

# Privacy Policy

Last updated on October 12, 2020

## General

### WHAT IS THE SCOPE OF THIS PRIVACY POLICY?

OPOLO SARL ("OPOLO" or "we") regards as of paramount importance the protection and security of individuals' data. We encourage you to read this policy carefully.

The purpose of this information notice (the "Privacy Policy") is to inform you ("you", "your", or "Customer") about how we and the data processors acting on our behalf, may collect and process personal data and other information concerning you and your use of our Services, as well as security measures we implement to ensure the confidentiality and integrity of your personal data and the rights you have to control them throughout your use of our websites, opolo.io, opolo.shop, as well as of the OPOLO Desk and OPOLO Mobile software applications (together the "Services") in accordance with the Applicable Laws.

We may provide additional information about data processing practices for specific Services. These notices may supplement or clarify this Privacy Policy, sometimes providing you with additional choices about how we process your data. If you do not agree with or you are not comfortable with any aspect of this Privacy Policy, you should immediately discontinue access or use of our Services.

You acknowledge that this Privacy Policy applies only to the Services and to the use of our websites, and does not cover any information collected and/or processed by third parties on external websites or sources, of which the link appears on our websites. As a result, OPOLO is not responsible for these websites or external sources' activities in the collection and processing of personal data, which shall, where appropriate, be governed by the privacy notices of each of these external websites or sources.

### WHO ARE WE?

OPOLO SARL, a private limited company registered with the Luxembourg Register under number B237193, with a capital of 12000 € whose registered office is located 29 rue

Herrenfeld, L 8415 Steinfort, Luxembourg, is the main controller of your personal data processed throughout the use of the Services, as provided by the Luxembourg Data Protection Act and the Applicable Laws (as defined below).

## WHAT ARE APPLICABLE LAWS?

Our Services and the processing of your personal data and other information are performed in accordance with Luxembourg Regulation 2016/679 and Act of 1 August 2018 (the "Data Protection Act" ), with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (the "GDPR"), as well as with Luxembourg and European laws regulating personal data and privacy protection in electronic communications, notably the "ePrivacy" Directive 2002/58/EC (together the "Applicable Laws"), as interpreted by the Luxembourg Data Protection Authority (the "CNPD") and by the European Court of Justice (the "ECJ").

## What information do we collect?

### INFORMATION WE PROCESS MAY INCLUDE PERSONAL DATA.

Personal data means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

### WEBSITES

When you purchase an OPOLO product on our website, you may provide information such as your name (first name, last name), your e-mail address, your postmail address, your phone number (together your "Contact Details").

You may also provide our Payment Service Providers ("PSP") (e.g. Stripe, Paypal), with your credit card number and relevant payment information (your "Payment Details"), when you purchase an OPOLO Product.

Your Contact and/or Payment Details are processed so we can ensure the smooth running of our contractual relationship: handling your orders and delivering our products, processing invoices and payments, preventing fraud, managing claims and sending you important

notifications.

When you sign up to our newsletters or ask to be contacted for a demo, or subscribe in any other page on our website, you express your consent to the use of your email address or other Contact Details by OPOLO to keep you up-to-date with our latest news, promotions and OPOLO community activities, such as product testing and feedback campaigns.

When you contact our Customer Support team for assistance, we will ask for your email or some other Contact Details and we will record the content of our correspondence with you. We may also request that you send formal identification information. This data allows us to answer your query, monitor service quality and compliance, check accuracy of the information you provide us, prevent fraud or provide training for our staff and customer service representatives.

We record data about visitors who use our websites which may contain information about you including the following: IP address, type of operating system, browsing software and device you use, date and time you visited the website, information about your visit including the URL clickstream to, through and from our website, products you viewed or searched for, download errors, length of visits to certain pages, page interaction (“Browsing Data”). With that Browsing Data, we troubleshoot problems, prevent fraud and abuse, we customize your browsing and shopping experience, and we analyze trends and demographics to improve our Services and marketing activities. We may collect some of this Browsing Data for purposes described in this Privacy Policy with the use of various technologies including cookies or other device identification technologies (for further information please refer to our Cookie Policy).

## OPOLO Desk/ OPOLO Mobile

OPOLO provides non-custodial services. That means that we do not store, nor do we have access to your crypto assets nor your private keys at any point in time.

We strongly adhere to the data minimization principle set forth under Applicable Laws and endeavor to only process personal data that is strictly necessary for the following legitimate and specific purposes:

- fix bugs and improving the functionality of OPOLO products and services
- facilitate your support requests
- investigate and prevent potential security issues, abuse, fraud and breaches
- understand and evaluate the need for additional services and features

- optimize marketing operations (eg. highlight and educate customers on most used features)
- convey important information to customers (eg. firmware updates, security warnings, legal notices)
- honor our contractual commitments to selected partners and providers
- meet applicable legal obligations and regulatory requirements

We exclusively process, de-identified, aggregate, pseudonymized and anonymized data to support your journey on OPOLO Desk or OPOLO Mobile:

- Usage and bug reporting information such as the version, language, and region registered for your operating system and your OPOLO Desk or OPOLO Mobile apps.
- Data related to your activity on OPOLO Desk or OPOLO Mobile such as type of currency, timestamps, transaction amounts and status, page views.

