

# PRIVACY AND DATA PROTECTION POLICY

EFFECTIVE AS AT 25 MAY 2019

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## INTRODUCTION

At FENIX, our ever enduring mission is to bridge the void between artist and fan. In order to achieve this, we need to understand what music you love so that we can deliver a unique and incredible experience tailored only to you.

The goal of this policy (together with our Terms of Use and any other documents referred to you by us) is to transparently explain why and how we collect, store and distribute your data.

Please read the following policy carefully to understand the view and practices of FENIX Limited and learn how you can control what data you share with us. By using the FENIX service, you are accepting and consenting to the practices described in this policy.

## DATA COLLECTION AND USE

### WHAT DATA WE COLLECT AND HOW WE COLLECT IT

1. **Registration** – Creating a FENIX account requires personal data to connect you to FENIX services. This includes your country, email address, date of birth and gender. If you have acquired FENIX Tokens (either as part of our initial fundraising or through an exchange), this information will also include your credit card information, photograph or other identification, and a personal description, all of which were required for know-your-client (KYC) and anti-money laundering (AML) purposes.
2. **Use of the FENIX services** – Through use of FENIX services we collect information relating to what bands you have engaged with, what songs you have listened to and what experiences | products you have purchased.

3. **Third Parties** – FENIX works closely with third parties (including, for example, business partners, sub-contractors in technical, payment and delivery services, advertising networks, analytics providers, search information providers, credit reference agencies).

We will only use this data to the extent that you have provided your consent to the third party or to FENIX, or where FENIX has a legitimate interest in the use of the personal data.

4. **Data provided to us by you** – In the course of using FENIX services you may provide user content to us including, but not limited to, profile pictures, comments on songs or in band forums and other material, that you upload or post.

Submission in this way will also cause metadata associated with such content (i.e the time and date of posting, formatting information and geotag) to be delivered to us. Use of FENIX services may also cause us to request disclosure of additional information which allows us to an even great extent tailor your FENIX experience. Such disclosure is, and will always be, at your discretion.

Your consent can be withdrawn at any time. We will never collect, without your express consent, personal photos, precise mobile device location, individual contacts from your device or voice data.

**WHAT DOES FENIX USE YOUR DATA FOR?**

Use	Legal Basis of Use
To comply with a lawful order issued by any governmental or other regulatory authority or by a court or other authority of competent jurisdiction.	<ul style="list-style-type: none"> <li>• Compliance with legal obligations</li> </ul>
To carry out our obligations arising from any contracts entered into between you and us and to provide you with the information, products and services that you request from us.  This includes investigation of fraudulent payments or fraudulent use of our services.	<ul style="list-style-type: none"> <li>• Performance of a Contract</li> <li>• Compliance with legal obligations</li> <li>• Legitimate Interest</li> </ul>
To provide you with information about other goods and services FENIX offers that are similar to those that you have already purchased or enquired about.	<ul style="list-style-type: none"> <li>• Performance of a Contract</li> <li>• Legitimate Interest</li> <li>• Consent</li> </ul>
To provide you, or permit selected third parties to provide you, with information about goods or services FENIX feels may interest you.  If you are an <b>existing customer</b> , FENIX will only contact you by electronic means (e-mail or SMS) with information about goods and services similar to	<ul style="list-style-type: none"> <li>• Consent</li> <li>• Legitimate Interest</li> </ul>

Use	Legal Basis of Use
<p>those which were the subject of a previous sale or negotiations of a sale to you.</p> <p>If you are a <b>new customer</b>, and where FENIX permits selected third parties to use your data, FENIX (or the selected third parties) will contact you by electronic means only if you have consented.</p>	
<p>To notify you about changes to our service or sales of FENIX Tokens.</p>	<ul style="list-style-type: none"> <li>• Protect vital interests of data subject</li> <li>• Performance of a Contract</li> </ul>
<p>To ensure that content is presented in the most effective manner for you and your device.</p>	<ul style="list-style-type: none"> <li>• Performance of a Contract</li> <li>• Legitimate Interest</li> </ul>
<p>To administer our Apps and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes.</p>	<ul style="list-style-type: none"> <li>• Legitimate Interest</li> </ul>
<p>To allow you to participate in interactive features of our service, when you choose to do so.</p>	<ul style="list-style-type: none"> <li>• Consent</li> </ul>
<p>As part of our efforts to keep our site safe and secure.</p>	<ul style="list-style-type: none"> <li>• Protect vital interests of data subject</li> </ul>
<p>To measure or understand the effectiveness of the advertising FENIX serves to you and others, and to deliver relevant advertising to you.</p> <p>Including, but not limited to, using data to allow you to choose to not receive certain types of advertisements or to remove offensive or distasteful music from your music discovery feed.</p>	<ul style="list-style-type: none"> <li>• Performance of a Contract</li> <li>• Legitimate Interest</li> <li>• Consent</li> <li>• Protect vital interests of data subject</li> </ul>
<p>To make suggestions and recommendations to you and other users of our site about goods or services that may interest you or them.</p>	<ul style="list-style-type: none"> <li>• Legitimate Interest</li> </ul>
<p>To provide you with features, advertising or other content which relies upon you specific location.</p>	<ul style="list-style-type: none"> <li>• Consent</li> </ul>

## SHARING YOUR DATA

We may share your personal data with those of our affiliates we rely upon to provide the Fenix Services for the purposes outlined in this Privacy Policy. This includes our subsidiaries and our ultimate holding company and its subsidiaries.

