

PRIVACY POLICY

Last updated: 1 June 2021

Your Privacy Is Important To Us.

This Privacy Policy applies to personal information held by Magpie Securities Limited as the data user (or data controller), as described below. It explains what information we collect about you, how we will use that information, who we will share it with, the circumstances when we will share it and what steps we will take to make sure it stays private and secure. It should be read alongside the Terms of Use and Disclaimer, as these include sections relating to the use and disclosure of information.

If you open an Account with us, or access or use the Platform, then this Privacy Policy is deemed to be agreed by you and will apply to you.

1. Definitions

- 1.1 **“Account”** means the trading account opened and maintained by the user with Magpie for the sole purpose of trading via the Platform; each Account is uniquely identified through a unique identification number.
- 1.2 **“Affiliate”** means, with respect to a Party, any Person that controls, is controlled by or is under common control with the Party. For purposes of this definition only, **“control”** means: (i) to possess, directly or indirectly, the power to direct the management or policies of a Person, whether through ownership of voting securities or by contract relating to voting rights or corporate governance, or (ii) to own, directly or indirectly, fifty percent (50%) or more of the outstanding voting securities or other ownership interest of such Person, or (iii) in the case of a partnership, control of the general partner.
- 1.3 **“Agreement”** means the Terms, any Additional Terms which we will communicate to you before we provide a product or service to you, and the Application signed by you.
- 1.4 **“Application(s)”** means the document and/or any other electronic registration process that we may require you to complete to open an Account with us.
- 1.5 **“Client Order(s)”** means an instruction received and accepted by us to buy or sell a financial instrument.
- 1.6 **“Data Privacy Laws”** means all applicable laws, regulations and regulatory guidance in relation to the processing or protection of personal data, as amended from time to time, including but not limited to:
 - (a) Personal Data (Privacy) Ordinance (Cap. 486 of the Laws of Hong Kong);
 - (b) Cybersecurity Law of the People's Republic of China, and the relevant Guidelines, Civil Code and Decisions; and
 - (c) Regulation (EU) 2016/679 of 27 April 2016, General Data Protection Regulation (**“GDPR”**).
- 1.7 **“Magpie Group”** means Magpie Securities Limited, and/or any of its Affiliates, holding company, subsidiaries, associated entities and any of their branches or offices.
- 1.8 **“Person”** includes a natural person, corporate or unincorporate body (whether or not having separate legal personality).

2. Who We Are

Magpie Securities Limited (**“Magpie”**, **“we”**, **“us”** and **“our”**) is the owner, operator and provider of the online brokerage platform named “Magpie Invest” (**“Platform”**), which is accessible through

the websites www.magpieinvest.com, www.magpieinvest.cn and their sub-domains (collectively, “**Site**”), a mobile application (“**App**”) and other media platforms.

We are the data user (or data controller) in respect of your personal data under the Data Privacy Laws.

3. Are You Over 18?

Our Platform, including the Site and the App, are intended only for people over the age of 18.

4. What Information We Collect

We will only collect your information in line with relevant regulations and law. We may collect it from a range of sources and it may relate to any of our products or services you apply for. We may also collect information about you when you interact with us, e.g. visit the Site or the App, call us, or ask about any of our products and services.

Some of the information will come directly from you, e.g. when you provide your identity details to open an Account. It can also come from your broker, other Magpie companies, or other sources you have asked us to obtain information from. We might also get information from publicly available sources.

4.1 Information that you provide to us, for example:

- personal details, e.g. name, gender, date and of birth;
- contact details, e.g. address, email address, mobile numbers;
- information concerning your identity e.g. photo ID, passport information, National ID card and nationality;
- market research, e.g. information and opinions expressed when participating in market research;
- user login and registration data, e.g. login credentials for phone;
- financial information, e.g. salary level and savings;
- employment information;
- bank account information for account verification (for the Mainland) and fund transfer (for Hong Kong); and
- other information about you that you give us by filling in Applications or by communicating with us, whether face-to-face, by phone, email, online, or otherwise;

