



**About SWAP.** The SWAP Services are offered to you by the SWAP entity relevant to your location.

**We are not a bank. Using SWAP Services is not the same as depositing funds and making transfers to and from a bank account.** “SWAP” SWAP INC Ltd, is a private company whose registered office is at ROOM 1008, YU YUET LAI BUILDING, 43-55 WYNDHAM STREET; HONG KONG SAR, registered under number 3029218

## **1. Scope of this Policy**

**1.1. Data privacy.** We are committed to protecting and respecting your privacy rights under the Personal Data (Privacy) Ordinance in Hong Kong (PDPO).

**1.2. Coverage.** This Policy sets out details of how we collect, use, disclose, process and manage your Personal Data (as defined below). Information will be collected from you via the SWAP Dashboard, the SWAP App, via email, our main website at <https://www.SWAP.com/>, and the SWAP Services.

**1.3. Definitions.** Unless otherwise defined in this Privacy Policy in the Schedule, all capitalised terms have the meaning given in the SWAP Master Terms.

**1.4. Application.** This policy applies to information we collect about:

1.4.1. visitors to our website;

1.4.2. an individual’s Personal Data which is in our possession and under our control through using any of the SWAP Services, including the SWAP Dashboard and SWAP App; or

1.4.3. any other means as required to provide the SWAP Services.

**1.5. Amendments.** This Policy may be updated from time to time. Changes are effective when we post the updated Policy on our website. By



continuing to access our website, use the SWAP App or SWAP Services when such changes are made, you agree to the revised Policy.

**1.6. Priorities.** Any regional specific Privacy Policy will take priority over this text.

**1.7. Inconsistencies.** In the event of any inconsistency between different versions of this policy, the English version shall prevail. Any other language versions are translations of the English language version of this policy.

## **2. Who is SWAP and how to Contact Us?**

**2.1. About SWAP.** In this Policy, “we”, “us”, “our”, or “SWAP” means SWAP Limited, “you”, “your” or “yours” means the persons to whom this policy applies, and “SWAP Group” means SWAP Limited, its related companies, subsidiaries, and branches.

**2.2. Get in touch.** You can contact us on any aspect of this Policy or your Personal Data, or provide any feedback that you may have by contacting our customer solutions team through the following channels:

2.2.1. via the SWAP Dashboard;

2.2.2. via the SWAP App; and

2.2.3. via email at [contact@SWAP.app](mailto:contact@SWAP.app).

## **3. What information may we collect from you (and why)?**

**3.1. Information collected from you.** We may collect the following Personal Data from you:

3.1.1. Personal particulars (e.g. your full name; contact details, residential address, date of birth, identity card/passport details, and education details);

3.1.2. your financial details (e.g. income, expenses, and/or credit history);

3.1.3. information about your transactions made using the SWAP Services (e.g. balances, parties to the transactions, and account usage);

3.1.4. specimen signature(s);



3.1.5. employment details (e.g. occupation, directorships and other positions held, employment history, salary, and/or benefits);

3.1.6. tax and insurance information;

3.1.7. Communications made by you (e.g. recorded conversations, images, emails, and personal opinions made known to us, such as feedback or responses to surveys);

3.1.8. information obtained from a mobile device with your consent (e.g. device location and information);

3.1.9. other personal data which you have provided to us or any of our third party partners, in any forms of interaction with you; and

3.1.10. information related to the usage of the SWAP Services, our website, and other services or technology, including your IP address (see the “Cookies” section below).

**3.2. Other ways to send Personal Data.** You may also submit information to us via any methods of your choice, such as:

3.2.1. posting on social media or online forums;

3.2.2. responding to marketing or other communications; and

3.2.3. participating in an offer or program.

