



Element Markets, LLC GDPR Privacy Policy

Last updated: April 30, 2021

This Privacy Policy (the “**Policy**”) applies to the processing of Personal Data, subject to all applicable privacy and data protection laws of Switzerland, the United Kingdom, the European Union and the European Economic Area (collectively, “**Europe**”), by Element Markets, LLC and its subsidiaries and affiliates (“**Company**”, “**we**”, “**our**”, or “**us**”) through its website, products, and services (the “**Services**”). It describes how we collect, use, and disclose such Personal Data, your rights and choices with respect to your Personal Data, and how you can contact us if you have any questions or concerns.

1. Personal Data We Collect

In this Policy, “**Personal Data**” means any information relating to an identified or identifiable individual. We may collect Personal Data about you from various sources described below.

Information Provided by You

- **Communications.** When you contact us via a contact form, email, or other means, you provide us with Personal Data, such as your name and contact details, and the content, date, and time of our communications.
- **Careers.** If you apply for a job with us, you may provide us with your resume, name, contact details, and any other relevant information. If you become an employee, we collect additional information, such as your family information, beneficiary selections, banking information, and other relevant information for employment, payroll, and benefit purposes, and we may collect certain sensitive Personal Data such as trade union membership data or biometric data for identity verification.
- **Sensitive Personal Data.** We collect the following special categories of Personal Data from you: None.
- **Support Information.** When you request technical support services, we will process your Personal Data such as your name and the contact details you use to contact us, as well as information on the reasons for your support request, and any additional information you may provide in that context.

Where applicable, we may indicate whether and why you must provide us with your Personal Data as well as the consequences of failing to do so. For example, it may be necessary for you to disclose certain Personal Data in order for us to provide the Services to you.

Our Services are not intended for use by children under the age of 16.

Information Collected from Other Sources

- **Third Parties.** We may obtain Personal Data about you from third parties such as recruiting and employment service providers and other entities. This information may include identifiers, background biographical, location data and other similar information.

Information We Collect by Automated Means

- **Social media.** We may collect Personal Data via social media tools, widgets, or plug-ins to connect you to your social media accounts. These features may allow you to sign in through your social media account, share a link, or post directly to your social media account. When you visit a website that contains such tools or plugins, the social media or other service provider may learn of your visit. Your interactions with these tools are governed by the privacy policies of the corresponding social media platforms.
- **Cookies.** We may collect Personal Data via cookies and similar technologies (see section 3 of this Policy for more information).

2. How We Use Personal Data

We use the Personal Data we collect for the following purposes:

- **Providing Services,** including to operate, maintain, support, and provide our Services.
- **Communicating with You,** including to contact you for administrative purposes (e.g., to provide services and information that you request or to respond to comments and questions) or to send you marketing communications, including updates on promotions and events, relating to products and services offered by us.
- **Personalization,** including to customize our Services to you and provide you with the most relevant marketing and advertising materials.
- **Analytics and Product Development,** including to analyze usage trends and preferences in order to improve our Services, and to develop new products, services, and features.

- **Customer and Vendor Relationship Management**, including to track emails, phone calls, and other actions you have taken as our customer or vendor.
- **Aggregation**. We may aggregate or anonymize Personal Data and use the resulting information for statistical analysis or other purposes.
- **Administrative and Legal**, such as to address administrative issues or to defend our legal rights and to comply with our legal obligations and internal policies as permitted by law.
- **Sensitive Personal Data**. We use the sensitive personal data collected in order to provide employment benefits, analyze diversity in the workplace, and report required information to government regulators.

3. Legal Bases for the Processing of Personal Data

We rely on various legal bases to process your Personal Data, including:

- **Consent**. You may have consented to the use of your Personal Data, for example to send you electronic marketing communications or for the use of certain cookies. If consent is the legal bases for processing sensitive Personal Data, it will be explicitly collected for the purposes specified.
- **Contract**. We need your Personal Data to provide you with our Services and to respond to your inquiries.
- **Legal**. We may have a legal obligation to process your Personal Data, for example to comply with tax and accounting obligations, and we may process your Personal Data when necessary to establish, exercise, or defend legal claims. We may also process your Personal Data when necessary to protect your or another individual's vital interests.
- **Legitimate Interest**. We or a third party have a legitimate interest in using your Personal Data, for example to prevent fraud. We only rely on this legal basis when such legitimate interests are not overridden by your interests or your fundamental rights and freedoms.

