

Privacy Policy

OANDA LABS ASSESSMENT LIMITED

A. Policy Statement

OANDA Labs Assessment Limited (“OANDA”, “we” and “us”) and our affiliates respect User privacy and are committed to protecting it. The purpose of OANDA’s Privacy Policy is to explain OANDA’s privacy policy and practices and how your personal data (“**Personal Information**”) is collected, used, disclosed and maintained by us. We will be the data controller of such Personal Information and will process your Personal Information in accordance with our Privacy Policy.

The use and/or purchase of any of our services is subject to the applicable terms, the use of our website is subject to our website terms of use and this Privacy Policy is incorporated into and forms part of those terms.

A Data Protection Officer has been appointed at OANDA. In matters regarding the processing of personal data by OANDA, you can contact us via the following e-mail address: privacy@oanda.com.

B. Personal Information OANDA Collects

OANDA collects Personal Information about our Users from the following two main channels:

1. *Website, Account and General Communications*

In order to provide materials and services to you, when you visit our website, request materials from us, register for events, or contract with us, we will collect data from you. We will receive your information in these circumstances, as examples:

- Visiting and using our website
- Account Application Forms and other documents and data submitted by User, such as User name, residential address, date of birth, email address.

- User Transactions with OANDA such as ordering our products/services, fees payment and any other financial operations that require Users to provide bank account information
- Communications with OANDA including with User service representatives via available means

We refer collectively to these interactions as “**Website Services**”. We explain below how we collect and use your information collected through the Website Services.

2. *Account*

If you request access to our OANDA Labs Assessment Account (the “**Account**”), we will also collect information about your use of the Account. The information collected through the Account will include usage, performance, analytic and metadata and some of this may include your Personal Information.

OANDA does not collect more Personal Information than is required to open and operate Users’ accounts, and to comply with regulatory compliance and other legal obligations.

Website, Account and General Communications

What We Collect

We (or third-parties acting on our behalf) may collect your information, including your Personal Information, when providing the Website Services, including in particular:

- Name
- Email
- Address
- Phone Number
- Country of Residence /Nationality
- Date of Birth/Age
- IP address.

C. How OANDA Uses Personal Information

We may hold and retain information about you for various purposes based on different reasons.

1. *Website, Account and General Communications*

Privacy Policy
OANDA Labs Assessment Ltd
Registration Number: C 106331, 171, Old Bakery Street, Valletta, VLT 1455, Malta

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Some of the information we collect from you we need to enable us to deliver the Website Services to you in accordance with our terms, sometimes we are required by law and regulations to collect and process this information about you. At other times, we consider it is in our legitimate business interests to collect and process this information, taking into consideration your privacy rights. We may use your information to:

- Fulfill your orders, making necessary settlements, pursuing claims or respond to requests you make in connection with providing the services under our terms with you

To provide you with a response pursuant to your request and your agreement with the applicable terms, we will collect and use Personal Information including your name and email address.

- Provide our Website Services to you, including access to our Account or support

In order to perform the Website Services under the contract between you and OANDA, we have to collect certain Information from you such as your name and contact details. Without this information, we may not be able to deliver the services which you request from us.

- Improve and develop the Website Services

We look for ways to innovate and advance our Website Services. We will use Information about how you use the Website Services, including how you interact with various aspects of the Website Services, the duration for which you use the Website Services and content that is of interest to you, in order to do this. It is in our legitimate business interests to use Personal Information in this way to develop improved Website Services.

- Send administrative information, changes to contract terms or policies

Where we make updates to terms and policies we are required under certain laws and under our contract with you, to notify you of these changes. Other administrative communications may be necessary in order for us to perform our obligations under the contract with you, or may be sent out in line with our legitimate business interests.

- Send marketing communications like product announcements, educational materials or upcoming online or offline events, where you have not objected to receiving these or with your consent where required. This may also include inviting you to participate in various promotional activities and consumer research surveys.

It is in our legitimate business interests to generate growth for our own business to ensure we continue to generate development for our company and drive sales of our products and services. We will carry out marketing campaigns and research surveys in accordance with other applicable laws.

- Research and analyse how our Website Services are used via cookies, web beacons and other similar technologies to personalise the Website Services. (For more information about our use of cookies and your choices to opt-out of their use, see “Cookies” at section J below.

We use your information in our legitimate business to understand how you interact with our Website Services and to deliver relevant content to you online.