#### **4. How do we use your Personal Data?**

**4.1. Usage of your Personal Data.** We will collect and use your Personal Data for the following core business purposes:

4.1.1. verifying your identity for the purpose of providing the SWAP Services;

4.1.2. assessing and processing applications, instructions, or requests;

4.1.3. setting up, managing, maintaining, and developing your SWAP Account and your SWAP Services (whether made available by us or through us), including but not limited to:



- 4.1.3.1. executing commercial or other transactions and clearing or reporting on these transactions;
- 4.1.3.2. carrying out research, planning, and statistical analysis; or
- 4.1.3.3. analytics for the purposes of developing or improving our SWAP Services, security, service quality, and advertising strategies;
- 4.1.4. determining, displaying, and communicating with you regarding the transaction status, providing you with updates on changes to SWAP Services and facilities (whether made available by us or through us) including any additions, expansions, suspensions, and replacements of or to such SWAP Services and facilities and their terms and conditions;
- 4.1.5. performing our obligations under any agreement with our third party providers;
- 4.1.6. allowing us to provide SWAP Services to you;
- 4.1.7. complying with our requirements for screenings or due diligence, or to make disclosures under any law, regulation, or court order, and following any guidelines issued by regulators or any other authorities;
- 4.1.8. managing our infrastructure and business operations and complying with internal policies and procedures;
- 4.1.9. monitoring products and services provided by or made available through us;
- 4.1.10. financial reporting, regulatory reporting, management reporting, risk management (including monitoring credit exposures), audit and record keeping purposes;
- 4.1.11. conducting marketing and statistical research and analysis;
- 4.1.12. ensuring, checking, or reviewing your ongoing creditworthiness;
- 4.1.13. responding to queries or feedback;
- 4.1.14. addressing or investigating any complaints, claims, or disputes;
- 4.1.15. designing financial services or related products for your use;



4.1.16. enforcing obligations owed to us;

4.1.17. seeking professional advice, including legal advice; and

4.1.18. any other purpose directly related to the above mentioned purposes.

4.2. **Voluntary information.** Other than the above reasons set out in paragraph 4.1 above, the provision of your Personal Data is voluntary.

## 5. To whom may your Personal Data be transferred?

5.1. **Information that we can disclose.** We may disclose your Personal Data to the following third parties for the following purposes:

5.1.1. any of our working partners (including any company in the SWAP Group) in Hong Kong or elsewhere to allow for the management and provision of SWAP Services, Website, SWAP App, communications, or any other product or service as determined by us from time to time;

5.1.2. to any governmental or regulatory authorities as required by law;

5.1.3. a party to a transaction that you have entered into; and

5.1.4. any interested party that requests reasonable information, where you have failed to perform your obligations under an agreement with us or entered by us on your behalf.

5.2. **Confidentiality.** The above mentioned third parties are under an obligation to us or relevant regulators to keep the information confidential. For more information about the third parties with whom we share your personal data, you may contact us for more information (please see the “Contact us” section above).

5.3. **Sale of Business.** If our business is sold or integrated with another business your details may be disclosed to our advisers and any prospective purchasers and their advisers will be passed on to the new owners of the business.

5.4. **Overseas transfers.** We may transfer, store, process, and/or deal with your Personal Data outside Hong Kong. In doing so, we will comply with



the PDPO and other applicable data protection and privacy laws, such as the European Union General Data Protection Regulation (**GDPR**).

## **6. Location data**

6.1. If you have switched on your location services, you may provide any information about your physical location sent from your mobile device (e.g. GPS signals), and we may make use of such information. You will be asked to consent to the use of location services when you download the SWAP App or, for iOS devices, the first time you use our functions which require access and use of your location data. You may withdraw your consent at any time by turning off the location services settings on your mobile device.

## **7. Direct Marketing**

**7.1. Use of your Personal Data for direct marketing.** We would like to use your contact information, including your phone number, address, and email address, for direct marketing but we cannot do this without your consent (which includes an indication of no objection). In this regard, by using SWAP Services, you consent to us using, from time to time, your contact information to promote and market the following services:

7.1.1. our financial, merchant, and related services and products; and

7.1.2. to promote our reward, loyalty, co-branding or privileges programs, and related services. We would also like to provide your contact information to third parties for gain for direct marketing purposes but we cannot do this without your written consent.

**7.2. Sharing of your Personal Data.** By using the SWAP Services, you also consent to us sharing, from time to time, your contact information with our co-branding partners, including financial services companies, software companies, and insurance companies, to market their services and products.

