

BCS Capital (DIFC) Limited (also trading as The Ultima World. Wealth Management Platform) respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

This privacy notice applies to our vendors and suppliers (whether prospective, current or former) who are individuals. Aside from individual vendors and suppliers, this privacy notice also applies (as the context may require) to any other individual who is not our vendor or suppliers but whose data is required to be collected by us by reason of, or incidental to, the provision of any services/products to us by our suppliers or vendors, whether the vendor or supplier concerned is another individual(s) or is a company, business entity or organisation.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

## **1. IMPORTANT INFORMATION AND WHO WE ARE**

We are a “**data controller**”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

### **Data Protection Officer**

We have appointed a data protection officer (“**DPO**”) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

### **Contact details**

Full name of legal entity: BCS Capital (DIFC) Limited (also trading as The Ultima World. Wealth Management Platform)

Name of DPO: Ms. Mariia Georgievskiaia

Email address: [dpo@bcscapitaldifc.com](mailto:dpo@bcscapitaldifc.com)

Postal address: Unit 1002, Level 10, Index Tower, Dubai International Financial Centre, Dubai, P. O. Box 507341, United Arab Emirates

Website: [theultima.com](http://theultima.com)

You have the right to make a complaint at any time to the Information Commissioner's Office, the DIFC supervisory authority for data protection issues using the following contact details:

Dubai International Financial Centre Authority

Postal address: Level 14, The Gate Building

Phone number: +971 4 362 2222

Email address: [commissioner@dp.difc.ae](mailto:commissioner@dp.difc.ae)

We would, however, appreciate the chance to deal with your concerns before you approach the Commissioner's Office so please contact us in the first instance.

## **2. DATA PROTECTION PRINCIPLES**

We comply with the requirements of the Data Protection Law 2020 of Dubai International Financial Centre ("Law") and associated legal documents. According to the Law, the principles relating to processing of personal data should be followed. In light of this, the personal data received from you and held with us must be:

- Processed on a lawful basis;
- Processed lawfully, fairly and in a transparent way;
- Processed only for specified, explicit and legitimate purposes and not in any way that is incompatible with those purposes;
- relevant to the purposes we have told you about and limited only to what is necessary for those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the purposes we have told you about;
- Kept securely.

## **3. THE DATA WE COLLECT ABOUT YOU**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "**special categories**" of more sensitive personal data, which require a higher level of protection and specific justification to process them.

We may collect, use, store and transfer different kinds of personal data about you, which we have grouped together as follows:

### ***Where you are our vendor or supplier:***

- Identity Data: first name, maiden name, last name, title, date of birth, place of birth, nationality, passport or ID details, photograph, gender;
- Contact Data: residence address, mailing address, email address, telephone numbers, fax number;

- Occupation Data: self-employed, details of any license, authorisation, registration, notification, membership or other permission granted or revoked by any governmental or statutory authority or any other regulatory or self-regulatory body;
- Financial Data: bank account details, tax residency, tax identification number, business relations with individuals or entities against which the US, EU, UN, and/or UK have enacted economic sanctions;
- Transaction Data: details about payables and receivables;
- Specimen signature.

***Where you are an individual representative of any of our vendors or suppliers:***

- Identity Data: first name, maiden name, last name, title, date of birth, place of birth, nationality, passport or ID details, gender;
- Contact Data: mailing address, email address, telephone numbers, fax number;
- Occupation Data: position held, powers and limitations, employer's or principal's details;
- Specimen signature.

We also collect, use and share aggregated data such as statistical data for any purpose. Aggregated data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. However, if we combine or connect aggregated data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data, which will be used in accordance with this privacy notice.

**If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract we have with you (or where applicable, your employer or principal) and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you or where applicable, your employer or principal (for example, to receive products or services supplied by you or where applicable, your employer or principal). In this case, we may have to cancel a product or service we have with you (or where applicable, your employer or principal) but we will notify you if this is the case at the time.

**4. HOW IS YOUR PERSONAL DATA COLLECTED?**

We use different methods to collect data from and about you including through:

**Direct interactions.** You may give us your personal data by filling in forms or by corresponding with us by post, phone, e-mail or otherwise. This includes personal data you provide when you:

- Offer or market products or services or provide us some feedback.
- Respond to our service or product requests.
- Offer or agree to execute relevant contracts with us.

**Third parties or publicly available sources.** We may receive personal data about you from our outsourcers and various third parties as well as public sources as set out below:

- Personal data about individual representatives of a vendor or supplier from other representatives of the same supplier or vendor.
- Financial and transaction data from banking institutions, auditors or accountants.
- Employment records from appropriate regulators or public registers.

## **5. HOW WE USE YOUR PERSONAL DATA**

We need all the categories of your personal data primarily to allow us to take steps at your request before we have a contract with you (PC), perform a contract we have with you (C) and to comply with our obligations under applicable law (O).

In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties (L), provided your interests and fundamental rights do not override those interests.

The situations in which we will process your personal information are listed below. We have indicated by letters the purpose or purposes for which we are processing or will process your personal information.

- Entering into a contract and implementing pre-contractual measures: P, C.
- Authenticating a natural person: C, O, L.
- Confirming or evidencing the capacity to contract: C, O, L.
- Obtaining products and services: L.
- Vendor administration, order management, and accounts payable: O, L.
- Evaluating potential vendors and suppliers: O, L.
- Carrying out financial and tax reporting: C, O.
- Preventing, detecting and investigating a crime or other potential wrongdoing or threats to public security: C, O.
- Auditing: O, L.
- Performing obligations to any party that may have an interest in any of our rights or obligations: L.
- Establishing, investigating, pursuing, exercising, defending or remedying claims, complaints, regulatory or investigative inquiries or information subpoenas: C, O, L.
- Taking, holding, protecting, perfecting, preserving or enforcing (or attempting to do so) any rights, powers, authorities or discretions vested in us or a third party under a contract or by law: C, L.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact our DPO if you need details about the specific legal ground we are relying on to process particular personal data we hold about you.

