



**PRIVACY NOTICE
FOR CLIENTS' REPRESENTATIVES AND BENEFICIAL OWNERS
AND FOR PAYERS**



1. INTRODUCTION

This is finby's Privacy Notice under Art. 13 and 14 of the GDPR for Client's representatives and beneficial owners as well as for payers (natural and legal persons who send funds from their account, payment card or otherwise to a beneficiary who has an account with finby (**Payer**)). If you are a Client's representative or a beneficial owner or a Payer, this Privacy Notice provides you with information on the processing of personal data by Finby Finance Limited, with its registered office at 171, Triq I-Ifran, Valletta VLT 1455, Malta, Company ID: C110371 (hereinafter referred to as "**finby**" or "**we**")

2. SOURCE OF YOUR PERSONAL DATA

We received your personal data from the person acting on behalf of your company, our contractual party (**Client**), directly from you as a Payer, in connection with the execution of your payment to our Client, or from publicly accessible sources such as business registers and online directories.

3. WHEN DOES THIS PRIVACY NOTICE APPLY?

This Privacy Notice is applicable to finby processing of all personal data of its Clients' beneficial owners, representatives and persons authorised by these representatives and Payers. When a Client enters into a contractual agreement with finby, it is required, as part of concluding the contract, to provide us with some personal data of its representatives and, in some cases, of its ultimate beneficial owners. In some cases, in order to make a payment to our Client, it is necessary for the Payer to provide some of its personal data.

4. WHO IS RESPONSIBLE FOR YOUR PERSONAL DATA?

finby is the controller of the processing of all personal data that fall within the scope of this Privacy Notice. This Privacy Notice indicates what personal data are processed by finby and for what purpose, and to which persons or entities the data will or may be provided.

finby resides at: 171, Triq I-Ifran, Valletta VLT 1455, Malta

5. FOR WHICH PURPOSES DO WE PROCESS YOUR PERSONAL DATA?

The personal information that we process can be divided into two categories according to the purpose of their processing:

(a) Personal data processed to comply with legally required assessments under the Maltese Anti-money laundering law

(i) What does this purpose entail?

In some cases, finby processes Clients' representatives and beneficial owners' personal data and Payer's personal data to comply with laws and regulations on anti-money laundering.

To comply with the relevant laws and regulations, we may need to disclose your personal data to government institutions, supervisory authorities, banks and our providers.

(ii) On what legal grounds do we process personal data for this purpose?



The basis for processing your personal data is finby's legal obligation under Maltese anti-money laundering and counter-terrorist financing legislation, including the Prevention of Money Laundering Act, Chapter 373 of the Laws of Malta, and the Prevention of Money Laundering and Funding of Terrorism Regulations, Subsidiary Legislation 373.01, each as amended.

(iii) Which personal data do we process for this purpose?

For this purpose, if you are a Client's representative, we collect your personal data, including:

- basic identification information such as name, surname, title, address of residence, date of birth, personal No., and contact information like phone No., email address, identity document (ID) and utility bills;
- identity verification video;
- number of Client's bank accounts at your disposal and related information (i.e. information regarding the persons entitled to deal with the account);
- business licences, their extent and validity (if applicable); and
- previous political/public functions in case you, as a Client's representative, still hold that function or were released from the function within the past year.

If you are a Client's ultimate beneficial owner, we also collect information regarding your identity and address (if applicable).

For this purpose, we also collect and process the following personal data about Payers, including:

- first and last name,
- address,
- email address,
- IP address.

(iv) For what period do we retain your personal data for this purpose?

For this purpose, your personal data will be retained for the period required by the anti-money laundering law. After the purpose for retention under this section is served, your personal data will be deleted from our systems.

(b) Personal data processed for the conclusion and execution of agreements with Clients

(i) What does this purpose entail?

When a Client enters into a contractual relationship with us, we process your personal data for administrative purposes such as sending invoices and making payments and contacting you concerning specific finby service. finby will process your personal data to further execute our agreement, including for the delivery of customer services.

(ii) On what legal ground do we process personal data for this purpose?

The basis for processing your personal data is the performance of the contract with the Client you represent.



(iii) **Which personal data do we process for this purpose?**

For this purpose, we process your contact details, for example address and email address and personal details, for example your name and date of birth.

(iv) **For what period do we retain your personal data for this purpose?**

For this purpose, your personal data will be retained for the duration of the contractual relationship. After this term, your personal data will be deleted from our systems. When the specific personal data are collected and processed for both purposes a) and b), these personal data are retained according to the purpose a).

(c) Personal data processed to provide services in accordance with a contract

(i) **What does this purpose entail?**

When we receive payments from Payers on behalf of our Clients, we process the Payer's personal data i) to execute the transactions, ii) for administrative purposes, including issuing transaction confirmations, handling refunds, and addressing inquiries related to specific transactions, and iii) to prevent fraud.

(ii) **On what legal ground do we process personal data for this purpose?**

The basis for processing your personal data is the performance of a contract, and finby's legal obligation entailed in the EU Regulation 2023/1113 on information accompanying transfers of funds.

(iii) **Which personal data do we process for this purpose?**

For this purpose, we process your i) personal details, for example your name and date of birth, and ii) banking details, for example bank account and/or credit/debit card details.

(iv) **For what period do we retain your personal data for this purpose?**

For this purpose, your personal data will be retained for the period required by the relevant laws. After the purpose for retention under this section is served, your personal data will be deleted from our systems.

6. WHO HAS ACCESS TO YOUR PERSONAL DATA?

6.1 Access to your personal data within finby

Finby's employees are authorised to access personal data only to the extent necessary to serve the applicable purpose and to perform finby's legal obligations.

6.2 Access to your personal data by third parties

Your personal data will not be supplied to third parties, except where necessary for the performance of the contract or where required by law. The following third parties may have access to your personal data to allow finby to perform its obligations under your contract or to satisfy its legal obligations:

- Banks and other financial institutions involved in transactions connected with providing payment services
- Operators of payment methods provided by finby
- State institutions



- Card associations,
- Providers of sanctions lists, identity verification and review of compliance with Anti-money laundering laws obligations,
- finby Affiliates.

6.3 Access to your personal data from third countries

Some of your information may be transferred to third countries. In such cases, finby shall always ensure appropriate safeguards are in place, such as the standard contractual clauses approved by the European Commission.

7. HOW ARE YOUR PERSONAL DATA SECURED?

finby shall maintain appropriate technical and organizational measures for protection of the security (including protection against unauthorized or unlawful processing and against accidental or unlawful destruction, loss or alteration or damage, unauthorized disclosure of, or access to, personal data), confidentiality and integrity of Client's data. finby regularly monitors compliance with these measures.

8. AUTOMATED DECISION-MAKING

finby uses automated decision-making or profiling, during the initiation or execution your contract, as well as during the processing of individual transactions under your contract, to detect and prevent fraudulent activities and to comply with legal obligations. This involves analyzing i) identities and information about Clients, Clients' beneficial owners, Clients' representatives or Payers, and ii) transaction patterns or unusual activities.

9. WHAT ARE YOUR RIGHTS?

Subject to some limitations, you can object to the processing or request access, correction, restriction, portability or removal of the data that finby processes about you at any time by sending a request to our address finby, 171, Triq I-Ifran, Valletta VLT 1455, Malta.

Should you have any questions regarding the processing of your personal data, please contact us by written request to our address: finby, 171, Triq I-Ifran, Valletta VLT 1455, Malta.

If you feel that we are breaching the applicable privacy rules you have the right to lodge a complaint with the Malta's Office of the Information and Data Protection Commissioner or other competent authority.