

FOMOSWAP PRIVACY & AML POLICY

We recognize our responsibilities in relation to the collection, holding, processing, use and/or transfer of personal data. Your privacy is of utmost importance to us.

This policy (the **Policy**) outlines how we collect, use, store and disclose your personal data. Please take a moment to read about how we collect, use and/or disclose your personal data so that you know and understand the purposes for which we may collect, use and/or disclose your personal data. By accessing the website at <https://fomoswap.com/> (the **Website**), you agree and consent to **FomoSwap LTD** (the **Company**), its related corporations, business units and affiliates, as well as their respective representatives and/or agents (collectively referred to herein as "FomoSwap", "us", "we" or "our"), collecting, using, disclosing and sharing amongst themselves the personal data, and to disclosing such personal data to relevant third party providers. This Policy supplements but does not supersede nor replace any other consent which you may have previously provided to us nor does it affect any rights that we may have at law in connection with the collection, use and/or disclosure of your personal data. We may from time to time update this Policy to ensure that this Policy is consistent with our future developments, industry trends and/or any changes in legal or regulatory requirements. Subject to your rights at law, the prevailing terms of this Policy shall apply. For the avoidance of doubt, this Policy forms part of the terms and conditions governing your relationship with us and should be read in conjunction with such terms and conditions.

The security of your personal data is important to us. At each stage of data collection, use and disclosure, FomoSwap has in place physical, electronic, administrative and procedural safeguards to protect the personal data stored with us. However, do note that no transmission of personal data over the internet can be guaranteed to be 100% secure – accordingly and despite our efforts, FomoSwap cannot guarantee or warrant the security of any information you transmit to us, or to or from our online services. FomoSwap shall not have any responsibility or liability for the security of information transmitted via the internet.

This Policy describes how FomoSwap may collect, use, disclose, process and manage your personal data, and applies to any individual's personal data which is in our possession or under our control.

1.1 What personal data is collected by FomoSwap

"Personal data" means data, whether true or not, about an individual who can be identified (i) from that data, or (ii) from that data and other information to which the organisation has or is likely to have access. Some examples of personal data that FomoSwap may collect are:

- (a) personal particulars (e.g. name, contact details, residential address, date of birth, identity card/passport details, social media handles and other social media profile information, and/or education details);
- (b) financial details (e.g. income, expenses, credit history and/or credit card and bank information);

- (c) images and voice recordings of our conversations with you, whether from our events or office surveillances or otherwise;
- (d) work experience and employment details (e.g. occupation, directorships and other positions held, employment history, salary, and/or benefits);
- (e) tax and insurance information;
- (f) information about your risk profile, investments, investment objectives, knowledge and experience and/or business interests and assets;
- (g) information about your use of our services and Website;
- (h) usernames and password, third party account credentials (such as your Facebook login credentials, Google login credentials) and IP address;
- (i) banking information (e.g. account numbers and banking transactions);
- (j) private or public cryptographic key relating to addresses on distributed ledger networks and/or similar information; and/or
- (k) personal opinions made known to us (e.g. feedback or responses to surveys).
- (l) Other Personal Information or commercial and/or identification information - whatever information we, in our sole discretion, deem necessary to comply with our legal obligations under various anti-money laundering (AML) obligations, such as under the **European Union's 4th AML Directive** and the **India Bank Secrecy Act (BSA)**.
- (m) Periodically, we may require you to verify that your account/address complies with any and all FomoSwap LTD AML/KYC requirements.

Personal data may be collected when you interact with our services or use the Website, or may be received by FomoSwap from third-party databases or service providers that provide business information.

1.2 **Purposes for collection, use and disclosure of your personal data**

FomoSwap may collect, use and/or disclose your personal data for its business purposes, including operations for these purposes. These may include, without limitation, the following:

- (a) developing and providing facilities, products or services (whether made available by us or through us), including but not limited to:
 - (i) sale of digital tokens or virtual currencies;
 - (ii) acting as intermediaries through any blockchain, network or platform developed or managed by us;
 - (iii) recording and/or encryption on any blockchain, network or platform developed or managed by us;
 - (iv) promoting advertisements or marketing material, whether from us or third parties;
- (v) various products and/or services (whether digital or not, and whether provided through an external service provider or otherwise);
 - (vi) providing, managing or accessing digital wallets for holding digital assets;
 - (vii) making payments to you for participation in any blockchain, network or platform developed or managed by us (as applicable);
 - (viii) services for purchasing, trading and/or holding of digital assets;
 - (ix) various products and/or services related to digital assets;

