

# StayOnlineFX Privacy Policy

## INTRODUCTION

Welcome to StayOnlineFX's privacy policy. By visiting [www.stayonlinefx.tech](http://www.stayonlinefx.tech) or by using our services, you are accepting and consenting to this privacy policy.

StayOnlineFX respects your privacy and is committed to protecting your personal data. This privacy policy will inform you as to how we look after your personal data when you visit our website (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

This privacy policy is provided in a layered format so you can click through to the specific areas set out below. Please also use the Glossary to understand the meaning of some of the terms used in this privacy policy.

References to "you" are to natural persons who (1) visit or use our website, (2) engage us directly for our services, or (3) act on behalf of, or are engaged by, a corporate customer who engages us for our services.

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## 1. IMPORTANT INFORMATION AND WHO WE ARE

### PURPOSE OF THIS PRIVACY POLICY

This privacy policy aims to give you information on how StayOnlineFX collects and processes your personal data, including any data you may provide through our website, when you sign up to our Daily Market Report, or use our services.

It is important that you read this privacy policy together with any other policies or notices we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements other policies and notices and is not intended to override them.

### CONTROLLER

We have appointed a Data Protection Officer who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact us using the details set out below.

### CONTACT DETAILS

Our full details are:

Full name of legal entity: Stay Online Limited.

Email: [info@stayonline.tech](mailto:info@stayonline.tech)

Postal address: Steward House, Off Ngong Road, Langata District, P.O. Box 13338, Nairobi, Kenya.

Stay Online Limited (hereinafter the "Company") is a Kenyan Firm that owns and operates the brand "StayOnlineFX" ([www.stayonlinefx.tech](http://www.stayonlinefx.tech)) Stay Online Limited is registered in Kenya with company number PVT-RXU2G2KB and is working in partnership with CP Investment Managers Ltd. a Rwandese Firm authorized and regulated by the Capital Market Authority ("CMA") with license number AM/005/CMA/2018 to carry out certain categories of financial activities as permitted under relevant legislation. The Company's registered office is located at Steward House, Off Ngong Road, Langata District, P.O. Box 13338, Nairobi, Kenya. Please refer to the website of the Company for more information. You have the right to make a complaint at any time to the Capital Market Authority (<https://portal.cma.rw/>). Please note that the CMA will not attend to your complaint unless it is satisfied that the issue has been brought to the Company's attention first. We encourage you to reach out to us directly at [info@stayonline.tech](mailto:info@stayonline.tech) with your concerns before approaching the Capital Market Authority.

### CHANGES TO THE PRIVACY POLICY AND YOUR DUTY TO INFORM US OF CHANGES

We keep our privacy policy under regular review

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## 2. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (i.e. anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, last name, title, date of birth.
- **Contact Data** includes your current residential address, previous addresses, email address and telephone numbers.
- **Financial Data** includes bank account details.
- **Transaction Data** includes details about foreign exchange orders, payments to and from you including dates, amounts, currency pairs, exchange rates and beneficiary details.
- **Technical Data** includes internet protocol (IP) address, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our website.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes anonymous analytical data about how you use our website, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- **Phone Call Data** includes recordings of phone calls between you and us and the phone numbers you use to call us.
- **Biometric Data** includes your facial biometrics, which may include a "selfie" taken on your mobile or other device holding a copy of your identification documents.

We also collect, use and share aggregated data (**Aggregated Data**) such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy policy.

Save for Biometric Data, we do not collect any special categories of personal data (**Special Categories of Personal Data**) about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic data).

### IF YOU FAIL TO PROVIDE PERSONAL DATA

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter with you (for example, to provide you with services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

## 3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact, Financial, Phone Call and Biometric Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
  - apply for our products or services;
  - create an account on our website;
  - subscribe to our service or publications;
  - take part in any competition or promotion organized by us;
  - request marketing materials to be sent to you; or
  - give us feedback or contact us.

• **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our Cookie Policy for further details.

• **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:

- Technical Data from the following parties:
  - (a) analytics providers based inside or outside the Kenya or Rwanda;
  - (b) advertising networks based inside or outside Kenya or Rwanda; and
  - (c) search information providers based inside or outside Kenya or Rwanda.
- Contact, Financial and Transaction Data from providers of technical, payment and delivery services based inside or outside Kenya or Rwanda.
- Identity and Contact Data from data brokers or aggregators based inside or outside the Kenya or Rwanda.
- Identity and Contact Data from publicly available sources such as public online registries.

#### 4. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email. You have the right to withdraw consent to marketing at any time by contacting us.

We process Biometric Data on the basis that we can rely on the “substantial public interest” exemption to the prohibition on processing Special Categories of Personal Data. This is because we have a substantial public interest in preventing fraud and money laundering, to protect our business and customers from fraud and to comply with legal and regulatory requirements that apply to us. In satisfying its regulatory obligations, the StayOnlineFX is required to implement policies and procedures to minimise fraud and money laundering risk. Our internal controls are in place to effectively monitor and manage compliance with such anti-money laundering (AML) policies and procedures.