- Diagnose and fix technical issues and monitor the security of our environments

We need to understand how our Website Services are performing in order to prevent and address any issues that may present themselves with regard to technical and security operations. We may process your Personal Information for this purpose in our legitimate business interests to protect the integrity of the Website Services. We will use an external service provider (FPFX Technologies, LLC) for fraud prevention and risk management. Your data used for such purposes will be processed by FPFX Technologies, LLC in their capacity as an independent data controller.

- To enable your participation in the OANDA-Related Entity Programs

If you successfully complete the Assessment, we will share your personal data and inform other OANDA-related entities of your successful completion of the Assessment. Thereafter, you may be invited to participate in a program offered by such other OANDA-related entity; provided however, such invitation will be in such entity’s sole and absolute discretion. Any invitation to participate in a program offered by an OANDA-related entity would be subject to terms and conditions separate from these Terms and strictly between you and such other OANDA-related entity.

- To comply with any applicable law, regulation, legal process, or governmental request.
- For any other purpose disclosed to you in connection with our Website Services from time to time

If we intend to process your Personal Information for a purpose other than that set out above, we will provide you with information prior to such processing. Processing of Personal Information for purposes other than the above may take place: (i) based on obtaining additional consent, (ii) on the basis of applicable law, or (iii) when it is consistent with the purpose for which the Personal Information was originally collected.

It is also in our legitimate business interests to process your Personal Information to protect our rights or property, or the security or integrity of our Website Services.

Third-Party Content. The Website Services may offer access to third party services. These services may collect and use your information. This Privacy Policy does not extend to third-party apps or add-ons (which may also collect your Information) even if packaged by OANDA or offered through the Website Services.

2. Account

We collect Personal Information including payment details, as set out above, in order to provide access to the Account under the terms entered between OANDA and you. We are also required to keep these payment details to comply with our own legal obligations.

We also collect and process usage data when you use our Account (e.g. IP address, session duration, activities undertaken on the Account and other use data) ("**Usage Data**") in order to provide, maintain, and improve our Account.

In addition, we collect and process data about our Account, features or users in order to improve the services ("**Analytics Data**"). Analytics Data may include information about the devices operating the platform (e.g. browser type/version, OS type/version, device type/version), or such other similar information about user configuration or operation of service features or functionality.

Whilst both Usage Data and Analytics Data may not contain information that we can use to identify you in the "real world" (such as a name or address), we collect this data and store it against a uniquely assigned ID.

We do not use profiling or automated decision-making processes.

How we use this Account data

Usage Data. Specifically, OANDA may use Usage Data to:

- Positively identify and determine eligibility of Users opening and maintaining Accounts;
- Evaluate whether access to the service and Account is suitable for each User;
- Complete payments;

- Effect, administer or enforce transactions requested or authorised by the User and
- Maintain or service the User's Account with OANDA.

Our lawful basis for using Usage Data is in order to take steps to enter into a contract with you or as is necessary for the performance of a contract already in place between us.

Analytics Data. OANDA uses Analytics Data to help us better understand how our Account is being used, make improvements, and develop new features, products and services. We may use this data to:

- Better understand how our users configure and use our platform and your Account
- Determine which configurations or practices optimise performance (e.g. best practices)
- Perform data analysis and audits
- Identify, understand and anticipate performance issues and the environmental factors that affect them
- Other such business purposes relating to the operation, improvement, or development of our services.

The use of this Analytics Data, for the purposes described in the above, is carried out pursuant to our legitimate business interests, to develop, expand and improve our offering.

We are sure to balance our legitimate business interests with your privacy rights and we take steps in how we process and use Usage Data and Analytics Data to protect these.

Personal Information collected online may be combined with other information Users provide to OANDA in hard copy or through the OANDA help desk.

D. Disclosure of User Personal Information

OANDA may disclose Personal Information of current and former Users to affiliated and non-affiliated third party entities in connection with our business (who may be located anywhere in the world but where adequate safeguards are in place for the transfer, as set out further in the section marked "Where do we store your Personal Information") including, without limitation:

- to another entity in the OANDA group for the purpose of providing the requested services, e.g., for the purpose of assessing eligibility and making offers to participate in OANDA-Related Entity Programs,
- to OANDA's service providers that perform services on OANDA's behalf under written agreements which restrict use of Personal Information to the limited purposes for which it is provided to them and to refrain from further use or disclosure except as permitted by law. This may include companies who perform background checks or identity verification, infrastructure, data analysis,
- business intelligence, User relationship Account providers, banks, payments institutions, postal operators, market data providers, marketing support services providers, consumer research service providers, cloud service providers, and IT service providers
- to communicate with credit reference and information agencies
- to OANDA strategic partners to permit them to assess your interest in Website Services, including foreign exchange payments and international money transfers
- to OANDA affiliates, who are permitted to disclose and use the information only to the extent that OANDA may disclose and use the information under this Privacy Policy
- in the ordinary course of business to OANDA's attorneys, accountants and auditors
- to persons holding a legal or beneficial interest relating to the User's account
- to persons acting in a fiduciary, representative, or attorney capacity in relation to an account
- to protect against actual or potential fraud, unauthorised transactions, claims or other liability
- to government, regulatory or law enforcement agencies to the extent permitted or required by law, or to comply with applicable legal requirements
- to any MFSA-regulated or FIAU-regulated individual who is seeking to obtain a reference on your account or persons we believe to be seeking a credit reference in good faith
- to monitor our services, whether provided by ourselves or a third party
- to comply with civil, criminal or regulatory investigations, or judicial process, summons or warrant by appropriate EU authorities or
- in the event of a proposed or actual reorganisation, merger, sale, joint venture, assignment, transfer, or other disposition of all or any portion of OANDA's business, assets or stock (including in connection with any bankruptcy or similar proceedings).

The client confidentiality obligations set out in our Privacy Policy do not and will not apply to, and in respect of, any confidential information required to be disclosed (by us or you) pursuant to any applicable law, or the lawful request of any court of competent jurisdiction, government agency, or regulatory body, provided in each case you (or we) notify and consult with us (or you) in advance and as to the timing and content of such disclosure, except where applicable law prohibits us (or you) from doing so.

Except as stated in this Privacy Policy, OANDA will not share Personal Information about any present or former User with any non-affiliated third party without the User's prior written consent.

E. How we secure your Personal Information

All information you provide to us is stored on our secure servers. Where we have given you (or where you have chosen) a password which enables you to access certain parts of our Website Services and Account, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

Unfortunately, the transmission of information via the Internet is not completely secure. Although we will do our best to protect your Personal Information, we cannot guarantee the security of your data transmitted to our Website Services and Account; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

F. Where do we store your Personal Information

The data that we process in relation to you may be transferred to, and stored at, a destination outside the European Economic Area (EEA) that may not be subject to equivalent data protection law. It may also be processed by staff situated outside the EEA who work for us or for one of our suppliers.

We may transfer your personal information outside the EEA:

- In order to store it
- In order to enable us to provide goods or services to and fulfill our contract with you. This includes order fulfillment, processing of payment details, and the provision of support services
- Where we are legally required to do so
- In order to facilitate the operation of our group of businesses, where it is in our legitimate interests and we have concluded these are not overridden by your rights.

Where your information is transferred outside the EEA, we will take all steps reasonably necessary to ensure that your data is subject to appropriate safeguards, such as relying on a recognised legal adequacy mechanism, and that it is treated securely and in accordance with this Privacy Policy. Where your information is transferred outside the EEA, we will take all steps reasonably necessary to ensure that your data is subject to appropriate safeguards, such as relying on a recognised legal adequacy mechanism, and that it is treated securely and in accordance with this Privacy Policy. We may transfer your personal information to the following categories of recipients outside the EEA:

- Any member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries, the examples of which are set out in the table below, and for these transfers we use European Commission approved contractual clauses for transfers (referred to as “Model Clauses”):

Group Member	Location
OANDA Global Corporation	United States
OANDA Corporation	United States
OANDA (Canada) Corporation ULC	Canada
OANDA Asia Pacific Pte. Ltd.	Singapore
OANDA Japan Inc.	Japan
OANDA Australia Pty. Ltd.	Australia
OANDA Europe Ltd.	United Kingdom
OANDA Global Markets Ltd.	British Virgin Islands
OANDA Poland sp. z o.o.	Poland
OANDA TMS Brokers S.A.	Poland
OANDA TMS Brokers S.A. Sucursal en Espana (branch of OTMS)	Spain

- Our vendors may be located outside of Malta, and for these transfers we use approved contractual clauses

G. How long we retain your Personal Information for

We retain Personal Information (a) in relation to the Account, for as long as you have an Account with us in order to meet our contractual obligations to you and for at least five years after that (counted from the first day of the year following the year in which the commercial relationship with you was terminated) to identify any issues and resolve any legal proceedings, (b) in relation to Website Services, for 12 months unless such data is likely to relate to a contract you may/have entered into in the future, and subject to any subject access requests you may make and (c) in relation to any data provided with consent, until you withdraw your consent and where there is no other appropriate basis for processing, or until such time when the data are no longer needed for the purpose for which they were first collected.

We may also retain aggregate information beyond this time for research purposes and to help us develop and improve our services. You cannot be identified from aggregate information retained or used for these purposes.

