

Himalaya Pay Privacy Notice

Last Updated: 30th June 2021

1. **WHO WE ARE**

The Himalaya Pay Application is provided by Himalaya International Payments Ltd. and its group companies. When we say 'we', 'us' or 'our' in this Privacy Notice we mean Himalaya International Payments Ltd. and its group companies. We will also refer to this Privacy Notice as the 'Notice' and the Himalaya Pay Application as ' the Application or App'.

This Notice applies to personal data we may process in relation to your use of the Application. In order to provide the services to you, the Application is integrated with systems, products and services provided by entities affiliated with us (the 'Affiliate Providers') and certain features of the Application rely on us sharing, sending, accessing and receiving personal data from or to the Affiliate Providers whose products or services you may use. This Notice also applies to the use of personal data by our Affiliate Providers.

We have tried to make this Notice as short and clear as possible but if there is anything you would like further information about or if you have any questions, please get in touch with us at: dpo@himalaya.exchange.

If you do not agree with this Notice, in general, or any part of it, you should not use the Application or our products and services. This Notice is periodically reviewed to ensure that any new obligations and changes to our business model are taken into consideration. We may amend this Notice at any time by posting an amended version on the Application portal.

If you wish to contact the entity that is a controller for the service relevant to you, please email us at dpo@himalaya.exchange.

2. **OTHER PEOPLE'S PERSONAL DATA**

If you provide us with someone else's personal data, you must tell them what you've shared with us and get them to read this Notice.

3. **HOW WE USE YOUR PERSONAL DATA AND LEGAL GROUNDS FOR PROCESSING**

We are required by laws in certain jurisdictions, such as Europe and the United Kingdom, to set out in this Notice the legal grounds on which we rely in order to process your personal data. Our legal basis will be one of the following.

Performance of our obligations in relation to contracts and agreements with you.

We need certain personal data to provide our services. We are not able to provide our services or products without this personal data.

Legal obligations. In some cases, we have a legal responsibility to collect and store your personal data (for example, under anti-money laundering laws we must hold certain information about our customers).

Legitimate interests. We sometimes collect and use your personal data, or share it with other organisations, because we have a legitimate reason to use it and this is reasonable when balanced against your right to privacy.

Consent. There may be cases where you expressly agree to us collecting your personal data, for example if you ticked a box to indicate you are happy for us to use your personal data in a certain way.

Substantial public interest. Where we process your special category personal data (for example, biometric data) to adhere to government regulations or guidance, such as our obligation to adhere to anti-money laundering standards.

We explain further about the way we use your personal data below.

4. **CREATING AN ACCOUNT AND REGISTERING ON THE APPLICATION**

If you are creating an individual account, we ask for your first and last name, date of birth, mobile number, email address, home address and country of residence. If you are applying for a business account we ask for your email address and phone number. We use this personal data to set up and run your account, give you technical and customer support, verify your identity, and send you important account and service information.

5. **KNOW YOUR CUSTOMER AND ANTI MONEY LAUNDERING CHECKS**

Depending on the service, we may collect information about you in order to meet our legal and regulatory obligations relating to know your customer (KYC) and anti-money laundering (AML) requirements. We may also carry out additional ID verification checks where it is in our legitimate interest for the prevention, detection or investigation of a crime or other breach of law or requirement, loss prevention or fraud.

In carrying out these verification steps, we may ask you to provide a copy of your national ID, for example, a passport, a photograph taken on your device, and any other information we may require to assess you eligibility to use our services. In some jurisdictions we may need to request your consent to process this information using our automated on-boarding feature. If you do not want your personal data to be processed in this way you may be able to request a manual review. For further information on our manual review process please see our Data Protection FAQs.

6. **AUTOMATED DECISION MAKING**

As noted above, when you apply for an account with us we may use automated processes to verify the information provided. This means that there is no human intervention. We use the result of these checks as part of our determination on whether you are able to open an account with us. This processing is necessary to perform our obligations under an existing contract with you, or, in order to enter into a contract with you.

In some jurisdictions you may be able to request a human review of the decision made in relation to your application. You can request further information about this processing or request that we review the decision in relation to your application for an account through human analysis by emailing us at: dpo@himalaya.exchange.