These controls are appropriate and proportionate to the size of our firm, the products and services we offer, the parts of the world where we do business and types of customers who use our services. In implementing and complying with its policies and procedures, the StayOnlineFX has regard to all applicable AML legislation and regulations.

#### PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To make suggestions and recommendations to you about services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)
To (a) verify your identity when you open an account or use our services, (b) authenticate use of your account, (c) prevent fraudulent use of our services, (d) comply with legal and regulatory obligations, and (e) comply with a request from law enforcement or government entities	(a) Biometric Data	We rely on the “substantial public interest” exemption to the prohibition on processing Special Categories of Personal Data. This is because we have a substantial public interest in preventing fraud and money laundering, to protect our business and customers from fraud and to comply with legal and regulatory requirements

#### MARKETING

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising, which includes the circulation of our Daily Market Report. Should you wish to no longer receive our marketing and advertising materials, including our Daily Market Report, please follow the unsubscribe links on any such email messages, contact us or email us at [info@stayonline.tech](mailto:info@stayonline.tech).

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this **marketing**).

If you have requested information or purchased products or services from us, and you have not opted out of receiving that marketing, where permitted by law, we may contact you by post, email and SMS text message. Do remember, you can adjust your preferences and/or opt-out of marketing at any time. Just click on the unsubscribe links on any marketing message we send you or email us at [info@stayonline.tech](mailto:info@stayonline.tech).

#### THIRD-PARTY MARKETING

We will obtain your express opt-in consent before we share your personal data with any company outside the Stay Online Limited for marketing purposes.

#### OPTING OUT

You can ask us to stop sending you marketing messages at any time by following unsubscribe links on any marketing message sent to you, emailing us at [info@stayonline.tech](mailto:info@stayonline.tech). Where you opt out of receiving these marketing messages, this will not apply to messages sent in connection with a service purchase, service experience or other transactions.

#### COOKIES

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see our Cookie Policy.

#### CHANGE OF PURPOSE

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to receive an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

#### 5. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal third parties as set out in the Glossary.
- External third parties as set out in the Glossary.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications (f) Phone Call	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications (e) Phone Call	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
To administer and protect our business and our website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical (d) Phone Call	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganization or group restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we present to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, products/ services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)

## 6. INTERNATIONAL TRANSFERS

Members of the Stay Online Limited and some of our external third parties are based outside the Kenya and the East African Community (EAC) so their processing of your personal data may involve a transfer of data outside Kenya and EAC. We will take all reasonable steps to make sure that your personal data is handled securely and in line with this privacy policy and data protection laws. In many circumstances, we will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data. When making international transfers of your personal data, we may also use specific contracts approved for use in the Kenya which give personal data the same protection it has in Kenya.

It is important to understand that some countries are not automatically deemed to have adequate legal protections for personal data or individual data subject rights. In particular, we may transfer your data to our third-party banking partners in other jurisdictions, as they may also need to process your personal data in connection with the services provided to you.

In relation to transfers to these countries, we may transfer personal information through the use of Standard Contractual Clauses and additional measures as required. All of your personal information will be afforded a high level of protection wherever it is processed and no matter whether it is held by us, our contractors or agents.

Please contact us if you want further information on the specific mechanisms used by us when Transferring your personal data out of Kenya

## 7. DATA SECURITY

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breaches and will notify you and any applicable regulator of a breach where we are legally required to do so.

## 8. DATA RETENTION

HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

We will retain your personal information for no longer than is necessary for the purposes for which it was received unless otherwise extending the retention period is required or permitted by law.

In some circumstances you can ask us to delete your data: see request erasure below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## 9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

**Request access** to your personal data (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.

**Request correction** of the personal data that we hold about you. 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.

**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. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data 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 your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**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: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) 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; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**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. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. 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. There may also be circumstances where your consent cannot be withdrawn for legal or regulatory reasons.

If you wish to exercise any of the rights set out above, please contact us.

## NO FEE USUALLY REQUIRED

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

## WHAT WE MAY NEED FROM YOU

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

## TIME LIMIT TO RESPOND

We try to respond to all legitimate requests within **one month**. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## 10. GLOSSARY

### LAWFUL BASIS

**Legitimate interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of a contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### THIRD PARTIES

**Internal third parties** means other companies that are legally and directly connected to Stay Online Limited acting as joint controllers or processors.

**External third parties** means:

- Service providers acting as processors who provide compliance, IT, identity authentication, and system administration services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers who provide consultancy, banking, liquidity, legal, insurance and accounting services.
- Our third party banking, liquidity and financial services partners.
- Regulators and other authorities acting as processors or joint controllers based in Kenya or Rwanda who require reporting of processing activities in certain circumstances.
- Third-party services providers which enable us to establish and validate your identity.