H. Your Data Subject Rights

Any concerns a User may have regarding OANDA's Privacy Policy or specific complaints about how User Personal Information has been collected, used or disclosed should be forwarded in writing to OANDA's Privacy Officer. OANDA will thoroughly investigate the complaint and will take whatever actions are warranted and notify the User once this has been done.

You have the right under certain circumstances:

- to receive information about the processing of Personal Information concerning you. You are entitled to access your Personal Information
- to request the rectification or erasure of your Personal Information held by us
- to object to the further processing of your Personal Information, including the right to object to marketing
- to request that your provided Personal Information be moved to a third party.

Depending on the context of your request, such as erasure, we may not be able to provide you with access to some or all of the Website Services and/or Account, since we process your information in order to provide you with such access.

Your right to withdraw consent:

Where the processing of your Personal Information by us is based on consent, you have the right to withdraw that consent at any time by contacting us as per [section L](#) below.

How to exercise your rights

You can also exercise the rights listed above at any time by contacting us at privacy@oanda.com

If your request or concern is not satisfactorily resolved by us, you may approach your local data protection authority (to your habitual residence, your place of work, or where the alleged infringement took place).

The Information and Data Protection Commissioner is the supervisory authority in Malta and can provide further information about your rights and our obligations in relation to your Personal Information, as well as deal with any complaints that you have about our processing of your Personal Information

I. Cookies

Cookies are small text files placed in visitors' computer browsers to store their preferences. The Website Services, our Account, and our third party partners, collect and store information that is generated automatically as you use it, including your preferences and anonymous usage statistics.

OANDA collects information about your device and uses tracking mechanisms such as cookies to: (i) facilitate User use of our website and mobile applications, (ii) enable customisation of our online services and website features, (iii) avoid User re-entry of data, (iv) store User preferences for certain kinds of information, (v) enhance security measures, and (vi) gather data about usage of our website and mobile applications for research and promotions.

OANDA uses cookies from third party service providers to facilitate website tracking and security measures and may share the information collected with third parties acting as our service providers, who are required to maintain the confidentiality of the information.

We use these cookies and other technologies on the basis that they are necessary for the performance of a contract with you, or because using them is in our legitimate interests (where we have considered that these are not overridden by your rights), and, in some cases, where required by law, where you have consented to their use.

We use the following types of cookies:

- **Essential** cookies. These are cookies that are required for the operation of our Website Services and/or our Account and under our terms with you. They include, for example, cookies that enable you to log into secure areas of our Website Services and/or our Account.

- **Analytical/performance** cookies. They allow us to recognise and count the number of visitors and to see how visitors move around our Website Services and/or our Account when they are using it. This helps us for our legitimate interests of improving the way our Website Services and/or our Account works, for example, by ensuring that users are finding what they are looking for easily.
- **Behavioural** cookies. These are used to recognise you when you return to our Website Services and/or our Account. This enables us, subject to your choices and preferences, to personalise our content, greet you by name and remember your preferences (for example, your choice of language or region).
- **Marketing** cookies. These enable you to experience more relevant online content and see adverts which are aligned with your interests, as indicated by your activity on our site.

Users can configure their browser preferences not to accept these cookies however this may result in reduced functionality. Some third-party vendors that provide ads on OANDA web pages may use cookies to collect details on User website visits and other data (but not names, addresses, email addresses, or telephone numbers) in order to provide ads about goods and services of particular interest to individual Users.

J. Links to non-OANDA websites

The OANDA website may provide links to third-party websites for User convenience and information. If Users decide to access those links, they will leave the OANDA website. OANDA does not control those third-party sites or their privacy practices, which may differ from OANDA's. OANDA does not endorse or make any representations about third-party websites. Any Personal Information Users choose to give to unrelated third parties is not covered by OANDA's Privacy Policy. Users should review the privacy policy of any third-party website before submitting Personal Information. Some third-party companies may choose to share their Personal Information with OANDA. That sharing is governed by the disclosing company's privacy policy.

K. Notification of Policy and Policy Changes

OANDA provides an initial notice of its Privacy Policy to Users at the time it establishes a User relationship and the Privacy Policy is dated and posted on its website. Updates will be posted on the OANDA website, so our Users will always know what information we collect, how we use it, and what choices they have.

L. Contact Us:

We will never ask you for security information such as passwords over the phone or by email. If you receive a call or email which you are not sure has come from OANDA, please contact us at infosec@oanda.com.

We value our Users' opinions. If they have comments or questions about our Privacy Policy, they are invited to us at privacy@oanda.com.