**7.3. Stopping Direct Marketing Communications.** If you later decide you no longer wish to receive any such direct marketing communications, you may opt out at any time by contacting our Data Protection Officer (see paragraph 10.3 below for contact details) and we will try to comply with your request(s) as soon as reasonably practicable. Please note that if you



opt out of receiving direct marketing communications from us, we may still send you important administrative messages that are required for the provision of SWAP Services.

7.4. **Laws.** When using your data for direct marketing, we will comply with the PDPO and other applicable data protection and privacy laws, such as the GDPR.

## 8. Security, transfer, and retention of your Personal Data

8.1. **Protection of your Personal Data.** The security of your Personal Data is our top priority. We take all reasonable steps to protect your personal data. We function via a proactive 'Defense in Depth' and 'Privacy by Design' concept and have put in place multiple layers of security controls throughout our IT system. This includes complying with the PCI DSS (Payment Card Industry Data Security Standard), transmitting all information via TLS version 1.2, and encrypting all data using minimum SHA-256. We have also set up secure coding procedures and complexity password rules; and enabled 2 Factor Authentication on all internal systems. In addition, we conduct background checks on all employees and perform annual penetration testing to avoid unauthorised access to and use of your Personal Data.

8.2. **Limitations.** Where Personal Data is stored, accessed, or transmitted via the internet, it is not completely secure. We will take all reasonable steps to protect your Personal Data, but we do not have any control over, and cannot guarantee the security of your Personal Data transmitted via the internet outside the SWAP Dashboard and SWAP App. Therefore, any such storage, access, or transmission is at your own risk.

8.3. **Third party links.** Our SWAP Dashboard, SWAP App, and Website may, from time to time, contain links to and from the websites of third parties. If you follow a link to any of these mobile apps or websites, please note that these mobile apps and websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any Personal Data to these mobile apps and websites.



**8.4. Retention of Personal Data.** We will retain and procure our service providers to retain your Personal Data only for so long as is necessary in accordance with applicable laws and regulatory requirements.

## **9. Cookies**

**9.1. Use of cookies.** In order to improve the quality of your experience when using SWAP Services, and to distinguish you from other users of these services, we may use tracking technologies on our Website, the SWAP Dashboard and SWAP App, such as cookies, for the collection and use of Personal Data or other information. A cookie is a small file of letters and numbers that our web servers send to your computer or mobile device when you visit certain parts of our SWAP Dashboard, SWAP App, or our Website. The cookies we use are 'analytical' cookies. They allow us to recognize and count the number of visitors and to see how visitors move around the site when they are using it.

**9.2. Disabling cookies.** Cookies may be disabled by changing the setting on your web browser or mobile device but this cannot be done while using our SWAP App. However, if cookies are disabled, you may not be able to use certain functionalities or login to secured pages on our SWAP Dashboard, SWAP App, or Website.

**9.3. Information recorded.** Information that may be recorded include:

9.3.1. IP address;

9.3.2. MAC address;

9.3.3. device type

9.3.4. operating system; and

9.3.5. internet browser type; and

9.3.6. usage data such as time spent on our website, websites visited, links clicked, and the pages that led or referred you to our website.

## **10. Your data privacy rights – Access and correction**

10.1. Subject to the PDPO, you may:





10.1.1. check whether we hold Personal Data about you and may access that information and information as to how we have used and disclosed that information;

10.1.2. require us to correct any inaccuracies in any of your Personal Data held by us;

10.1.3. request us to stop processing your Personal Data held by us; and

10.1.4. ascertain our policies and practices in relation to your Personal Data.

10.2. **Data Access Requests (DAR).** If you request access to or correction of Personal Data, we have the right under the PDPO to:

10.2.1. charge a reasonable fee for processing a data access request, in which case we will inform you of the fee amount and accepted payment methods; or

10.2.2. reject a request if there is a valid reason for such rejection, which we will tell you.

10.3. Requests for access or correction of Personal Data, for us to stop processing your Personal Data, or for information regarding our data protection policies and practices, may be addressed to us as follows: