

PRIVACY STATEMENT

Apex, its parent company, subsidiaries and affiliates, collects, holds, uses, verifies and discloses (“processes”) information about individuals which may constitute personal data, under applicable data protection and privacy laws in jurisdictions outside State of Kuwait.

Unless advised otherwise, all references to Apex, "we", or "our" in this Privacy Policy includes, individually and collectively, Apex related entities located in jurisdictions outside United States of America, that process personal data as controllers.

In connection with specific products or services offered by Apex, you will also be provided with additional privacy policies or statements which are relevant to those specific products or services.

Please read this Privacy Policy carefully to understand how we process your personal data.

1. What personal data do we collect?

If you deal with Apex as a private client, investor or otherwise in your individual capacity e.g. relating to a investment vehicle or as a current or prospective employee, then, depending on the jurisdiction you are in, we collect the following types of personal data about you:

- Personal details, such as name, age, date of birth, gender, citizenship, occupation and marital status;
- Contact details, such as current and previous address, telephone, email, in some cases both private and work-related contact details;
- Identification documents, such as your passport, copies which generally include a head and shoulders photograph from, as applicable, your passport, national identity card or driver's license, as required and permitted by applicable laws and regulations addressing due diligence and related matters;
- A government-issued personal identifier, such as depending on your country of residence, your Social Security Number, National Insurance Number, Tax File Number or Medicare Number etc. (as permitted by law);
- Personal details relating to your immediate family members and details relating to any senior political figures (e.g. senior military or government official) to whom you are connected;
- Financial information, including source of wealth/funds, investment experience and objectives, risk tolerance and, in certain jurisdictions, representations required under applicable law or regulation concerning your financial resources; and
- Information relating to political affiliations, trade union membership or criminal convictions, (as required and /or permitted by law).

If Apex is assisting in providing financial services to you, we also collect personal information about you that is credit information, including:

- The fact that you have applied for credit, the credit type, the credit provider, and the amount;
- If permitted, your credit history with other credit providers, including whether you have met obligations to make repayments in the past;
- Default and payment information about you;
- Court proceedings information about you;
- Personal insolvency information about you;
- Publicly available information about you that relates to your creditworthiness that is entered on the National Personal Insolvency Index; and
- If permitted, an opinion of a credit provider confirming whether you have committed a serious credit infringement in relation to consumer credit provided by that provider to you.

If you deal with Apex in the capacity of an officer, employee, director and or principal of one of our corporate or institutional clients, the personal data we collect about you personally includes:

- Your name, date of birth and contact details;
- Your role/position/title and area of responsibility; and certain identifying information (e.g. passport photo, etc.) as required by applicable law; regulations addressing money laundering and related matters; and
- Information relating to political affiliations, trade union membership or criminal convictions, (as required and /or permitted by applicable law).

We will also request sensitive personal data from employees, applicants for employment or individuals wishing to provide services to us. Such data includes information about your origin, political opinion, religious beliefs or affiliations, membership of a professional or trade association, criminal record, genetic information, health information or medical history. As with any personal data, we will only collect and process sensitive information where we have a legal basis for such collection and processing, including where required or permitted under applicable law or where we have your consent (where we are legally required to do so).

Of course, you are not required to supply any of the personal data that we request. However, failure to supply any of the personal data that we request may result in our being unable to open or maintain your account, provide services to you or your company, discuss any other opportunities with you or deal with other matters.

While we make every effort to ensure that all personal data, we hold about you is accurate, complete and up to date, you can help us considerably in this regard by promptly notifying us if there are any changes to your personal data. To extent permissible under applicable law, we shall not be responsible for the authenticity of any personal data or sensitive personal data or any losses arising from any inaccurate or deficient personal data or sensitive personal data that you supply to us.

2. How do we collect your personal data?

The personal data we collect regarding you comes primarily from information that you submit to us or that is otherwise captured during the course of your relationship with us.

For clients, we obtain personal data about you from the forms and documents used when you apply for a portfolio with us, from your transactions with us and from your access to or use of our products and services.

For employees or applicants for employment, we obtain personal data about you from your resume or job application form.

We also collect personal data when we monitor or record our communications with you or through use of certain technology as detailed further below.

3. Personal data obtained from other sources

We also obtain your personal data from our agents or service providers acting on our behalf, from third parties authorized to provide us with such information, such as credit reporting bodies, other credit providers or other agencies used for running due diligence checks, authorized third parties performing identity verification procedures on our behalf and/or from third parties who provide services to you such as your financial adviser, financial planner, accountant or other professional adviser.

