

Privacy Notice

1. Introduction

Welcome to the privacy notice for companies in the Smart Currency group of companies ("Smart" as defined below)

Smart respects your privacy and is committed to protecting your personal data. This privacy notice will explain 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 notice 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 notice. Alternatively, you can download a printable [PDF version of the notice here](#).

2. Important information and who we are

Purpose of this privacy notice

Smart is made up of various legal entities, and the legal details of each are set out at Controller and Contact Details below. This privacy notice aims to give you information on how Smart collects and processes your personal data through your use of this website, and when you deal with us whether by phone, letter, email or by meeting with us in person, including any data you may provide through this website when you sign up to our newsletter, request guides or information or use any of our services including engaging in any transactions with us. This website is not intended for children and we do not knowingly collect data relating to children. It is important that you read this privacy notice together with any other privacy notice or fair processing notice 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 notice is in addition to those other notices and is not intended to override them.

Controller

Each of Smart Currency Exchange Limited and Smart Currency Options Limited in relation to their respective interactions with you is the controller and responsible for your personal data. This privacy notice is issued on behalf of Smart so when we mention "Smart", "we", "us" or "our" in this privacy notice we are referring to the relevant company in the Smart Currency group of companies responsible for processing your data. Smart Currency Exchange Limited is the controller and responsible for this website and when you engage with either Smart Currency Exchange Limited or Smart Currency Options Limited as a client or prospective client that particular company will be the controller in relation to your personal information. We have appointed a data privacy manager (DPM) who is responsible for overseeing questions in relation to this privacy notice on behalf of all companies within Smart. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPM using the details set out below.

Contact details

Our full details are:

- **Full name of legal entities:**
 - Smart Currency Exchange Limited,
 - Smart Currency Options Limited
- **Name of DPM:** Richard M'Crystal

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- **Email address:** data@smartcurrencyexchange.com
- **Postal address:** 7th Floor, 1 Lyric Square, Hammersmith, London W6 0BA
- **Telephone number:** (+44) 20 7898 0541

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

Changes to the privacy notice and your duty to inform us of changes

This version was last updated on **01/10/2023** and historic versions can be obtained by contacting us.

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.

Third-party links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

3. 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 (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, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about payments to and from you and other details of transactions carried out on your account with us, including any trades you transact with us and /or payments made by us for you to third parties as part of any service you have obtained from us.
- **Technical Data** includes internet protocol (IP) address, your login data, 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 this website.

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- **Profile Data** includes your username and password in relation to your use of our website and/or any trading account you apply for or establish with us and any purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information 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. We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **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 notice. We do not collect any **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 and biometric data). Nor do we collect any information about criminal convictions and offences.

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 into 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.

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 and Financial 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;
 - request marketing to be sent to you;
 - enter a competition, promotion or survey; or
 - give us some feedback.

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- **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:
 - analytics providers such as Google based [in the UK / outside the UK]
 - advertising networks such as Google and Bing, based [in the UK / outside the UK]; and
 - search information providers such as Google based [in the UK/ outside the UK].
 - Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as your bank or your lawyer or other professional representatives, or the bank of a beneficiary to whom you wish to direct a payment transaction which may be based in the UK and or outside the UK depending on your instructions and your and the beneficiary's banking arrangements in each case.].
 - Identity and Contact Data and Financial Data from credit reference or other data brokers or aggregators based[in the UK, / outside the UK] for the purpose of undertaking such credit checks and identity verification as may be appropriate to any of our services you require or use and in order for us to meet the requirements of the Money Laundering Regulations 2017 and all similar laws and regulations that apply to us and the services we provide to you.
 - Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based in the UK and where you or a company or voting authority for which you are registered is outside of the UK, then such registers outside of the UK..
 - Identity and Contact Data from third parties who introduce you to us, and in this respect, we only deal with third parties who confirm to us that they are providing us with this information for a legitimate purpose (for instance where you request them to do so, or seek information about us or our services from that third party).

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.

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- Where we need to comply with a legal or regulatory obligation.

[Click here to find out more about the types of lawful basis that we will rely on to process your personal data.](#)

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 or text message. You have the right to withdraw your consent to marketing at any time by [contacting us](#).

