

PRIVACY POLICY



February 2023

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1. Introduction

1. Top Markets Solutions Ltd (hereafter the “Company”, “we” or “us”), operating under the trade name Earn¹, is an Investment Firm incorporated and registered under the laws of the Republic of Cyprus with the registration number HE 272810. The Company is regulated by the Cyprus Securities and Exchange Commission (CySEC) under license number 158/11.
2. This Privacy Policy (“**Policy**”) describes how we treat information that you provide to us or that we collect about you. We believe in transparency and we want you to know exactly how your information is being handled when you interact with our services.
3. By personal data, we refer to data that may be used to identify you as a person. Personal data include your name, your address, your telephone number, your e-mail address, your age, your gender, a part of your credit card number, data specified in the questionnaires and other fill-in forms, data on the accounts opened with us or third parties, data on transactions and other operations performed by you. Anonymous information, which we are not in a position to relate to you, does not qualify as personal data.
4. The Company is the personal data controller for the data gathered from you, and will be responsible for the processing of your personal data and will act as data controller for the purposes of the Decree issued by the Minister of Finance of Cyprus for the implementation of the Multilateral Agreement on the Automatic Exchange of Financial Account Information signed by the Cyprus Government on October 29, 2014, on the basis of the Common Reporting Standard developed by the OECD (the “CRS Decree”), the Administrative Cooperation in the Field of Taxation (Amending) Law of 2016 (ACFT Law) and the General Data Protection Regulation (EU) 2016/679 (GDPR).
5. We may collect personal data as well as other information when you use the following services:
 - Our websites, including <https://www.earn.eu/>, <https://my.earn.eu/> and any other websites on which this Policy is posted (the “**Sites**”).
 - Your creation and use of a Client Login ID when completing the registration process at <https://my.earn.eu/> (a “**Client ID**”).
 - Your creation and use of a trading account (an “**Account**”). For more information on Accounts and how to create an Account please see our [Legal Documentation](#).
 - Your use of any of our other products and services (including support services) which may be accessible via a third-party platform, web application or social networking service (together the “**Ancillary Services**”). In this Policy we refer to the Sites, the Client Login ID, the Account and the Ancillary Services together as the “**Services**”.
6. **Please read this Policy carefully. If you do not agree to this Privacy Policy, please do not attempt to use the Services. By registering an Account with the Company and using our Investment Services and products the Company is legally obliged to**

¹ In accordance with CySEC Circular C108, please be informed that the previous name of Top Market Solutions Ltd operating under brand name Earn was TeleTrade-DJ International Consulting Ltd operating under brand name TeleTrade Europe.

collect and process your personal data which is required for the provision of the services.

By accepting this Policy, you signify your consent to the collection and other processing of your personal data in accordance with and for the purposes set out in this Policy.

2. Who we are

Top Markets Solutions Ltd (operating under trade name Earn)

Registered Address: Esperidon 5, 4th floor, Strovolos, Nicosia 2001, Cyprus

Telephone number: +357 22514442

E-mail: support@earn.eu

Website: www.earn.eu

We respect your right to privacy and will only process personal data and other information you provide to us or we collect about you in accordance with applicable privacy and personal data protection laws.

3. Information we may collect from you

When you use the Services, we may collect the following categories of data:

- A) When you sign up for our marketing communications, register your general interest in our products and services at our websites, or register a Client Login Page, we collect and process the following "**Client Data**":
- Your first name and last name, e-mail address and phone number.
- B) When you open a Trading Account, we collect and process the following "**Trading Account Data**":
- *Your first name and last name, your gender, date and place of birth, country of citizenship, residential address, e-mail address, telephone number,*
 - *Client Login ID, password, financial background and prior trading experience required in order to carry out the appropriateness test as per the applicable regulatory framework,*
 - *Employment history & source of funds information required to accept your funds deposits in accordance with AML legislation,*
 - *Furthermore your jurisdiction(s) of residence, tax identification number, and, in relation to the account(s), the account number, the account balance or value as of the end of the relevant calendar year or other appropriate reporting period, as well as any income generated in the account(s) held with the Company, are gathered and processed pursuant to the CRS Decrees, the ACFT Law and the GDPR.*

C) When you deposit funds to your trading account, we collect and process the following "**Payment Information**" that is necessary for the adequate performance of the contract between you and the Company and to allow for the effective compliance with AML legal obligations by the Company:

- *A part of your credit card number, and information about your credit card issuer.*
- *Financial information necessary to process your orders with respect to the Company's Services with the relevant payment merchant, which will only be submitted directly to the payment merchant under secure protocols. This Information may include the amount of any payment transactions, the payment instrument used, date and time, payment amount, payment instrument expiration date, electronic wallet email address, IBAN information for bank transfers, your address and other related transaction details.*

D) When you use the Services, we may collect and process the following "**Tracking Data**":

- *Location information associated with your IP address when you visit our Sites*
- *Information relating to your use of our Services including, but not limited to, information about when and how you use the Services and data traffic.*
- *Log files and statistics in relation to actions taken on our Sites*
- *Technical information about any device that you use when you visit the Sites such as your IP address and the browser you are using.*

For the collection and processing of Tracking Data on the Sites we use cookies. Their functionality and your options regarding their use are explained in section 4 herein below.

4. Cookies

- The Sites use cookies and similar technologies that collect Tracking Data to distinguish you from other users. This helps us to provide you with a good experience when you access the Sites and use the Services.
- A cookie is a small file of letters and numbers that a website places on your computer or device when you visit a website. You are given the opportunity to consent to using of cookies or refuse from them as you enter our Sites. If you have opted out, we only use the strictly necessary cookies (as described below) and store one permanent 'compliance' cookie which tells us that you want to opt out of use of any other cookies. For more information about cookies, we recommend that you visit www.allaboutcookies.org.

The cookies that are used on the Sites fall into the categories described below. These descriptions can help you determine if and how you would like to interact with our Sites and other online services:

- **Strictly necessary cookies**

These cookies are essential in order to enable you to navigate the Sites and use certain features. Without these strictly necessary cookies, the online services provided by the Sites cannot be provided. It is therefore not possible for you to opt out of use of these cookies.

In addition, the coding language the Sites are written in uses session cookies and their use cannot be avoided. These are deleted each time you close your browser. These cookies do not store any information about the visitor once the browser is closed.

The Company has implemented the Invisible reCAPTCHA on its websites specified in the point 4 of this policy. reCAPTCHA API works by collecting hardware and software information, such as device and application data and the results of integrity checks and sending that data to Google for analysis. The reCAPTCHA is a subject to the Google [Privacy Policy](#) and [Terms of Use](#).

- **Performance cookies**

Our performance cookies collect anonymous information about how you use the Sites and their features. For instance, our performance cookies collect information about which pages on the Sites are visited most often, which advertisements you view or interact with on the Sites or other websites on which our advertisements appear and if you receive any error messages.

- **Analytics cookies**

The Sites use Google Analytics, a web analytics service provided by Google, Inc. ("Google"). Google Analytics uses "cookies", which are text files placed on your computer, to help us analyse how users use the Sites. The information generated by the cookie about your use of the Sites (including your IP address) will be transmitted to and stored by Google on servers in the United States. In case of activation of the IP anonymisation, Google will truncate/anonymize the last octet of the IP address for Member States of the European Union as well as for other parties to the Agreement on the European Economic Area. Only in exceptional cases, the full IP address is sent by us to and shortened by Google servers in the USA. On behalf of us, Google will use this information for the purpose of evaluating your use of the Sites, compiling reports on website activity for us and providing other services relating to website activity and internet usage to us. Google will not associate your IP address with any other data held by Google.

Furthermore you can prevent Google's collection and use of data (cookies and IP address) by downloading and installing the browser plug-in available under <https://tools.google.com/dlpage/gaoptout>. Further information can be found under <http://www.google.com/analytics/terms/gb.html> (Google Analytics Terms of Service & Privacy). Please note that on the Sites, Google Analytics code is supplemented by "gat_anonymizeIp();" to ensure an anonymized collection of IP addresses (so called

IP-masking). Also, you can prevent Google Analytics to collect such data on behalf of the Company by clicking on the following link: <https://tools.google.com/dlpage/gaoptout>.

This website also uses Yandex.Metrica web analytics provided by YANDEX LLC, 16, Leo Tolstoy St., Moscow, 119021, Russia (hereinafter referred to as the “Yandex”). Yandex.Metrica uses “cookies,” small text files placed on users’ computers to analyze user activity.

Information collected by cookies does not reveal your identity, but it can help us to improve our website performance. Information about your use of this website collected by cookies will be transferred to Yandex and stored on Yandex’s server in the EU and the Russian Federation. Yandex will process this information to assess how you use the website, compile reports for us on our website operation, and provide other services. Yandex processes this information as specified in the Terms of Use of Yandex.Metrica Service.

You can stop using cookies by making relevant adjustments in browser settings. You can also use the tool <https://yandex.com/support/metrika/general/opt-out.html>. However, it can affect some website functions. By using this website, you agree that Yandex can process your data in the above manner and for the above purposes.

The Sites may use other similar analytics cookies. These cookies are used to collect information about how visitors use the Sites. The information is collected anonymously, and used to report on the number of visitors to the Sites, where the visitors have come from, and the pages they have visited.

- **Functionality cookies**

Functionality cookies are used to remember choices you make (such as language preference, country location, or other online settings) and collect anonymous information.

If you wish to refuse the use of cookies by us or by third parties, you can change your browser settings to reject cookies. As the means by which you can do this varies from browser to browser, please visit your web browser's "Help" menu for further details. Please note that, should you choose to refuse the use of cookies by us, this might impair some of the functionality of the Sites and the Services.

Cookie disclosure table:

Cookie	Provider	Description	Description	Part	Type
_ga	Google	The cookie for web analytics contains a unique identifier that is assigned to each browser to track user	2 years	Third	Analytics

		interaction with the website. Removal or blocking does not affect the use of the site and its functionality.			
_gat	Google	This cookies is installed by Google Universal Analytics to throttle the request rate to limit the collection of data on high traffic sites.	2 years	Third	Performance
_gid	Google	The cookie for web analytics contains a unique identifier that is assigned to each browser to track user interaction with the website. Removal or blocking does not affect the use of the site and its functionality.	24 hours	Third	Analytics
_ym_d	Yandex	This domain of this cookie is owned by Yandex.Metrica. This cookie is used to store the date of the users first site session.	1 year	Third	Analytics
_ym_isad	Yandex	This domain of this cookie is owned by Yandex.Metrica. This cookie is used to collect information about the user like his characteristics, behaviour on page and targeted actions.	30 days	Third	Analytics
_ym_uid	Yandex	This cookie is by Yandex.Metrica. This cookie is used to set a unique ID to	1 year	Third	Analytics

		the visitor and to collect information about how visitor use the website. Thus it help to track the user and the collected informationn is used to improve the site.			
_ym_visorc	Yandex	The cookie for web analytics contains a unique identifier that is assigned to each browser to track user interaction with the website. Removal or blocking does not affect the use of the site and its functionality.	30 minutes	Third	Analytics
i	Yandex	Used by Yandex to control the speed of requests	10 years	Third	Performance
PHPSESSID	www.earn.eu	The cookie is used to store and identify a users' unique session ID for the purpose of managing user session on the website. This cookie is stored for one year	1 year	Our	Necessary
PHPSESSIDTMP	www.earn.eu	The cookie is used to store and identify a users' unique session ID for the purpose of managing user session on the website. The cookie is a session cookies and is deleted when all the browser windows are closed.	Session	Our	Necessary

sync_cookie_csrf	Yandex	The cookie for web analytics contains a unique identifier that is assigned to each browser to track user interaction with the website. Removal or blocking does not affect the use of the site and its functionality.	2 years	Third	Analytics
yabs-sid	Yandex	Yandex Metrics is used to attract visitors who can convert to customers.	Session	Third	Analytics
yandexuid	Yandex	Used by Yandex to control the speed of requests	1 year	Third	Analytics
ymex	Yandex	Registers data on visitors' website-behaviour. This is used for internal analysis and website optimization.	1 year	Third	Analytics

5. How we use your information

We may use the information that you provide to us or that we collect about you for the following purposes:

1. Provision of services. Client Data, Trading Account Data and Tracking Data may be collected and processed by us to provide you with the Services that you request from us and to perform the respective **Operative Agreement** (e.g. Client Agreement, Terms & Conditions) accepted by you. Data collected for that purpose will only be kept as long as necessary to provide the requested Services.
2. Compliance with applicable legislation and regulatory framework. Any data collected may be processed by us to detect, investigate and prevent activities that may be illegal, that may violate the Operative Agreement and also to comply with the requests for information of the competent regulatory or lawful authorities. Such data will be kept for a minimum duration of 5 years after the Account closure in accordance with the current applicable laws.
3. Creation of additional promotion and advertising:

- We may use the e-mail address registered to your Client Login ID to provide you with information about products and services related to our Services, if you agree to this service at the time your Client Login ID is created. You may also opt-out from use of your e-mail address for this purpose at any time, by sending an e-mail from the e-mail address registered to your Client Login ID to support@earn.eu stating that you do not wish to receive such information. Alternatively, you may opt out by following the unsubscribe instructions at the bottom of each e-mail you receive from us.
- We may use Tracking Data to monitor, improve, or modify the Services and our operations.
- We may use the e-mail address and/or phone number that you registered with us via contact forms at our web sites, to provide you with information about our products, services and promotions, if you agreed to receive this kind of information while registering with us. You may also opt-out from use of your e-mail address for this purpose at any time, by sending an e-mail from the e-mail address that was registered with us to support@earn.eu stating that you do not wish to receive such information. Alternatively, you may opt out by following the unsubscribe instructions at the bottom of each e-mail you receive from us.

6. Sharing your information

We will not share your personal data with anyone else except for the following limited circumstances:

- To the extent that we are required to do so by applicable law, by a governmental/regulatory body or by a law enforcement agency, or for crime prevention purposes.
- In order to provide the Services to you, the Company is legally required to pass on your personal data to the relevant tax authorities of the Republic of Cyprus, and they may also be exchanged with tax authorities in another country or in other countries where You, the Client may be a tax resident in accordance with the CRS decree, and the ACFT Law.
- In order to provide the Services to you in accordance with the Law [L. 87\(I\)/2017 regarding the provision of Investment services, the exercise of investment activities and the operation of regulated markets](#) (the Investment Services Law) the Company is legally required to report to the Cyprus Securities and Exchange Commission (“CySEC”), information about your transactions in financial instruments the underlying of which are traded on regulated markets. Such information includes your personal details, such as first name, last name, country of citizenship, date of birth and other personal identification data.
- Where necessary to, we may share your personal data with third parties who provide services to us, the Company uses a variety of third party service providers to help us provide you with Services you request from us. Service providers may be located inside the European Economic Area (“EEA”). Service providers may help us: (i) verify your identity or authenticate your identification documents, (ii) check information against public databases, (iii) conduct background or police checks, fraud prevention, and risk

assessment, (iv) perform product development, maintenance and debugging, or (v) provide customer service, advertising, or payments services. These providers have limited access to your information to perform these tasks on our behalf and are contractually bound to protect and to use it only for the purposes for which it was disclosed and consistent with this Privacy Policy.

7. Children

We recognize that we have a special obligation to protect personal information obtained from children. We will not knowingly collect personal information from any child, or process such information, without parental consent. For the purpose of this Policy, a child means any individual who is under the age of 18 (or the minimum legal age to consent to the collection and processing of personal information where this is different under applicable law).

8. Security

The Company has implemented all reasonable technical, administrative and physical security measures to protect the security of your personal information and all client data including the placing of financial transactions and/ or orders. The whole network communication in the context of sharing financial and/ or personal information is protected by the use of a password and followed by encryption.

All received information that the client provides is stored on secure servers and only authorized staff have access to this information. We take reasonable precautions to prevent the loss, misuse or alteration of your personal information. Our employees, contractors and agents may be given access to your personal information which we collect, but their use shall be limited to the performance of their duties in relation to facilitating your use of the Services. Our employees, contractors and agents who have access to your personal information are required to keep that information confidential and are not permitted to use it for any purposes other than those listed above or to deal with requests which you submit to us.

9. Third party sites & services

The Services may contain links to other websites operated and services provided by third parties, including those retailers you enter into a transaction with. Please note that this Policy applies only to the personal information that we collect through the Services and we cannot be responsible for personal information that third parties may collect, store and use through their websites or their services. You should always read the privacy policy of each website you visit carefully.

If you link, connect, or login to your client login ID via a third party service (e.g. Google, Facebook etc), the third party service site may send us information such as your registration and profile information from that service. This information varies and is controlled by that service or as authorized by you via your privacy settings at that service. If you have chosen to connect your personal page to a third-party application, you can change your settings and remove permission for the app by changing your Client Login ID (Personal Page) setting at any time. You are responsible for keeping your personal information with such third party applications up-to-date and secure so as to ensure the integrity of your Client Login Page. We encourage you to read the privacy policies and other terms of such third parties before accessing or using them.

10. Your rights as a data subject

In addition to your opt-out right under section 5.3., you may exercise the following rights at any time:

Right of Access: You may ask us to provide you with copies of the personal information that we hold about you, or with information about the processing of such information.

Right of Rectification: You may ask us to update and correct any out-of-date or incorrect personal information that we hold about you.

Right to be forgotten: You may ask us in certain circumstances to delete the personal information we hold about you. In case that these circumstances apply to your case and provided that no exception to this obligation applies (e.g. where we are obliged to store your personal data in compliance with a legal obligation under Cypriot or EU law), the Company acting as your controller will erase your personal data from its records.

Right to restriction on processing of personal data: You may ask us where certain conditions apply, to restrict the processing of your personal data.

Right of portability: You may ask us to provide you with your personal data in a structured, commonly used and machine-readable format, and have the right to transmit those data to another controller without our hindrance, when certain conditions are met. 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.

Right to object: You have the right to object on grounds relating to your particular situation, to certain types of processing such as direct marketing or 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 on your fundamental rights and freedoms. In some cases, we may demonstrate that we have

compelling legitimate grounds to process your information which override your rights and freedoms.

Right to withdraw consent: Where you have provided your consent to the processing of your personal information by the Company, you may withdraw your consent at any time by sending a communication to us specifying which exact consent you are withdrawing. Please note that the withdrawal of your consent does not affect the lawfulness of any processing activities based on such consent before its withdrawal.

If you wish to exercise any of these rights, then please contact us at support@earn.eu

Please note that if you request the erasure of your personal information:

- We may retain some of your personal information as necessary for our legitimate business interests, such as fraud detection and prevention and enhancing safety.
- We may retain and use your personal information to the extent necessary to comply with our legal obligations. Please note that we are legally obliged to keep on record all and any information that pertains to the provision of investment services to you and which is necessary to fulfill our obligations under the applicable laws for a period of up to 7 years after account closure.
- Some copies of your information (e.g., log records) may remain in our database, but are disassociated from personal identifiers.
- Because we maintain security measures to protect our data from accidental or malicious loss and destruction, residual copies of your personal information may not be removed from our backup systems for a limited period of time.

Additionally, in some jurisdictions, applicable law may give you the right to limit the ways in which we use your personal information, in particular where (i) you contest the accuracy of your personal information; (ii) the processing is unlawful and you oppose the erasure of your personal information; (iii) we no longer need your personal information for the purposes of the processing, but you require the information for the establishment, exercise or defense of legal claims.

You have the right to complain to the Data Protection Commissioner's Office if you feel that the Company has not responded to your requests to solve a problem. You may find their contact details here: <http://www.dataprotection.gov.cy/>

11. Period for which records of your personal information are retained

We retain the personal data processed for as long as is considered necessary for the purpose for which it is processed (including as required by applicable law or regulation).

The main requirements concerning retention of personal data relating to our processing operations:

- I. EU and the Republic of Cyprus laws regarding the provision of investment services – 5 years, and were requested by the competent authorities, for a period of up to 7 years;
- II. Prevention of money laundering and financing terrorism legislation – 5 years since the end of the Controller's relationship with the client or since the carrying out of the last transaction;
- III. CRS – 6 years from the moment of identification of the country, where the client or its controlling persons are tax residents.
- IV. EU Regulation 565/2017 – telephone communications between the CIF and its clients are recorded, and a copy of the recording of such conversations with the client and communications with the client will be available on request for a period of 5 years and where requested by the competent authority, for a period of up to 7 years.
- V. CY Law L. 87(1)/2017 – telephone communications or conversations between the CIF and its clients that result or may result in transactions, will be recorded and collected for a period of 5 years, even if those conversations or communications do not result in the conclusion of such transactions or in the provision of client order services.

12. Changes to this Policy

We may change this Policy from time to time for various reasons such as changes to reflect in law and regulation, changes in industry practices and technological developments. In case you have a registered Client Login ID, you will be notified of any changes of this Policy via e-mail to the e-mail address related to your Client Login ID. The latest version of this Policy will always be available on the Sites. Any new version of this Policy shall take effect (i) immediately upon the date of your receipt of the notification e-mail or (ii) in case you do not have a registered Client Login ID, the moment they are uploaded to our Sites.

13. Enquiries

Should you have any enquiries about this Policy, or any questions about the use of your personal information, please e-mail us at support@earn.eu or call us (+357 22 51 44 42).