4.2 Information we collect or generate about you, for example:

- your financial information and information about your relationship with us, including the products and services you hold, the channels you use and your ways of interacting with us, your ability to get and manage your credit, your payment history, transactions records, market trades, payments into your account and information concerning complaints and disputes;
- information we use to identify and authenticate you, e.g. your signature or electronic signature and your biometric information, such as your voice for voice ID and facial video, or additional information that we receive from external sources that we need for compliance purposes;
- geographic information;

- information included in the Applications and other customer documentation;
- marketing and sales information, e.g. details of the services you receive and your preferences;
- information about your device or the software you use, e.g. IP address, technical specification and uniquely identifying data;
- cookies and similar technologies we use to recognise you, remember your preferences and tailor the content we provide to you;
- risk rating information, e.g. credit risk rating and transactional behaviour;
- investigations data, e.g. due diligence checks, sanctions and anti-money laundering checks, external intelligence reports, content and metadata related to relevant exchanges of information between and among individuals and/or organisations, including emails, voicemail, live chat, etc.;
- records of correspondence and other communications between us, including email, live chat, instant messages and social media communications; and
- information that we need to support our regulatory obligations, e.g. information about transaction details, detection of any suspicious and unusual activity and information about parties connected to you or these activities.

4.3 Information we collect from other sources, for example:

- information you have asked us to collect for you, e.g. information about your Account or transaction information;
- information from third party providers, e.g. information that helps us to combat fraud; and
- information from publicly available sources.

5. How We Will Use Your Information

5.1 Legal basis for collecting your information

We will only use your information where we have your consent or we have a lawful reason for using it. These reasons include where we:

- need to pursue our legitimate interests;
- need to process the information to enter into or carry out the Agreement;
- need to process the information to comply with a legal obligation;
- believe the use of your information as described is in the public interest, e.g. for the purpose of preventing or detecting crime;
- need to establish, exercise or defend our legal rights; and
- need to use your information for insurance or debt recovery purposes.

5.2 Purposes of using your information

Specifically, we will use your personal information for the following purposes:

- deliver our products and services;

- carry out your instructions, e.g. to fulfil a Client Order;
- carry out checks in relation to your creditworthiness;
- manage our relationship with you, including (unless you tell us otherwise) telling you about products and services we think may be relevant for you;
- understand how you use the Platform and our services;
- support the operation of the Platform;
- prevent or detect crime including fraud and financial crime, e.g. financing for terrorism and human trafficking;
- ensure security and business continuity;
- manage risk;
- market our products and services to you, and to people like you, e.g. through traditional and online advertising;
- improve the Platform and our services, including through analysing how you use them;
- analyse data to better understand your circumstances and preferences so we can make sure we can provide you with the best tailored services and user experience;
- protect our legal rights and comply with our legal obligations;
- correspond with professional advisors and third party intermediaries;
- undertake system or product development and planning, insurance, audit and administrative purposes; and
- recover money which you owe to us.

5.3 How we make decisions about you

We may use automated systems to help us make decisions, for example, when you apply for products and services, to make credit decisions and to carry out fraud and money laundering checks. We may use technology that helps us identify the level of risk involved in customer or account activity, for example, for credit, fraud or financial crime reasons, or to identify if someone else is using your Account without your permission.

You may have a right to certain information about how we make these decisions. You may also have a right to request human intervention and to challenge the decision. More details can be found in the [Your Rights](#) below.

5.4 Tracking and recording

To help keep your trading safe, we may record details of your interactions on the Platform. We may record and keep track of conversations you have with us including phone calls, face-to-face meetings, letters, emails, live chats, video chats and any other kinds of communication. We may use these recordings to check your instructions to us, assess, analyse and improve our services, train our people, manage risk or to prevent and detect fraud and other crimes. We may also capture additional information about these interactions, e.g. telephone numbers that you call us from and information about the devices or software that you use.

5.5 Legal and regulatory compliance

We will use your information to meet our compliance obligations, to comply with other laws and regulations and to share with regulators and other authorities that Magpie Group companies are subject to. This may include using it to help detect or prevent crime (including terrorism financing, money laundering and other financial crimes). We will only do this on the basis that it is needed to comply with a legal obligation, it is in our legitimate interests and that of others, or to prevent or detect unlawful acts.

5.6 Marketing

We may use your information to provide you with details about our products and services, and also products and services from our partners and other service providers. We may send you marketing messages by post, email, telephone, text, secure messages, or through social media. You can change your preference on how you would like to receive marketing communications or choose to stop receiving them at any time. To make that change, please [Contact Us](#).