## **How we use particularly sensitive personal information**

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Special categories of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards, which we are required by law to maintain when processing such data.

We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where it is necessary for preventing, detecting and investigating a crime or other potential wrongdoing, authentication and confirmation of the capacity to contract.
- Where it is necessary for establishing, exercising or defending legal claims.

### **Consent**

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending direct marketing communications to you via e-mail or text message. We do not need your consent if we use your personal information to carry out our legal obligations or exercise specific rights afforded by law.

In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

### **Change of purpose**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please, contact our DPO.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis, which allows us to do so.

### **Automated decision-making**

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

## **7. DATA SECURITY**

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

Specifically, we implement the following technical and organizational security measures to protect your personal data:

- Pseudonymisation of personal data.
- Encryption of personal data.
- Segregation of personal data from other networks.
- Access control and user authentication.
- Employee training on information security.
- Written information security policies and procedures.

In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and are subject to a duty of confidentiality.

We have also put in place procedures to deal with any suspected data security breach and will notify you and the Comissioner's Office of a suspected breach where we are legally required to do so. Further details of these measures may be obtained from our DPO.

## **8. DISCLOSURES OF YOUR PERSONAL DATA**

We may share your personal data with the parties listed below for the purposes set out in section 5 above:

- Our employees;
- our parent company, subsidiaries, and affiliated entities;
- our business partners or intermediaries with which we may have dealings;
- our auditors and professional advisors, such as lawyers and consultants;
- bankers, brokers and financial market infrastructure entities;
- trading venues;
- governmental, regulatory or similar authorities or industry bodies;
- courts or tribunals of competent jurisdiction;
- law enforcement officials;
- notary public, administrators, trustees or other executors.
- liquidator, conservator, custodian, trustee or a temporary administrator, external administrator, receiver or similar or analogous officer or body appointed in any bankruptcy, prevention measures, insolvency, bankruptcy, dissolution, liquidation or winding-up (or any analogous or similar proceedings);
- Third-party service providers, such as providers of IT system management or information

security.

### **International transfers**

We may share your personal data with external third parties based outside the DIFC.

Whenever we transfer your personal data outside the DIFC, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We transfer your personal data to jurisdictions that have been deemed to provide an adequate level of protection for personal data by the Commissioner of Data Protection. For further details, see DIFC: Adequate Data Protection Regimes, here <https://www.difc.ae/business/registrars-and-commissioners/commissioner-of-data-protection/data-export-and-sharing>
- We have entered into specific contracts approved by the Commissioner, which give personal data the same protection it has in the DIFC. For further details, see DIFC: Data Protection Forms/Standard Data Protection Clauses approved for use in accordance with Article 27(2)(c) regarding transfers of Personal Data outside of the DIFC in the absence of an adequate level of protection, here <https://www.difc.ae/business/registrars-and-commissioners/commissioner-of-data-protection/data-export-and-sharing>
- The transfer is necessary to enter into or perform our contract with you or in your interest or to establish, exercise or defend legal claims, or we are required to do so under foreign laws applicable to us, or subject to international financial standards, the transfer is necessary to uphold our legitimate interests recognized in international financial markets, in relation to the latter except where our interests overridden by your legitimate interests relating to your particular situation.

### **Suitable additional safeguard we may provide for international transfers includes:**

- a transfer of pseudonymized or encrypted data;
- ensuring with technical and organizational measures that the transferred data cannot be used for other purposes than those strictly foreseen by us;
- limiting the purposes for which the data may be processed following the transfer;
- ensuring deletion of the data as soon as possible after the transfer;
- obliging data recipients to implement adequate technical and organizational security measures, inform us about binding requests for disclosure and any accidental or unauthorised access, respond to our enquiries, request our approval in the event of sub-processing.
- recording all relevant aspects of data transfer.

## **9. HOW LONG WILL WE USE YOUR PERSONAL DATA?**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and

sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

We typically retain personal data for the periods set out below, subject to any exceptional circumstances or to comply with laws or regulations that require a specific retention period.

Subject to any exceptional circumstances or to comply with laws or regulations that require a specific retention period, we store personal data about you throughout the term of the relevant contract and 6 years following its termination. If as a result of pre-contractual negotiations no contract is entered into, we erase personal data within 1 month following the date on which it becomes apparent to us that no contract will be made.

## **10. YOUR LEGAL RIGHTS**

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

If you wish to exercise any of the rights set out below, please, contact our DPO.

You have the right to:

*Request access* to your personal data (commonly known as a “**data subject access request**”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

*Request rectification* of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

*Request erasure* of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons, which will be notified to you, if applicable, at the time of your request.

*Object to processing* of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your legitimate interests.

You also have the right to object where we are processing your personal data for direct marketing and analytical purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information, which override your rights and freedoms.



*Request restriction of processing* of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- if you want us to establish the data's accuracy;
- where our use of the data is unlawful but you do not want us to erase it;
- where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
- you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

*Request the transfer* of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

*Withdraw consent* at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

#### **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

#### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

#### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

### **11. CHANGES TO THE PRIVACY NOTICE AND YOUR DUTY TO INFORM US OF CHANGES**

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

This version was last updated on 11 January 2024 and historic versions are archived on our website [theultima.com](https://theultima.com) or can be obtained by contacting our DPO.