Some services accessible through OPOLO Desk or OPOLO Mobile are partly or fully provided by third parties who may process your information as set forth in their own privacy policies, contractual commitments we have with them or applicable laws.

Some concrete examples:

- In order to gain access to third-party services through OPOLO Desk or OPOLO Mobile, you understand and acknowledge that your location information, including your IP address, may be collected on behalf of and checked by selected partners in order to meet their own AML/KYC requirements.
- When you buy crypto assets via OPOLO Desk or OPOLO Mobile, we or our Payment Service Providers will process your transaction and Payment Data on behalf of our partners in order to complete your trade, facilitate billing and analyze service performance.
- If you are a proof-of stake service validator featured on OPOLO Desk or OPOLO Mobile, we display your name/pseudonym, delegated balances or any relevant information publicly disclosed by you on the application's interface.

## SENSITIVE AND CONFIDENTIAL DATA

We will not intentionally collect or maintain, do not want you to provide, and will never ask you for any information regarding medical or health conditions, race or ethnic origin, political

opinions, religious or philosophical beliefs nor any other confidential information (eg. credentials, private keys, password, or passphrase). Please prevent from disclosing to us or to any third party any sensitive personal data relating to you or any other person.

## How long do we keep your information?

In accordance with the storage limitation principle set forth under Applicable Laws, we endeavor retaining data for no longer than the time required to achieve and comply with such legitimate and legal purposes, including satisfying any legal, accounting, tax or other compliance reporting requirements.

We may archive some of your personal data, with restricted access, for an additional period of time when it is strictly necessary for us to comply with our legal and/or regulatory archiving obligations and for the applicable statute of limitation periods. At the end of this additional period, your remaining personal data will be permanently erased or anonymized from our systems.

To determine the retention period of your data, we consider the legitimate purpose for which your data has been collected and may be further processed, among those listed in this Privacy Policy. In particular,

- Where cookies or other technical tracking technologies are placed on your computer or when we process your Browsing Data, we keep them for as long as necessary to achieve their purposes (e.g. for the duration of a session for session ID cookies) and for a maximum period defined in accordance with Applicable Laws.
- If you contact us as part of an enquiry, we keep your personal data, notably your Contact Details, for as long as necessary to process your enquiry.
- If you purchased a product or a service from us, we may retain some transactional data attached to your Contact Details to comply with our legal, tax or accounting obligations for a maximum 10 years period set forth by Luxembourg applicable laws, as well as to allow us to manage our rights (for example to assert our claims in Courts) during applicable Luxembourg statutes of limitations.

## Who may we share your information with?

OPOLO, its employees and contractors may use some of your personal data strictly as part of their duties and in accordance with this Privacy Policy.

We may also transmit some of your data to third parties such as payment services, infrastructure, logistics, and other services providers.

We enter into contractual arrangements with these third parties to ensure that personal data they could have to process for the provision of their tasks is adequately secured and that your privacy is protected. These providers have privacy policies which you may refer to for information about how they process your information and how to exercise your data subjects' rights as provided under Applicable Laws. All personal data processed by these third parties shall solely be used to perform the services they provide to us and for the purposes set out in this Privacy Policy.

In certain circumstances and only where required by Applicable Laws, we may disclose some of your data to competent administrative or judicial authorities or any other authorized third party.

## What are your rights regarding your personal data?

You can withdraw your consent to receiving our marketing emails by clicking on the "Unsubscribe" link at the bottom of the emails we sent you.

You have the right to request access to the personal data we retain about you, their rectification or erasure, as well as the right to request the restriction of the processing or to object to the processing of your personal data.

You also have the right to request a copy, in an interoperable format (right to your data "portability"), of the personal data that you have provided to us for the performance of a contract with us or under your sole consent.

Finally, Luxembourg data subjects also have the right to set general or specific guidelines regarding the fate of their personal data in the event of death and to change them at any time. They have the option to register such guidelines with a digital trusted third party certified by the Luxembourg data protection authority.

If you object to the processing or ask for the erasure of your personal data by OPOLO, we shall acknowledge the receipt of your request and, within a maximum one month period, we shall stop processing your personal data or erase it from our IT systems, except where OPOLO has legitimate and compelling grounds for processing, or for the purpose of ascertaining, exercising or defending its legal rights in accordance with the Applicable Laws. If necessary, OPOLO shall inform you of the legal grounds and reasons why your request could not be satisfied in whole or in part.