5.7 Market research

We may use your information for market research and to identify trends. Market research agencies acting on our behalf may get in touch with you by post, telephone, email or other methods of communication to invite you to take part in research. We will not invite you to take part in research using a communication method if you have asked us not to get in touch that way. Any responses that you provide whilst participating in market research will be reported back to us anonymously unless you give us permission for your details to be shared.

6. Who We Might Share Your Information With

6.1 We may share your information with other Persons where lawful to do so including where we or they:

- need to provide you with products or services you have requested, e.g. fulfilling a payment request;
- have a public or legal duty to do so, e.g. to assist with detecting and preventing fraud, tax evasion and financial crime;
- need to in connection with regulatory reporting, litigation or asserting or defending legal rights and interests;
- wish to send marketing communications to you, as long as you have given us your consent, or it is within our legitimate interest to do so;
- have a legitimate business reason for doing so, e.g. to manage risk, verify your identity, enable another company to provide you with services you have requested, or assess your suitability for products and services;
- have asked you for your permission to share it, and you have agreed.

6.2 We may share your information for the above purposes with the following classes of Persons:

- other Magpie Group companies and any sub-contractors, agents or service providers who work for us or provide services to us or other Magpie Group companies (including their employees, sub-contractors, service providers, directors and officers);
- any trustees, beneficiaries or executors;
- Persons who give guarantees or other security for any amounts you owe us;
- Persons you make payments to and receive payments from;

- your beneficiaries, intermediaries, correspondent and agent banks, clearing houses, clearing or settlement systems, market counterparties and any companies you hold securities in through the Platform, e.g. stocks, bonds or options;
- financial institutions, tax authorities, credit reference agencies, payment service providers and debt recovery agents;
- any fund managers who provide asset management services to you and any brokers who introduce you to us or deal with us for you;
- Persons who provide marketing or advertising services for us;
- any entity that has an interest in the products or services that we provide to you;
- any people or companies where required in connection with potential or actual corporate restructuring, merger, acquisition or takeover, including any transfer or potential transfer of any of our rights or obligations under the Agreement;
- law enforcement, government, courts, dispute resolution bodies, our regulators, auditors and any party appointed or requested by our regulators to carry out investigations or audits of our activities;
- other parties involved in any disputes, including disputed transactions;
- fraud prevention agencies who will also use it to detect and prevent fraud and other financial crime and to verify your identity;
- anyone who provides instructions or operates your Account on your behalf, e.g. Power of Attorney, lawyers, intermediaries, etc;
- anybody else that we have been instructed to share your information with by either you or anybody else who provides instructions or operates your Account on your behalf; and
- our payment processing supplier(s) to carry out credit, fraud and risk checks, process your payments, issue and manage your transactions.

6.3 Sharing aggregated or anonymised information

Aggregated and anonymised data are records which have been stripped of sufficient elements that your identity can no longer be identified, and which have been combined or manipulated to provide generalised, anonymous information.

We may share aggregated or anonymised information within and outside of the Magpie Group with partners such as research groups or advertisers. You will not be able to be identified from this information.

7. How Long We Will Keep Your Information

We will keep your personal information only for so long as is necessary to fulfil the purposes outlined in this Privacy Policy, unless the law requires us to keep it for a longer period. Once the purposes for which your personal information was collected have been fulfilled, we will either irreversibly anonymise or securely delete it from our servers.

We may need to retain your information for a longer period where we need the information to comply with regulatory or legal requirements or where we may need it for our legitimate purposes, for example, to help us respond to queries or complaints, fighting fraud and financial crime, responding to requests from regulators, etc.

8. Transferring Your Information Overseas

Your information may be transferred to and stored in locations outside Hong Kong, including countries that may not have the same level of protection for personal information. When we do this, we will ensure it has an appropriate level of protection and that the transfer is lawful. We may need to transfer your information in this way to carry out the Agreement, to fulfil a legal obligation, to protect the public interest and/or for our legitimate interests. In some countries the law might compel us to share certain information, e.g. with tax authorities. Even in these cases, we will only share your information with people who have the right to see it.