7. **YOUR USE OF THE APPLICATION**

In order for you to use the Application and for us to provide you with our services we need to collect your personal data, process it, store it, transfer it and share it with trusted partners. In particular, we will use your personal data including information relating to your deposits, withdrawals and trades on the Application and any cryptocurrency wallet addresses to (i) execute, manage and process any instructions or orders you make on the Application, (ii) manage, process, collect and transfer payments, fees and charges, and (iii) collect and recover money owed to us.

We also log technical information about your use of the Application, including the type of browser and version you use, your cryptocurrency wallet address, the last access time of your wallet, the Internet Protocol (IP) address used to create the wallet and the most recent IP address used to access the wallet.

8. **SUPPORT**

When you get in contact with us to provide you with support we may ask for your personal data, like your name, address or phone number.

9. **MARKETING**

When you sign up to the Application we will add you to our email marketing list to keep you informed about products and services which may be of interest to you. You can opt-out of receiving these email communications at any time by clicking on the "unsubscribe link" in the relevant email or by emailing us at: dpo@himalaya.exchange.

10. **FRAUD AND FINANCIAL CRIME MONITORING**

We may monitor your account including payments and other activity, for suspicious activity. This monitoring is in our legitimate interest and is carried out for security purposes and to prevent fraud.

Details of the personal data that will be processed include, for example: name, address, date of birth, contact details, financial information, employment details and device identifiers including IP address and cryptocurrency wallet address.

We and fraud prevention agencies may also enable law enforcement agencies to access and use your personal data to detect, investigate and prevent crime.

We process your personal data on the basis that we have a legitimate interest in preventing fraud and money laundering, and to verify identity, in order to protect our business and to comply with laws that apply to us. Such processing is also a contractual requirement of the services you may request and may also be required to enable us to comply with our legal obligations.

11. **LEGAL AND COMPLIANCE**

We may have to use and keep personal data for legal and compliance reasons, such as the prevention, detection or investigation of a crime; loss prevention; or fraud. We may also use personal data to meet our internal and external audit requirements, for information security purposes and as we believe to be necessary or appropriate: (a) under applicable law; (b) to respond to requests from courts, law enforcement agencies, regulatory agencies, and other public and government authorities; (c) to enforce our terms and conditions; or (d) to protect our rights, privacy, safety, property, or those of other people.

12. **ANALYTICS**

We carry out our own internal analytics to see how we can improve our services and determine what new functions or features will benefit you the most. In order to do this, we look at information about how you use our services. We process your personal data in this regard on the basis that we have a legitimate interest in improving our services for you and other customers.

13. **AGGREGATED DATA**

We also collect, use and share aggregated data such as statistical or demographic data. Aggregated data could be derived from your personal data but is not considered personal data where the aggregated data cannot be linked to you specifically. For example, we may aggregate your usage data to calculate the percentage of users accessing a specific feature

on the Application. Once data is aggregated data it is not subject to the terms of this Privacy Notice.

14. **SPECIAL CATEGORIES OF PERSONAL DATA**

Certain data protection laws also treat some other categories of personal data as sensitive and accordingly such sensitive data warrants extra protection. In the context of the Application, this sensitive data (which is also referred to as 'Special Category Data') may include details about your political opinions and the processing of your biometric data, where required through the KYC and AML checks described in section 5 above.

We collect, use, store and transfer your Special Category Data on the basis of your consent, you have made the information manifestly public, or where it is necessary, for reasons of substantial public interest, on the basis of applicable law (including laws designed to combat money laundering, bribery and corruption and avoidance of sanctions).

15. **COOKIES**

We use cookies on our website. Cookies are small text files that are downloaded onto your device when you visit a website. The cookies on our website records minimal personal data for the purposes of analysis, to help us understand of how people use our website. Please refer to our cookies policy, which is available on our website, for further information about our use of cookies.

16. **SHARING YOUR PERSONAL DATA**

The list below shows who we share your information with and why. We only share your personal data when it helps us to provide the services you have requested, where we have a legal or regulatory obligation or if it is in our legitimate business interest.

