

## Fairdex.net Privacy Policy

Last updated: February 2019

### 1. INTRODUCTION

We are pleased to welcome you on our Platform. We carefully perform our data protection responsibilities to make sure your personal information stays secure. Based on this, we have created our website for you to navigate and use it with no need to provide Personal Data.

In this Privacy Policy (the “**Policy**”) you may find information concerning Personal Data we collect, process, and retain. This Policy is applicable to all our processing activities where we are responsible for data protection.

In this Policy, “we,” “us,” and “our” refers to Fairdex Global OÜ, a company incorporated in Estonia under company registration No. 14672401 with its registered address at Harju maakond, Tallinn, Lasnamäe linnaosa, Peterburi tee 47, 11415, Estonia. For more information about us, see the Contact Us section of this policy.

In this Policy, “Personal Data” means any information relating to you as an identified or identifiable natural person (“**Data Subject**”).

In this Policy, “Processing” indicates any operation or set of operations carried out on Personal Data (as defined in this Privacy Policy) or on sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

This Privacy Policy has terms that are not defined here but you may find their respective meanings indicated in the General terms of Services.

### 2. YOUR INFORMATION AND THE BLOCKCHAIN

**2.1.** Blockchain technology, also called distributed ledger technology (or simply “DLT”), is our business main specialization. Blockchains are decentralized and consist of digitally recorded data bundled into “blocks” that are chained together. Because of these blocks are bound chronologically, it is extremely difficult to change the data recorded. Blockchains may broadcast “blocks” all over the world (across several ‘nodes’ which usually replicate the ledger), thereby it removes the need for a central authority or middleman (such as an operator of a cloud computing system), there is no centralized place where the system is located either.

**2.2.** Blockchain’s records is said to be ‘immutable’, what means, on purpose, they cannot be changed or deleted. This may have an impact on your capability to exercise your rights, including your right to erasure (‘right to be forgotten’) or your rights to object or restrict Processing of your personal data. It’s impossible to erase or change data on the blockchain. Despite smart contracts possible usage to revoke certain access rights and make some content invisible to others, it is not deleted.

**2.3.** In some cases, you will need to provide certain personal data, such as your Ethereum or other

cryptocurrency wallet address, onto the blockchain. It may happen during interaction with the DutchX Decentralized Trading Protocol (the “**Protocol**”), as further defined in the Terms, such as delivery of tokens. Such transactions are done through a smart contract and to execute it you should use your wallet’s private key.

**2.4.** In most cases, it is for you to decide whether to (i) transact on the Ethereum Blockchain using your Ethereum or other cryptocurrency wallet address, or to (ii) share the public key relating to your Ethereum or other cryptocurrency wallet address with anyone (including us).

**2.5. YOU SHOULD NOT TRANSACT ON BLOCKCHAIN IN CASE YOU WANT TO MAKE SURE YOUR PRIVACY RIGHTS STAYS UNTOUCHED, AS CERTAIN RIGHTS MAY NOT BE FULLY AVAILABLE OR EXERCISABLE BY YOU OR US DUE TO BLOCKCHAIN DISTRIBUTED INFRASTRUCTURE. THE ETHEREUM BLOCKCHAIN IS PUBLICLY OPEN AND ANY PERSONAL DATA SHARED ON IT WILL BECOME AVAILABLE TO THE PUBLIC.**

### **3. HOW PERSONAL DATA IS PROCESSED**

Fairdex.net represents a graphical interface and trading platform (the “**Platform**”) that helps you interact via a Wallet with the DutchX Decentralized Trading Protocol for ERC-20 tokens (the “**DutchX Protocol**”). Personal data you shared onto the blockchain while interacting with the DutchX Protocol will be processed in the blockchain. This means that we do not collect and process any personal data.

#### **3.1. The following categories of data are collected**

The following data is stored on the Ethereum Blockchain:

- your wallet address
- trade data — date and time of transaction, timestamp, sell and bought token (amount and kind)
- liquidity contribution (OWL detection, liquidity contribution settled in OWL, MGN generated, liquidity contribution reduction based on MGN and liquidity contribution settled in participating Supported Tokens)

#### **3.2. How the data gathered is processed**

**The data written onto Ethereum Blockchain will be processed and stored inside the system. As was mentioned in Section 2, due to the technological infrastructure of the blockchain, this data will become publicly open and it will unlikely be possible to change or delete the data at any given time.**

#### **3.3. Purposes and legal basis for data processing**

This Personal Data may be processed on the Ethereum Blockchain in order to deliver the functionality of the Platform. The legal basis for this Processing is **necessary for performance of a contract with you**, inter alia, to perform our General terms of Services. This Processing is also necessary for the purpose of **our legitimate business interests** to improve functionality of our Platform and our service. Other cases of our **legitimate interests** is the processing of your Personal Data when it is necessary to establish, exercise, or defend legal claims, such as the protection and assertion of our legal rights, your legal rights, and the legal rights of others.