- (x) providing various training and learning models, pattern recognition techniques, predictive analytics, data mining, statistics and machine learning;
- (xi) any escrow, courier, anti-counterfeiting or dispute resolution services; (xii) transactions and clearing or reporting on these transactions;
- (xiii) carrying out research, planning and statistical analysis; and/or
- (xiv) analytics for the purposes of developing or improving our products, services, security, service quality, staff training, and advertising strategies;
- (b) assessing and processing applications, instructions, transactions, or requests from you or our customers;
- (c) communicating with you, including providing you with updates on changes to products, services and banking facilities (whether made available by us or through us) including any additions, expansions, suspensions and replacements of or to such products, services and banking facilities and their terms and conditions;
- (d) managing our infrastructure and business operations and complying with internal policies and procedures;
- (e) responding to queries or feedback;
- (f) addressing or investigating any complaints, claims or disputes;
- (g) verifying your identity for the purposes of providing facilities, products or services, which would require comparison of your personal information against third party databases and/or provision of such information to third party service providers;
- (h) conducting credit checks, screenings or due diligence checks as may be required under applicable law, regulation or directive;
- (i) complying with all applicable laws, regulations, rules, directives, orders, instructions and requests from any local or foreign authorities, including regulatory, governmental, tax and law enforcement authorities or other authorities;
- (j) enforcing obligations owed to us;
- (k) monitoring products and services provided by or made available through us;
- (l) complying with obligations and requirements imposed by us from time to time by any credit bureau or credit information sharing services of which we are a member or subscriber;
- (m) creating and maintaining credit and risk related models;
- (n) financial reporting, regulatory reporting, management reporting, risk management (including monitoring credit exposures, preventing, detecting and investigating crime, including fraud and any form of financial crime), audit and record keeping purposes;
- (o) enabling any actual or proposed assignee or transferee, participant or sub-participant of FomoSwap's rights or obligations to evaluate any proposed transaction;
- (p) enforcing obligations owed to us; and/or
- (q) seeking professional advice, including legal or tax advice.

We may also use personal data for purposes set out in the “terms of use” that govern our relationship with you or our customer.

1.3 Use of personal data for marketing purposes

We may use your personal data to offer you products or services, including special offers, promotions, contests or entitlements that may be of interest to you or for which you may be eligible. Such marketing messages may be sent to you in various modes including but not limited to electronic mail, direct mailers, short message service, telephone calls, facsimile and

other mobile messaging services. In doing so, we will comply with all applicable data protection and privacy laws.

In respect of sending telemarketing messages to your telephone number via short message service, telephone calls, facsimile and other mobile messaging services, please be assured that we shall only do so if we have your clear and unambiguous consent in writing or other recorded form to do so or if you have not otherwise made the appropriate registration of that number with the Do Not Call Registry. If we have an ongoing relationship with you and you have not indicated to us that you do not wish to receive telemarketing messages sent to your telephone number, we may send you telemarketing messages to that number related to the subject of our ongoing relationship via short message service, facsimile and other mobile messaging services (other than a voice or video call).

You may at any time request that we stop contacting you for marketing purposes via selected or all modes.

To find out more on how you can change the way we use your personal data for marketing purposes, please contact us.

Nothing in this section shall vary or supersede the terms and conditions that govern our relationship with you.

1.4 Disclosure and sharing of personal data

We may from time to time and in compliance with all applicable laws on data privacy, disclose your personal data to any personnel of FomoSwap or to third parties (including without limitation banks, financial institutions, credit card companies, credit bureaus and their respective service providers, companies providing services relating to insurance and/or reinsurance to us, and associations of insurance companies, agents, contractors or third party service providers who provide services to us such as telecommunications, information technology, payment, data processing, storage and archival, and our professional advisers such as our auditors and lawyers, and regulators and authorities), located in any jurisdiction, in order to carry out the purposes set out above. Please be assured that when we disclose your personal data to such parties, we require them to ensure that any personal data disclosed to them are kept confidential and secure.

For more information about the third parties with whom we share your personal data, you may, where appropriate, wish to refer to the agreement(s) and/or terms and conditions that govern our relationship with you or our customer. You may also contact us for more information (please see section 1.9 below).

We wish to emphasise that FomoSwap does not sell personal data to any third parties and we shall remain fully compliant of any duty or obligation of confidentiality imposed on us under the applicable agreement(s) and/or terms and conditions that govern our relationship with you or our customer or any applicable law.

You are responsible for ensuring that the personal data you provide to us is accurate, complete, and not misleading and that such personal data is kept up to date. You acknowledge that failure on your part to do so may result in our inability to provide you with the products and services you have requested. To update your personal data, please contact us (please see section 1.9 below for contact details). Where you provide us with personal data concerning individuals other than yourself, you are responsible for obtaining all legally required consents from the concerned individuals and you shall retain proof of such consent(s), such proof to be provided to us upon our request.

We may transfer, store, process and/or deal with your personal data in any jurisdiction. In doing so, we will comply with all applicable data protection and privacy laws.