9. Your Rights

You have a number of rights in relation to the information that we hold about you. These rights include:

- the right to access your personal information and to obtain information about how we process it;
- in some circumstances, the right to withdraw your consent to our processing of your information, which you can do at any time. We may continue to process your information if we have another legitimate reason for doing so;
- in some circumstances, the right to receive certain information you have provided to us in an electronic format and/or request that we transmit it to a third party;
- the right to request that we rectify your information if it is inaccurate or incomplete;
- in some circumstances, the right to request that we erase your information. We may continue to retain your information if we are entitled or required to retain it; and
- the right to object to, and to request that we restrict, our processing of your information in some circumstances. Again, there may be situations where you object to, or ask us to restrict, our processing of your information but we are entitled to continue processing your information and/or to refuse that request.

For GDPR-protected personal information, we may be required to transfer your personal information outside the European Economic Area (EEA) for specific licensing purposes or on the basis of legitimate interests. We will ensure that appropriate safeguards are in place for any such international transmission in compliance with the GDPR.

You can exercise your rights by [Contact Us](#). You also have a right to complain to the Privacy Commissioner by visiting pcpd.org.hk, or to the data protection regulator in the country where you live or work.

10. Opt-Out Of Direct Marketing

At any time, you can ask us to stop using your personal information to send you marketing communications, or you can customise how you would like to receive marketing communications from us. You can exercise your rights to do this by:

- (a) [Contact Us](#); or
- (b) following the unsubscribe instructions in the marketing communications we send to you by email.

We will stop using your personal data to send you marketing communications in accordance with your request. However, we may still send you non-promotional communications such as information concerning the administration of your Account, and may display general marketing information not specific to you.

We are not involved or responsible for any marketing materials sent directly to you by other third parties. If you would like to stop receiving any marketing materials from these third parties, please contact them directly.

11. What We Need From You

You are responsible for making sure the information you give us is accurate and up to date, and you must tell us if anything changes as soon as possible.

12. How We Keep Your Information Secure

We take the confidentiality of your information seriously. We take all practicable steps, including the implementation of technical and organisational security measures, to ensure that all your personal information held by us is kept secure and safe from any loss or unauthorised disclosure, use and modification. We comply with our security policies and standards when using your personal information and restrict access to only those persons who need to use it for the purposes specified in this Privacy Policy. We require our staff and any third parties who carry out any work on our behalf to comply with appropriate compliance standards including obligations to protect any information and applying appropriate measures for the use and transfer of information.

13. Cookies

Cookies are small text files that are stored on your browser or device by websites, applications, online media and advertisements when you visit a website.

We use cookies and other similar identification technologies such as web beacons and pixel tags on the Site, the App, emails and online advertisements for various purposes, including verifying users; remembering user preferences and settings to enhance your experience when you return to our Platform; delivering relevant content and advertisements based on your preferences, location and usage patterns; monitoring, evaluating and optimising the operation of the Platform; tracking and measuring the effectiveness of our advertising campaigns, and analysing traffic on the Platform.

You can exercise your right to choose whether or not to accept cookies by adjusting your browser settings to modify your cookie preferences. Most browsers are set to accept cookies by default, but you are free to remove or block all browser cookies. However, if you turn off your cookies, some of our services may not function properly and you will not be able to receive the most efficient and personalised experience.

14. Links

The Site or the App may contain links to other third-party websites and applications, including those of our Affiliates, partners and service providers ("**Third-Party Sites**"). We do not own or control, and are not responsible for the privacy practices of those Third-Party Sites. We encourage you to remain alert if you follow any links to leave the Site or the App, and to review the privacy policies of those Third-Party Sites so that you are aware of how your personal information may be collected and used by such third parties.

15. Update Of This Privacy Policy

From time to time, we may update this Privacy Policy to reflect new technologies, legal and regulatory requirements or any other changes that may be necessary. We will notify you of any updates and where required by law, obtain your consent. We will inform you by email, or by posting a notice of these changes on the Site and/or the App.

16. Contact Us

If you have any questions or comments concerning this Privacy Policy, you can contact us by email contact@magpiesecurities.com or by phone +852 3588 0400.

This Privacy Policy is written in English and Chinese languages. In the event of any inconsistency between the English version and the Chinese version, the English version shall prevail.