

HMS Privacy Notice

Updated on May 24th, 2018

The current HMS Privacy Notice (the “Privacy Notice”) describes how HMS LUX S.A. (“HMS”, “we” or “us”) may collect, process and retain personal information collected, from time to time, directly or indirectly, in a compulsory or voluntary manner, from its clients and third parties (such as prospective clients and service providers), in accordance with the Applicable Laws and for the purposes defined below.

The Law Changes

On May 25th 2018 the General Data Protection Regulation (‘GDPR’) of the European Parliament and of the Council enters into force throughout the European Union. This GDPR, along with the subsequent legislation arising from that (together, the ‘Applicable Laws’), establishes new standards for the protection of personal information of EU citizens and imposes new demands to EU-based corporations, like HMS, that must collect, process and retain personal information for the pursuance of its business concern.

The Personal Information That Matters

HMS may collect and process the following categories of personal information:

- Identification data (name, surname, alias);
- Administrative data (gender, nationality, civil status, gender);
- Biometric data (picture(s), video(s), sound recordings);
- Professional data (job/occupation, employer/holding(s), position);
- Financial data (tax data, transactional data, historical records);
- Numeric data (IP address, logging data);
- Relational data (publicly available data, data provided by third parties).

HMS collects such personal information:

- Through the HMS website (www.hms.lu), HMS Trader Online Trading Application and related web/mobile application, HMS TraderGo;
- That our clients and prospective clients provide us in connection with the services we provide, from the initial set of Account Opening forms to the communication in regards to trading activity;
- From meetings with staff or in business contacts, such as exchanging business cards or collecting information upon presentation(s) of HMS services;
- That we use to validate the identity of clients and prospective clients, such as copies of identification documents or proof of residency documents.

HMS only processes the personal data in accordance with the Applicable Laws and solely for lawful purposes, such as:

- To ensure its compliance with legal and regulatory obligations, including assessment of risks (as per AML/CFT Law, for example), categorisation of client relationships (as per MiFID II) or auditing;
- To provide professional services, including brokerage services, execution of clients' orders, investment advisory or certain ancillary services;
- To maintain its administrative and business relationship management systems, including (but not limited to) identity and transactions ongoing monitoring, invoicing and invoices' payments, complaints handling and quality review;
- To maintain and protect its business operations, including its physical and virtual infrastructure, security management and performance monitoring, and to ensure business continuity;
- To process clients' or counterparties' requests;
- To manage its web-based services and supporting infrastructure.

The processing of the collected personal information shall be performed in accordance with different legal basis (such as, but not limited to, Commercial law, Contracts law, Employment law, besides the mentioned GDPR) and to minimum extent required for the above purposes, namely when necessary:

- For the performance of a contract (specially towards its clients and in regards to their personal information);
- For compliance with a legal obligation to which HMS is subject;
- For pursuing HMS business objectives and legitimate interests or those of a third party when imposed by legal requirements and to the extent established by those.

HMS shall only keep personal information in a form that allows identification of the related data subjects for no longer than necessary to the specific purpose of its collection and only for as long as it is legally obliged to do so. In the current regulatory framework, HMS is required to maintain certain types of personal information for a period of seven years after the end of the business relationship. Insofar as HMS is compliant with its legal obligations, we shall adopt the strictest respect for the data subjects' rights, namely: the right to request restriction of processing the personal information; the right to request access to, rectification or erasure of the personal information; the right to object the processing of personal information and the right to data portability.

Our Commitment

At HMS we take our responsibility to protect the personal information provided to us seriously. The Privacy Notice aims to clarify our commitment to protect your personal data and to act in compliance with the highest legal and market standards.

HMS does not share any personal information with third parties, except when legally obliged to and in the context of the authorisation provided by the data subjects. In this sense, HMS commits to continue to withhold its outsourcing policy that follows the principles of not sharing data and of not resorting to external data processing and/or data storage mechanisms and systems.

HMS further commits to keep its investment in appropriate organisational and technical resources that ensure a level of security and confidentiality adequate to the risks inherent to the processing and retaining of personal information.