We will only share your personal data with non-affiliate third parties in the following situations:

1. **When you have given us express consent to share such personal data** – This can, for instance, be in relation to social media and other platforms including Google, Instagram, Facebook, YouTube, or platforms operated by other third parties.

Unless you have otherwise expressly consented, we will not share such personal data with third parties for marketing purposes, although we may provide such third parties with aggregated, anonymised data collected about you and other users of the Services.

2. **When sharing your data is fundamental for billing purposes** – Your billing information is stored with the relevant billing provider and not by FENIX.
3. **When we have engaged third parties to perform services on our behalf** – In such instances, we remain responsible for your data protection. We will ensure any such handling of your data is in accordance with this Privacy Policy and other applicable laws.
4. **Where the law requires us to do so** – In order to comply with any legal obligations, enforce this Privacy Policy or our Terms of Use, protect the safety or property of FENIX and its users, we may have to share your information.

You expressly consent to the sharing of such information as may be required for fraud protection and direct assessment of credit risk.

5. **Business purchase or sale** – If FENIX, or substantially all of its assets, are acquired by a third party, personal data held by it about its customers will be one of the transferred assets.
6. **Dispute of charges** – If you contest or dispute any of our charges, we may share your personal data with your credit card company or financial institution in order to help you try to resolve such dispute.

We may remove certain aspects of data that can identify you and thereafter, we may share aggregated, anonymised data with other parties. We may also combine your information with other information in a way that it is no longer possible for you to be identified and then share that aggregated, anonymised information with third parties, which may include demographic data (for example, FENIX may inform a third party that 500 men aged under 30 have clicked on their advertisement on any given day).

**Some of our affiliates and/or third parties may be located in countries (outside the European Economic Area or otherwise) whose laws may not provide adequate protection for your personal data. Prior to your personal data being shared with such affiliates or third parties (as applicable), we will take contractual or other steps reasonably necessary to ensure that your personal data is treated securely by such affiliates or third parties in accordance with this Privacy Policy.**

Except as otherwise described in this Privacy Policy, we will never sell your personal data to third parties or allow third parties to have access to your personal data for their own purposes.

## DATA SECURITY

All information you provide to us is stored on our secure servers. Any payment transactions will be encrypted using SSL technology. Where FENIX has given you (or where you have chosen) a password which enables you to access certain parts of our site, you are responsible for keeping this password confidential. You must not share your password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we, at FENIX, will do our best to protect your personal data, FENIX cannot guarantee the security of your data transmitted to our site; any transmission is at your own risk.

Once FENIX has received your information, FENIX will use strict procedures and security features to try to prevent unauthorized access.

## **YOUR RIGHTS - TAKING CONTROL OVER YOUR DATA**

In accordance with the General Data Protection Regulations (GDPR), we are delighted to offer additional transparency and access to the data we collect from you.

Except where limited by applicable law, yours rights include the right:

- To be informed about what data we have collected;
- To request and receive in a digital form the personal data we have collected;
- To request that we amend or update your data;
- To request that we delete your data or permanently stop processing all or some of your data at any time;
- The right to object to your data being used for direct marketing purposes or on other grounds specific to your situation; and
- The right to file a complaint if you believe we have violated data protection regulations.

If you wish to exercise any of these rights, or others under the GDPR, if applicable, please do not hesitate to contact us at [info@fenix.cash](mailto:info@fenix.cash) as soon as possible.

## **THIRD PARTY ACCESS TO DATA**

We will only provide your data to third parties who provide equal or greater protection of your data as outlined in this policy and as required by the Apple App Store Guidelines (see <https://developer.apple.com/app-store/review/guidelines/>)

## **LINKS**

Our site may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that FENIX does not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

## **RETENTION | DELETION**

FENIX only keeps your personal data as long as required to provide you with legitimate and essential business purposes. In doing so, we will make data driven business decisions that provide you with a premium and personalized experience.

In determining how long we retain your data we will balance:

- The amount, nature and sensitivity of the data;
- The potential risk of harm from unauthorized use or disclosure;
- The purpose for which we are processing that data and if that purpose can be achieved without retaining your data; and
- Whether the data is required for legal or accounting purposes.

Except where restricted by law, upon your request we will irrevocably delete or anonymize your personal data so that you are no longer identifiable.

## **GLOBAL DATA SHARING**

The data that FENIX collect from you may be transferred to, and stored at, a destination outside the European Economic Area (EEA). It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers. This may include staff engaged in, among other things, the fulfilment of your order, the processing of your payment details and the provision of support services.

By submitting your personal data, you agree to this transfer, storing or processing, as required. FENIX will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this privacy policy.

## **CHILDREN AND PRIVACY**

Use of the FENIX Services is not intended for use by children under 16 years of age. Stricter age limits may apply in certain jurisdictions – please see our **Terms of Use** for further details.

We will not knowingly collect personal data from children under 16 years of age, if you are under this age, please do not use the FENIX services and do not provide any personal data to us. If we become aware that we have collected personal data from you, we will take all reasonable steps to delete that data. This may cause us to delete your account without notice.

If you are the legal guardian or parent of a child and become aware that they have provided personal data to FENIX, please contact us urgently either through the FENIX app or by contacting us through any of the methods described below in 'Contact'.

## **AMENDMENTS**

Any changes FENIX makes to our privacy policy in the future will be presented to you upon opening of the FENIX app, posted on our website page and, where appropriate, notified to you by email. Please check back frequently to see any updates or changes to our privacy policy.

## **CONTACT**

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to [info@fenix.cash](mailto:info@fenix.cash).