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 on more than one lawful ground depending on the specific purpose or purposes 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 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	(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 notice (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(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)

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<p>To enable you to partake in a prize draw, competition or complete a survey</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications</p>	<p>(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)</p>
<p>To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical</p>	<p>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)</p>
<p>To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical</p>	<p>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)</p>
<p>To use data analytics to improve our website, products/services, marketing, customer relationships and experiences</p>	<p>(a) Technical (b) Usage</p>	<p>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)</p>
<p>To make suggestions and recommendations to you about goods</p>	<p>(a) Identity (b) Contact (c) Technical</p>	<p>Necessary for our legitimate interests (to develop our products/services and grow our business)</p>

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or services that may be of interest to you

(d) Usage
(e) Profile
(f) Marketing
and
Communications

Marketing

We strive to provide you with choices regarding certain personal data usage, particularly around marketing and advertising. If at any time you do not wish to receive further marketing emails from us you may click the “Unsubscribe” option contained in each of our marketing emails. Alternatively, you may ask to have your email address removed from our marketing address lists by contacting us by email at data@smartcurrencyexchange.com

Promotional offers from us

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).

You will receive marketing communications from us if you have requested information from us or purchased services from us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

Third-party marketing

We will get your express opt-in consent before we share your personal data with any company outside the Smart group of companies for marketing purposes.

Opting out

You can ask us or third parties to stop sending you marketing messages at any time by checking or unchecking relevant boxes to adjust your marketing preferences or by following the opt-out links on any marketing message sent to you or by [contacting us at any time](#).

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of your use of any of our services or transactions with us.

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 get 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.

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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](#).
- Specific third parties listed in the [table detailed in the data usage section](#) above.
- 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 notice. 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.

6. International transfers

We share your personal data within the Smart Currency group of companies. This will not involve transferring your data outside the UK.

Many of our external third parties are based outside the UK so their processing of your personal data will involve a transfer of data outside the UK. This is particularly so where either you are based outside of the UK or you require any information, product, services or transaction which relates at least in part to a person or legal entity or property based outside of the UK and or which requires communication with you or any other party outside of the UK in relation to that information, product, service or transaction.

Whenever we transfer your personal data out of the UK we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data, which include the countries within the European Economic Area. For further details, <https://ico.org.uk/for-organisations/data-protection-and-the-eu/overview-data-protection-and-the-eu/> which details the adequacy arrangements that are in place between the UK and the EU and EEA .

We are also permitted to transfer personal data to the following countries following relevant adequacy findings by the UK in each case: Andorra, Argentina, Canada, Gibraltar, Guernsey, Isle of Man, Israel, Japan, New Zealand, South Korea, Switzerland, and Uruguay. In due course the UK may make similar adequacy findings in relation to other jurisdictions.

Where we use certain service providers, in other locations that are not subject to adequacy findings we may use specific contracts approved for use in the UK. For further details, see <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/international-transfers/international-transfers-a-guide/> Please [contact us](#) if you want further information on the specific mechanism used by us when transferring your personal data out of the UK

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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 breach 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 only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting, or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes.

In some circumstances you can ask us to delete your data: see [Request erasure below for further information](#).

In some circumstances we will 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. Please click on the links below to find out more about these rights:

- [Request access to your personal data.](#)
- [Request correction of your personal data.](#)
- [Request erasure of your personal data.](#)
- [Object to processing of your personal data.](#)
- [Request restriction of processing your personal data.](#)
- [Request transfer of your personal data.](#)
- [Right to withdraw consent.](#)

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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 could 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 best and 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 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

Other companies in the Smart Group acting as joint controllers or processors and who are based England, Spain, and Portugal and provide administration services and undertake leadership reporting.

External Third Parties

- Service providers acting as processors based in the UK, Spain and Portugal who provide IT and system administration services.
- Professional advisers including lawyers, bankers, auditors and insurers based in the UK, Spain and Portugal who provide consultancy, banking, legal, insurance and accounting services.

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- HM Revenue & Customs, regulators such as the Financial Conduct Authority and or the Financial Ombudsman Service and other authorities acting as processors or joint controllers based in the United Kingdom or based overseas if relevant to any of your transactions with us who require reporting of processing activities in certain circumstances.
- The Police, National Crime Agency or other crime prevention agencies and authorities based in the United Kingdom and internationally where relevant.

YOUR LEGAL RIGHTS

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 on 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.