legal or regulatory obligation, including trade and transactions reporting, or in order to enforce or apply our Terms of Business and other agreements; or to protect the rights, property, or safety of LMAX New Zealand Ltd, members of our group, our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud prevention and detection, and credit risk reduction, or with regulatory or governmental authorities or a court of law or tribunal.

## 7. YOUR RIGHTS

You have the right to ask us not to process your personal data for marketing purposes. We will usually inform you (before collecting your data) if we intend to use your data for such purposes or if we intend to disclose your information to any third party for such purposes. You can exercise your right to prevent such processing by checking certain boxes on the forms we use to collect your data. You can also exercise the right at any time by contacting us using the contact details provided below.

Our Website may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

## 8. CHANGES TO OUR PRIVACY POLICY

Any changes we may make to our Privacy Policy in the future will be posted on our Website. Please check our Website frequently to see any updates or changes to our Privacy Policy.

## 9. CONTACT

Questions, comments and requests regarding this Privacy Policy are welcomed and should be addressed to:

**Email** [info@LMAX.nz](mailto:info@LMAX.nz)                      **Telephone**    +64-4-889-4510

**Address**                                      LMAX New Zealand Limited  
c/o Generator, Level 10-12, 11 Britomart Place, Britomart, Auckland 1143, New Zealand