The personal data we obtain through these sources include personal details, contact details, identification documents, personal identifier, financial account information, and were permitted by applicable law and only to the extent needed information relating to political affiliations, trade union membership or criminal convictions. In addition, where Apex is offering financing to you and these sources are performing identity verification functions in relation to such financing offering, they will disclose name, date of birth and address to a credit reporting agency if permitted by applicable law. In such an instance, the credit reporting agency will perform an assessment of whether the information matches its record, either in whole or part, and provide the assessment results to us. Please inform your Client Relation Officer, in the event you do not want your personal data verified against credit reporting agency information for identity verification purposes, who will discuss other options available to you.

Some of this information is publicly accessible and/or reliable and independent databases that we access through an authorized third party to whom we disclose your personal data for the purpose of performing required identity verification procedures.

Where you are an individual associated with a corporation or institution with whom Apex does business, your personal data will also be provided to us via that corporation or institution. Such personal data includes personal and contact details, financial information, identification documents and, where permitted by applicable law and only to the extent needed, information relating to political affiliations, trade union membership or criminal convictions.

4. What are the purposes and legal basis for which we use your personal data?

We are not allowed to process personal data if we do not have valid legal grounds. Accordingly, we, our associated firms and/or other persons acting on our or their behalf will only process and use your personal data:

- (a) if necessary for our legitimate interests, (in each case provided such interests are not overridden by your privacy interests) or necessary for taking steps to enter or executing a contract with you for the services or products you request, or for carrying out our obligations under such a contract, such as when we use your personal data including:
 - Administer and operate services in accordance with the customer documents (including without limitation authorizing or confirming transactions and for billing purposes);
 - To provide operational support and development of our businesses including to evaluate customer service, efficiency and cost, as well as risk management purposes;
 - To contact you about other services and products we offer (with your prior consent where required by applicable law);
 - For monitoring purposes specified section 5 below; and
 - For other legitimate interest as listed in (b) to (d) inclusive below.

- (b) When dealing with us as an individual, where necessary for taking steps to enter into or executing a contract with you for the services or products you request; or for carrying out our obligations under such a contract, in this case, the provision of your personal data is a requirement necessary to enter into a contract with us, meaning that you are obliged to provide your personal data to us in order to carry out the relevant contract (which otherwise, we will not be able to do), including:
 - For recruitment purposes, to confirm your references and educational background and to consider your suitability for any current or future recruitment requirements;
 - In case of employees, to carry out the employment relationship, to fulfill our duties as an employer and to make use of our rights as employer; and
 - For internal training purposes.

- (c) To exercise and defend our legal rights anywhere in the world including in relation to any litigation, disputes or contentious matter we or that of any Associated Firm anywhere in the world are involved in and/or to assist with investigations, complaints, regulatory requests, litigation, arbitration, mediation or requests from individuals;
- (d) In order to comply with legal and regulatory obligations and requests, (including any legal or regulatory guidance, codes or opinions), applicable to us anywhere in the world or for the performance of a task carried out in the public interest, including:
- To carry out credit, money laundering and conflict checks and for fraud, financial crime prevention purposes (and this may include consideration of information regarding political affiliations and criminal offences committed or alleged to have been committed); to verify your personal data we collect from you for such credit, money laundering and conflict checks;
 - For reporting (including without limitation transaction reporting) to, and audits by, national and international regulatory, enforcement or exchange bodies and complying with court orders associated with us; and for monitoring purposes specified below.

5. What monitoring do we conduct?

To the extent permitted by applicable law, we, our associated entities or any other persons on our or their behalf access, review, disclose, intercept, monitor and/or record (“Monitor”) (i) verbal and electronic messaging and communications (e.g., telephone, facsimile, sms, instant message, email, Bloomberg and any other electronic or recordable communications) with you and your agent (“Communications”) and (ii) your use of technology owned by or made accessible by us, our Associated Firms or any other persons on our or their behalf, including but not limited to systems that facilitate Communications with you or your agent, information processing, transmission, storage and access, as well as remote access (collectively “Systems”).

We will only Monitor Communications and Systems to the extent permissible under applicable law from time to time for the following purposes:

- to establish the existence of facts (e.g., keeping records of transactions);
- to ascertain compliance with regulatory or self-regulatory practices or procedures which relate to our business;
- to ascertain or demonstrate standards which are achieved or ought to be achieved by persons using Systems, including compliance with any terms of use associated with use of Communications and Systems;
- to prevent, detect or investigate crime, money laundering, fraud, financial crime and/or other breaches of applicable law;
- to comply with applicable laws and regulations, this Privacy Policy and any applicable policies and procedures;
- to safeguard against the loss, theft, unauthorized and unlawful collection, use, disclosure, destruction or other processing or misuse of confidential and proprietary information
- to prevent, detect or investigate unauthorized use of Communications and Systems and/or data (e.g., Monitoring to ensure compliance with our policies and procedures, including without limitation those relating to information security and cyber security);
- to ensure the effective operation of Apex Systems (including telephones, email and internet) systems;
- for security or health and safety purposes;
- for support and administration purposes;

- to assist with investigations, complaints, regulatory requests, litigation, arbitration, mediation or requests from individuals; or
- for evaluating the quality of customer service, efficiency, cost, and risk management purposes.