Further, we may process your Personal Data when such Processing is necessary in order for us to

comply with a **legal obligation** to which we are subject.

## **4. USE OF THIRD-PARTY APPLICATIONS**

### **4.1. Ethereum Blockchain**

**4.1.1.** The Ethereum Blockchain will keep your Wallet address, trade data, and liquidity contribution when participating in the DutchX Protocol via the Fairdex.net Platform. See Section 2 of this Policy.

**4.1.2. The data will be stored on the Ethereum Blockchain. As was mentioned in Section 2, due to the technological infrastructure of the blockchain, this data will become publicly open and it will unlikely be possible to change or delete the data at any given time.**

### **4.2. Wallet provider**

**4.2.1.** If you want to use the Fairdex.net Platform to trade on the DutchX Protocol you should connect with your Wallet, as it is further said in the General terms of Services. You may find recommended wallets enlisted in the General terms of Services and they may change periodically. Personal Data may be collected and stored by wallet providers. For example, data collected by MetaMask and the applicable data protection provisions of MetaMask, please visit <https://metamask.io/privacy.html>.

**4.2.2.** Before injecting to the Fairdex.net platform, you are recommended to check the privacy policy of **your** wallet provider.

### **4.3. Amazon Web Server**

**4.3.1.** We may use the Amazon Web Server (AWS) to host our Platform. For further information and the applicable data protection provisions of AWS please visit [https://aws.amazon.com/privacy/?nc1=f\\_pr](https://aws.amazon.com/privacy/?nc1=f_pr).

### **4.4. API**

**4.4.1.** For information purposes, we note here that the DutchX Protocol has a range of additional Services, including the provision of an Application Programming Interface site ("API") at <https://dutchx.d.exchange/api>, where anyone can get easy access to the **public** information contained on the Ethereum Blockchain regarding the DutchX Protocol.

**4.4.2.** Through the API everyone can get access to the following information of the DutchX Protocol smart contracts:

**4.4.2.1.** balances of the users for the different tokens, including locked MGN

**4.4.2.2.** information about the tokens listed on the DutchX Protocol and the ones that generate MGN

**4.4.2.3.** information about the auctions: sell volumes, buy volumes, start dates, closing prices

**4.4.2.4.** information about the deposits, sell orders, buy orders, liquidity contribution level applied, dates

**4.4.2.5.** address of the trade, as well as information about the claiming and generation of MGN

## **5. SHARING YOUR PERSONAL DATA**

**5.1.** We don't share personal information with third parties.

## **6. TRANSFERRING YOUR DATA OUTSIDE THE EU**

**6.1.** The log data of Platform (which does not include any personal data) collected when using our service will be stored on our Amazon Web Server, which is based in the US. Amazon is certified under the EU-US Privacy Shield.

**6.2. As it was mentioned above in this Policy, the data written onto Ethereum Blockchain will be processed and stored inside the system. Due to the technological infrastructure of the**

**blockchain, this data will become publicly open and may be shared across the globe.**

## **7. EXISTENCE OF AUTOMATED DECISION-MAKING**

**7.1.** We do not use automatic decision-making or profiling when Processing Personal Data.

## **8. DATA SECURITY**

**8.1.** As explained above in this Policy, all data is stored at the Ethereum Blockchain which will only process your Personal Data.

## **9. YOUR RIGHTS AS A DATA SUBJECT**

**9.1.** Below you will find an explanation concerning certain rights you have under applicable legislation, and, in particular, under Regulation EU 2016/679 (General Data Protection Regulation or “GDPR”). To learn more about the GDPR and your rights, please visit the European Commission’s website.

### **9.2. The right to be informed and to access information**

**9.2.1.** You have the right to be informed about the Processing of your Personal Data (and if you did not give it to us, information as to the source) and this Policy intends to provide the information. Of course, if you have any further questions you can contact us at the above details.

### **9.3. The right to rectification**

**9.3.1.** You have the right to have any inaccurate Personal Data about you rectified and to have any incomplete Personal Data about you completed.

**9.3.2.** For us the accuracy of your information is essential. In case you want to get more information about the way your Personal Data is handled, please contact us at the above details.