1.5 Cookies and related technologies

The Website uses cookies. A cookie is a small text file placed on your computer or mobile device when you visit a Website or use an app. Cookies collect information about users and their visit to the Website or use of the app, such as their Internet protocol (IP) address, how they arrived at the Website (for example, through a search engine or a link from another Website), how they navigate within the Website or app, browser information, computer or device type, operating system, internet service provider, website usage, referring/exit pages, platform type, date/time stamp, number of clicks, and ads viewed. We use cookies and other technologies to facilitate your internet sessions and use of our apps, offer you products and/or services according to your preferred settings, track use of our websites and apps and to compile statistics about activities carried out on our websites to ensure our compliance with our AML obligations.

You may set up your web browser to block cookies from monitoring your website visit. You may also remove cookies stored from your computer or mobile device. However, if you do block cookies you may not be able to use certain features and functions of our web sites.

1.6 Other web sites

Our websites may contain links to other websites which are not maintained by FomoSwap. This Policy only applies to the websites of FomoSwap. When visiting these third party websites, you should read their privacy policies which will apply to your use of such websites.

1.7 Retention of personal data

Your personal data is retained as long as the purpose for which it was collected remains and until it is no longer necessary for any legal or business purposes.

1.8 Queries, Access/Correction Requests and Withdrawal of Consent

If you:

- (a) have queries about our data protection processes and practices;
- (b) wish to request access to and/or make corrections to your personal data in our possession or under our control; or
- (c) wish to withdraw your consent to our collection, use or disclosure of your personal data, please submit a written request (with supporting documents, (if any) to our Compliance Officer at: admin@fomoswap.com . Our Compliance Officer shall endeavour to respond to you within 30 days of your submission. Please note that if you withdraw your consent to any or all use or disclosure of your personal data, depending on the nature of your request, we may not be in a position to continue to provide our services or products to you or administer any contractual relationship in place. Such withdrawal may also result in the termination of any agreement you may have with us. Our legal rights and remedies are expressly reserved in such event.

We may charge you a fee for processing your request for access. Such a fee depends on the nature and complexity of your access request. Information on the processing fee will be made available to you.

1.9 Contact information

To contact us on any aspect of this Policy or your personal data or to provide any feedback that you may have, please contact our Compliance Officer at admin@fomoswap.com.

1.10 Governing Law and Jurisdiction

This Policy and your use of the Website shall be governed and construed in accordance with the laws of British Virgin Islands. You agree to submit to the exclusive jurisdiction of the British Virgin Islands courts.

1.11 Amendments and updates to FomoSwap Privacy Policy

We reserve the right to amend this Policy from time to time to ensure that this Policy is consistent with any developments to the way FomoSwap uses your personal data or any changes to the laws and regulations applicable to FomoSwap. We will make available the updated Policy on the Website. You are encouraged to visit the Website from time to time to ensure that you are well informed of our latest policies in relation to personal data protection. All communications, transactions and dealings with us shall be subject to the latest version of this Policy in force at the time.

1.12 For European Union or European Economic Area Residents

This section applies if you are an individual located in the European Union or European Economic Area. Subject to applicable law, you have the following additional rights in relation to your personal data:

- (a) the right to access your personal data (if you ask us, we will confirm whether we are processing your personal data in a structured, commonly used and machine-readable format and, if so, provide you with a copy of that personal data (along with certain other details). If you require additional copies, we may need to charge a reasonable fee;
- (b) the right to ensure the accuracy of your personal data;
- (c) the right to have us delete your personal data (we will do so in some circumstances, such as where we no longer need it, but do note that we may not delete your data when other interests outweigh your right to deletion);
- (d) the right to restrict further processing of your personal data (unless we demonstrate compelling legitimate grounds for the processing);
- (e) rights in relation to automated decision-making and profiling (you have the right to be free from decisions based solely on automated processing of your personal data, including profiling, that affect you, unless such processing is necessary for entering into, or the performance of, a contract between you and us or you provide your explicit consent to such processing);
- (f) the right to withdraw consent (if we rely on your consent to process your personal data, you have the right to withdraw that consent at any time, but provided always that this shall not affect the lawfulness of processing based on your prior consent); and
- (g) the right to complain to a supervisory authority in your country of residence in the event that data is misused.

If you believe that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your residence, your place of work or the place of the alleged infringement. You may exercise any of your rights in relation to your personal data by contacting our Compliance Officer at: admin@fomoswap.com

1.13 Your acceptance of these terms

This Policy applies in conjunction with any other notices, contractual clauses and consent clauses that apply in relation to the collection, use and disclosure of your personal data by us. We may revise this Policy from time to time without any prior notice. You may determine if any such revision has taken place by referring to the date on which this Policy was last updated. By using the Website and/or any services provided by FomoSwap, you signify your acceptance of this Policy and terms of service. If you do not agree to this Policy or terms of service, please do not use the Website or any services provided by FomoSwap. Your continued use of the Website following the posting of changes to this Policy will be deemed your acceptance of those changes.

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