4. How We Disclose Personal Data

We may disclose Personal Data about you in the following circumstances:

- **Group Entities**. We may disclose Personal Data about you to our affiliates and subsidiaries.

- **Public Posts.** Any information that you voluntarily choose to post to a publicly accessible area of our Services will be available to anyone who has access to that content.
- **Service Providers.** We work with third parties to provide services such as hosting, maintenance, and support. These third parties may have access to or process your Personal Data as part of providing those services to us.
- **Legal.** We may disclose your Personal Data if it is necessary (i) for compliance with our legal obligations or (ii) to establish, exercise, or defend legal claims.
- **Merger.** Information about our users, including Personal Data, may be disclosed and otherwise transferred to an acquirer, successor, or assignee as part of any merger, acquisition, debt financing, sale of assets, or similar transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which information is transferred to one or more third parties as one of our business assets.
- **Aggregated Information.** We may use and disclose aggregated or otherwise anonymized information for any purpose, unless we are prohibited from doing so under applicable law.

5. Your Rights and Choices

As provided under applicable law and subject to any limitations in such law, you have the following rights:

- **Access and Portability.** You may ask us to provide you with a copy of the Personal Data we maintain about you, including a machine-readable copy of the Personal Data that you have directly provided to us, and request certain information about its processing.
- **Rectification.** You may ask us to update and correct inaccuracies in your Personal Data.
- **Deletion.** You may ask to have your Personal Data anonymized or deleted, as appropriate.
- **Restriction and Objection.** You may ask us to restrict the processing of your Personal Data or object to such processing.
- **Consent Withdrawal.** You may withdraw any consent you previously provided to us regarding the processing of your Personal Data at any time and free of charge. We will apply your preferences going forward. This will not affect the lawfulness of the processing before you withdrew your consent.

- **Complaint.** You may lodge a complaint with a supervisory authority, including in your country of residence, place of work, or where you believe an incident took place.

You may exercise these rights by contacting us using the contact details at the end of this Policy. Note that applicable laws contain certain exceptions and limitations to each of these rights.

6. International Data Transfers

We may transfer your Personal Data outside of the country in which it was collected and where the level of protection of Personal Data may be different than in your country. Personal Data may be transferred to USA, Switzerland, the United Kingdom, and countries in the European Economic Area (“EEA”). If we do so, we will comply with applicable data protection laws, in particular by relying on an EU Commission adequacy decision, on contractual protections for the transfer of your Personal Data, or on another approved derogation for a specific situation, such as your explicit consent. For more information about how we transfer Personal Data internationally, or to obtain a copy of the safeguards we use for such transfers, please contact us as specified below.

7. Data Security and Data Retention

We use physical, managerial, and technical safeguards that are designed to improve the integrity and security of Personal Data that we collect, maintain, and otherwise process.

We take measures to delete or anonymize your Personal Data when it is no longer necessary for the purposes for which we process it, unless we are required by law to keep it for a longer period. When determining the retention period, we take into account various criteria, such as the type of products or services provided to you, the nature and length of our relationship with you, mandatory retention periods, and applicable statutes of limitations.

8. Third-Party Services

Our Services may contain features or links to websites and services provided by third parties. Any information you provide via these websites or services is provided directly to these third-party operators and is subject to their privacy policies, even if accessed through our Services. We encourage you to learn about these third parties’ policies before providing them with your Personal Data.

9. Changes and Updates to this Policy

We may update this Policy from time to time to reflect changes in our privacy practices. We will follow applicable laws and regulations regarding notification of such changes.



10. Our Contact Information

Element Markets, LLC is the entity responsible for the processing of your Personal Data. If you have any questions or comments about this Policy, our privacy practices, or if you would like to exercise your rights with respect to your Personal Data, please contact us by email at privacy@elementmarkets.com, <https://www.requesteasy.com/605a-3190>, or by mail at:

Element Markets, LLC
ATTN: Privacy Requests
3200 Southwest Freeway, Suite 1310
Houston, TX 77027
USA

Our EU representative, Karl Greissing, may be contacted at privacy@elementmarkets.com or +1.281.207.7200.

Our UK representative, Karl Greissing, may be contacted at privacy@elementmarkets.com or +1.281.207.7200.