Monitoring is conducted by us using various methods, including: (i) the use of “intelligent” automated monitoring tools; (ii) IT filtering tools which randomly review Communications and Systems; (iii) through random monitoring of Communications and Systems, e.g. by authorized supervisors randomly joining on-going telephone calls on the sales and trading floors; (iv) specific monitoring of key Communications and Systems e.g. in relation to investigations, regulatory requests, subject access requests, litigation, arbitration or mediation or; (v) data tracking, aggregation and analysis tools that pull data from various disparate data sources to draw linkages and/or detect behavioral patterns, interactions or preferences for analysis (including predictive analysis); and/or (vi) using other similar Monitoring technology that may become available from time to time.

We also use cookies and similar technologies to collect information about you when you visit our websites or interact with us on-line e.g. via email or other electronic means.

6. When do we disclose personal data we collect about you?

Please rest assure that Apex ;

- does not sell, rent or trade your personal data; and
- does not disclose your personal data, except as described in this Privacy Policy.

Our processing and use of your personal data, for the purposes specified in this Privacy Policy, includes disclosure of your personal data:

- Between us and our associated firms.
- To other persons processing your personal data on our behalf or otherwise providing us or them with professional or other services including our associated firms and vendors which conduct operational, technology and customer service functions in various jurisdictions;
- To third parties such as administrators, services firms, settlement agents, overseas banks or exchange or clearing houses to whom we disclose personal data while providing products and services to you;
- To credit reference, fraud prevention and other similar agencies, and other financial institutions, with whom information is shared for credit and money laundering checking and fraud prevention purposes;
- To persons to whom we assign or novate our rights or obligations;
- To a prospective seller or buyer in the event that we sell or buy any business or assets or if all or substantially all of our 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;
- To national and international regulatory, enforcement or exchange bodies or courts anywhere in the world as required by applicable law or regulations anywhere in the world or at their request; and,
- To any third party to whom you authorise us to disclose your personal data.

7. How do we protect your personal data we collect about you?

Apex maintains appropriate physical, technical and procedural safeguards designed to protect any information that you provide to us, mainly;

- Safeguard the confidentiality and privacy of information resources;
- Properly classify information resources;

- Meet legal and regulatory obligations concerning the protection of information resources;
- Implement and maintain information security policies and procedures;
- Integrate protection of information resources into the process lifecycles of the business;
- Educate those working for or on behalf of Apex on Information Security policies and responsibilities; and
- Authenticate users and limit access to information resources based on authorization that has been granted.

8. How do we retain your personal data?

We retain personal data in an identifiable form in accordance with our records retention policy which establishes general standards and procedures regarding the retention, handling and disposition of personal data. Personal data is retained as long as necessary to meet legal, regulatory and business requirements. Retention periods will be extended if we are required to preserve personal data in connection with litigation, investigations and proceedings. Upon request, we and/or our Associated Firms will provide you with more information on the exact retention periods applying to Your Information in each case.

9. What marketing do we conduct?

If there are any products or services that we or our associated firms believe may be of particular interest to you, whether provided by us, by our associated firms, we or our associated firms will contact you by mail, email, telephone, etc., including outside standard working hours or if you are travelling overseas. Where required by applicable law, we will request your prior consent before we or our associated firms use your personal data for marketing purposes. If you do not wish us to use or provide to our associated firms Your Information for marketing purposes, you may notify us at -----@Apex.com any time or as directed in any marketing materials we send to you. Please note that if you do not wish us or our associated firms to contact you for such purposes, we or our associated firms may need to limit the range of products and services which we or our associated firms will offer to you or we or our associated firms may not be able to open an account for you or continue our relationship with you.

9. How do we update this Privacy Policy?

We may change or update portions of this Privacy Policy to reflect changes in our practices and or applicable law and regulation. Please check this Privacy Policy from time to time so you are aware of any changes or updates to the Privacy Policy, which may be indicated by a change in the effective date noted at the beginning of the Privacy Policy. Where required under applicable data protection and privacy laws, we will notify you of any change or update portions of this Privacy Policy by individual message or by disclosing the changes to the data processing on a publicly available medium.