To exercise any of the abovementioned rights, please send us a request using the below Contact Information. We will take steps to verify your identity, to ensure, with a reasonable degree of certainty, that you are at the origin of the data subjects' right request. When feasible, we will match personal data provided by you in submitting a request to exercise your rights, with other information already maintained by OPOLO, this could include matching two or more data points you provide us. In some instances, when the matching cannot establish your identity, we can request you to provide a copy of a formal identification document.

## Contact Information

If you wish to access, correct, modify or delete the personal information we have about you, object to their processing, exercise your right to portability, file a complaint, exercise any of the above-mentioned rights or simply obtain more information about the use of your personal data, please contact OPOLO and its privacy Team at : [hello@opolo.io](mailto:hello@opolo.io)

OPOLO will endeavor to find a satisfactory solution to ensure compliance with the Applicable Laws.

In the absence of a response from OPOLO or if you are not satisfied by OPOLO's response or proposal or at any moment, you have the ability to lodge a complaint before the CNPD (the Luxembourg data protection commission) or with the supervisory authority of the Member State of the European Union of your country of residence.

## How do we secure personal data?

In order to ensure the integrity and confidentiality of your personal data, we implement appropriate physical, electronic and organizational procedures to safeguard and secure personal data throughout our Services.

In particular, OPOLO implements necessary technical and organizational measures, in order to ensure the security and confidentiality of your personal data collected and processed, and particularly, to prevent your personal data from being distorted, damaged or communicated to unauthorized third parties, by ensuring an appropriate level of security with regards to the risks associated with the processing and the nature of the personal data to be protected.

We notably implement the following security measures, among others:

- Payment Data security: If you provide us with credit card information, such information is encrypted using a secure Internet Trade Protocol (TLS) and sent directly to our

Payment Service Provider (PSP). This information is never stored on our server.

- Awareness program and employee trainings
- Data encryption in transit and at rest
- Data centers routinely audited
- Data redundancy for resilience in case of disasters
- Role-based authentication
- Two-factor authentication of our authorized employees
- Continuous system monitoring
- Industry-standard security evaluations
- Independent third-party security reviews and penetration tests

While we endeavor to provide best-in-class protection for your personal data when you use our Services, please keep in mind that the transmission of information on the Internet is not fully secure.

You remain responsible for keeping your personal credentials, passwords, PIN codes, Payment Data, recovery phrases confidential and secure as OPOLO does not have access to that information.

## How do we transfer your personal data outside of the EEA?

Personal data that we collect from you may be stored and processed in, and transferred to, countries outside the European Economic Area (EEA). For example, this could happen if our servers are located in a country outside the EEA or if one of our service providers is located in a country outside the EEA. These countries may not have data protection laws equivalent to those in force in the EEA.

If we transfer personal data outside the EEA this way, we will take the necessary steps to ensure that your personal data continues to be protected in compliance with the Applicable Laws, notably by only transferring your personal data to businesses established in countries recognized by the European Commission as providing an adequate level of protection for your

personal data or to organizations with whom we have entered into contractual arrangements to ensure an appropriate protection of your personal data, including the European Commission standard contractual clauses or that commit themselves to applying a code of conduct or a certification mechanism validated by the competent European authorities.

Please note that in light of the “Schrems II” European Court of Justice decision (C-311/18) released on July 16, 2020, invalidating amongst other things the so called “EU-US Privacy Shield arrangement”, OPOLO is currently reviewing, analyzing and will apply guidelines of the European Data Protection Board as of July 24, 2020, in order to appropriately keep on ensuring an adequate level of protection of your privacy and your personal data processed by our service providers established in the USA or outside of the European Economic Area and relying on their Privacy Shield certifications as monitored by the US Federal Trade Commission. We are confident that OPOLO’s long-standing security and privacy culture will enable us to identify and apply appropriate solutions to continue serving our clients globally and on both sides of the Atlantic with trust and security and without interruption.

For more information on the safeguards put in place, please contact us.

## Miscellaneous

If a court or competent authority considers that any provision of this Privacy Policy (or any part thereof) is invalid, illegal or unenforceable, that provision or relevant part of the provision will, to the extent required, be deemed to be deleted. The validity and enforceability of the other provisions of this Privacy Policy will not be affected.

Unless otherwise agreed, no delay, act or omission by a party in exercising a right or remedy will be deemed a waiver of such right, or of another right or remedy.

This Privacy Policy is governed by and interpreted according to Luxembourg law. Any dispute arising out of this Privacy Policy will be subject to the exclusive jurisdiction of the Luxembourg courts.

## Changes to our Privacy Policy

We reserve the right to make changes to this Privacy Policy as we deem necessary from time to time or as may be required by law. All changes will be posted immediately on our website and you are deemed to have accepted the new terms of the Privacy Policy when you first use the Services after such changes. Where appropriate, we will notify you of these changes in due

time.

In the event OPOLO is the subject of a corporate transaction such as an acquisition or merger with another company, your information may be transferred to the new owners so that we can continue to provide our Services to you. We will, in any case, take steps to protect your privacy.

OPOLO SARL, Steinfort, Luxembourg