- (a) Third party service providers, such as
 - (i) Companies and organisations that assist us in processing, verifying or refunding transactions/orders you make and in providing any of the services that you have requested;
 - (ii) identity verification agencies to undertake required verification checks.
 - (iii) fraud or crime prevention agencies to help fight against crimes including fraud, money-laundering and terrorist financing; and
 - (iv) organisations which assist us with customer support services.

For more information about these third parties and how they process your personal data please see our Data Protection FAQs;

17. **YOUR LEGAL RIGHTS**

Under applicable data protection laws, you may have certain legal rights in respect of your personal data, such rights include:

- (a) **To request access to your personal data.** This is 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.
- (b) **To request correction of your personal data.** 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.
- (c) **To 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. Note, however, that we may not always be able to comply with your request of erasure:
 - (i) for specific legal reasons which will be notified to you, if applicable, at the time of your request; or
 - (ii) when interacting with the blockchains used by the Application. This is because blockchain technology requires that certain records are retained for the integrity of the service. In these circumstances, we will exercise your right to erasure in line with our obligations under applicable data protection laws and ensure that all personal data that is held by us off the blockchain is permanently deleted. Please note all information stored on the blockchain is necessary to validate a transaction and appropriately secured in line with our technical security measures.
- (d) **To object to processing of your personal data.** This applies 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 individual rights and freedoms. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- (e) **To 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: (1) If you want us to establish the data's accuracy; (2) Where our use of the data is unlawful but you do not want us to erase it; (3) 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; (4) You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

In relation to your rights outlined above, please note that when interacting with the blockchains used by the Application, we will likely not be able to prevent external parties from processing any of your personal data which has been written onto the blockchain. In these circumstances we will use our reasonable endeavours to ensure

that all processing of personal data held by us is restricted in compliance with our obligations under applicable data protection laws.

- (f) **To 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 (if feasible). Note that this right only applies to automated information which you initially provided consent for us to use or where you provided the information to us to perform a contract with you.
- (g) **To request that we cease or not begin processing your personal data for direct marketing purposes.** Where we are processing your personal data for direct marketing purposes, you have the right to notify us in writing requesting that we cease or do not begin processing your personal data for direct marketing purposes.
- (h) **To object to a decision made about you based solely on automated processing.** This applies if the decision is made solely by automated means (without human involvement). You will be notified when decisions are made solely on an automated basis, and if applicable, you will be provided an option of having a manual review; and
- (i) **To withdraw consent at any time where we are relying on consent to process your personal data.** 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. You may withdraw consent at any time where we are relying on consent to process your personal data by contacting us through dpo@himalaya.exchange

If you would like to exercise any of your information rights, please email us at: dpo@himalaya.exchange.

18. **WHERE WE STORE AND PROCESS YOUR DATA**

We are an international group and some of our service providers may be located in a jurisdiction outside of your home jurisdiction and which do not offer the same level of data privacy protection as your home jurisdiction. For such transfers, we take other legal measures to protect the privacy of your personal data – such as approved standard contractual clauses. For further information about the measures we apply please contact dpo@himalaya.exchange.

19. **HOW WE KEEP YOUR DATA SECURE**

Keeping your personal data safe and secure is essential and we protect your personal data with both technology and security policies and procedures that follow the widely-accepted international standards. We review and update our security measures regularly, as

necessary, to meet our business needs, changes in technology and regulatory requirements and to ensure that your personal data is kept secure.

For more information about our security measures please see our Data Protection FAQs.

20. **HOW LONG WE KEEP YOUR INFORMATION**

We keep your personal data for only as long as we need to for legal and business purposes – taking into account local laws, contractual obligations, and the needs of our customers. When we no longer need personal data, we securely delete or destroy it (although please note the section on blockchain technologies in section 17 above).

21. **HOW TO CONTACT US ABOUT THIS NOTICE OR MAKE A COMPLAINT**

If you'd like to contact us for more information or make a complaint about how we've handled your personal data, please contact us at: dpo@himalaya.exchange.

If you're not satisfied with our response, or think we're not processing your personal data in accordance with the law, you may be able to escalate your complaint to the applicable data protection authority. We have set out the relevant contact information of the applicable data protection authorities in our Data Protection FAQs.