### **9.4. The right to erasure (right to be ‘forgotten’)**

**9.4.1.** You have the general right to request the erasure of your Personal Data in the following circumstances:

**9.4.1.1.** The Personal Data is no longer required for the purpose for which it was collected.

**9.4.1.2.** You withdraw your consent to the Processing and there is no other legal justification for Processing.

**9.4.1.3.** You object to Processing for direct marketing purposes.

**9.4.1.4.** We unlawfully processed your Personal Data.

**9.4.1.5.** Erasure is required to comply with a legal obligation that applies to us.

**9.4.2.** **However, as it was mentioned above in this Policy, the personal information written onto the Ethereum Blockchain is unlikely be possible to erase and permanently delete. In these circumstances your right to erasure may not be able to be put into effect.**

### **9.5. The right to restrict Processing and right to object to Processing**

**9.5.1.** You have the right to restrict Processing of your Personal Data in cases when:

**9.5.2.** You contest the accuracy of the Personal Data.

**9.5.3.** Processing is unlawful, you may request, instead of requesting erasure that we restrict the use of the unlawfully processed Personal Data.

**9.5.4.** Your Personal Data is no longer required but it’s necessary to retain it for the establishment, exercise, or defence of legal claims.

**9.5.5.** You also have the right to object to Processing of your Personal Data under certain

circumstances, such as when the Processing is based on your consent and you withdraw that consent. This may influence the services we can provide and we will explain this to you, if you decide to exercise this right.

**9.5.6. However, as it was mentioned above in this Policy, it will unlikely be possible to keep external parties out of Processing any Personal Data which has been written onto the Ethereum Blockchain. In these circumstances your right to restrict to Processing may not be able to be put into effect.**

## **9.6. The right to object.**

**9.6.1.** You are eligible to object to processing your personal data based on legitimate interests (including profiling) and direct marketing (including profiling). The objection must be on “grounds relating to his or her particular situation.” You will be informed of your right to object in the first communication you receive from us.

## **9.7. The right to data portability.**

**9.7.1.** You are eligible to obtain your personal data, which is processed by us, to use it for your own purposes. It means you have the right to receive your personal data—that you have shared with us—in a structured machine readable format, so you can further transfer the data to a different data controller. This right applies in the following circumstances:

- When you have provided the data to us.
- When data processing is carried out, because you have given us your consent to do so.
- When data processing is carried out to develop a contract between you and us.
- When data processing is carried out automatically (we don’t use automated means to process personal data, so this right does not apply).

## **9.8. The right to freedom from automated decision-making**

**9.8.1.** As it was mentioned above, we do not use automated decision-making, but in case any automated decision-making takes place, you are eligible to express your attitude to the matter and to contest the decision, as well as request that decisions based on automated Processing concerning you or significantly affecting you and based on your personal data are made by natural persons, not only by computers.

## **9.9. The right to request access**

**9.9.1.** You also have the right to access information we hold about you. You are free to request details of your Personal Data processing or storage.

## **9.10. The right to withdraw consent**

**9.10.1.** When the legal basis for Processing your Personal Information is your consent, you have the right to withdraw that consent at any time by contacting us at the above details.

## **9.11. Raising a complaint about how we have handled your Personal Data**

**9.11.1.** In case you want to make a complaint concerning the way your personal data is treated, you can contact us, as set out above, and we will then inspect the matter.

## **9.12. The right to lodge a complaint with a relevant supervisory authority**

You also have the right to lodge a complaint with the supervisory authority in the country of your

habitual residence, place of work, or the place where you allege an infringement of one or more of our rights has taken place, if that is based in the EEA.

## **10. STORING PERSONAL DATA**

**10.1.** Your Personal Data is not retained by us since the Ethereum Blockchain holds all data.

## **11. CHANGES TO THIS PRIVACY POLICY**

**11.1.** Periodically, we may include supplements or amendments to this policy by adding policies and guidelines to it. You will find any privacy policy changes posted on this page. We recommend you to look through our privacy policy every time you use our services to be aware of our data practices and the ways you can improve your data protection.

Our services are not directed to individuals under 16. We do not knowingly collect personal information from individuals under 16. If we become aware that an individual under 16 has provided us with personal information, we will take measures to delete such information.

If you disagree with any changes to this privacy policy, you will need to stop using our services.

## **12. OUR DETAILS**

**12.1.** This website is owned and operated by Fairdex Global OÜ. We are registered in Estonia under Company registration No.14672401 , and our registered office is located at Harju maakond, Tallinn, Lasnamäe linnaosa, Peterburi tee 47, 11415, Estonia.

**12.2.** Contact us at [dataprotection@Fairdex.net](mailto:dataprotection@Fairdex.net) for any queries concerning your rights under this Privacy Policy.