



APEX GLOBAL CONSUMER PRIVACY NOTICE

Last Updated: August 6, 2024

This Global Consumer Privacy Notice describes the policies and procedures followed by Apex Fintech Solutions (“Apex”, “we”, “us”, “our”) regarding the collection, use and disclosure of your personal data as an individual customer of Apex’s clearing and custody services that is located outside of the United States and its territories.

1. Introduction and scope

Our subsidiary, Apex Clearing Corporation is an SEC registered broker dealer and member of FINRA and SIPC which acts as a clearing broker, and sometimes also as an introducing broker, for our introducing broker, registered investment advisor or other financial institution clients.

We are the technology, clearing and custody solutions provider that enables you to trade US securities through the applications of our business clients. For simplicity in this Notice, we will refer to the bank, advisor or other financial institution you use, which is also a client of Apex, as your “**Financial Institution**” (capitalized).

When you open an account to trade US securities through your Financial Institution (that is a business client of ours), you are opening an account with Apex Clearing Corporation. In doing so, your Financial Institution provides your personal data to us and all of your orders are routed through us for processing. Your Financial Institution will let you know that Apex will receive your personal data for the purposes of enabling you to trade US securities.

If your Financial Institution’s registration in the US as a broker is terminated, we may step into their role to act as your Financial Institution in a limited capacity regarding your US securities trading account as required under US law. In this situation, you will be notified in writing and provided with options regarding your account such as closing it or transferring it to another financial institution.

For the purposes of European, UK and Brazilian data protection law and equivalent non-US data protection laws, Apex Clearing Corporation acts as a separate controller of your personal data from your Financial Institution. Our contact details are set out at the end of this Privacy Notice.

Please ensure that you provide a copy of this Privacy Notice to any third parties whose personal data you provide relating to your brokerage account, such as family members, trusted contacts or beneficiaries that you choose to add to your account.

Please note that this Privacy Notice only applies to our processing of personal data of individuals residing outside of the United States and its territories who apply for, or open, an account with Apex Clearing Corporation. More specifically, this Privacy Notice **does not** apply:

- to our processing of personal data if you are located in the United States. That processing is covered by our US Consumer Privacy Notice;
- where we process personal data on behalf of and on the instructions of your Financial Institution (i.e., as a processor or a service provider, such as when we provide reports, analytics, third party integrations or software products to your Financial Institution). We are not responsible for the privacy or data security practices of your Financial Institution, which may differ from those explained in this Privacy Notice; or
- to our processing of personal data of individuals not related to an account applied for or custodied by Apex. For example, if you are a representative of a client or prospective client of



Apex interacting with us through our website, applications, software, email or in-person events. Any personal data processed by Apex in that regard is covered by our [Online Privacy Notice](#).

Our [US Consumer Privacy Notice](#) and [Online Privacy Notice](#), along with more information about our overall privacy practices can be found at: www.apexfintechsolutions.com/privacy.

2. Processing of personal data

We may process any of the below personal data about you. We receive this personal data from your Financial Institution that you open an account with us through, from other third parties (such as credit bureaus, the US Department of Treasury (such as the Office of Foreign Assets Control and the Financial Crimes Enforcement Network) and our financial crime detection and prevention service providers, your direct interactions and communications with us, and resulting from your transactions made through us as clearing broker.

Other than through any direct communications you have with us through one of our contact channels or information about you that we create through processing your transactions, we may obtain the following information from your Financial Institution:

- (a) **Contact Information:** first name, last name, email address, telephone number and postal address
- (b) **Demographic Information:** date of birth, gender, sex, age, marital status, number of dependents and information about beneficiaries, signature, nationality or citizenship, employment details and educational background
- (c) **Identification Information:** government-issued ID, account number, online identifier and password
- (d) **Financial Information:**
 - i. General financial information: Brokerage account type, account number, bank account details, ACH transaction or wire transfer numbers, cash balances, credit history, control person status, trade orders, corporate action information, proxy and dividend information and tax bracket; and
 - ii. Investment suitability information: investment objective, investment experience, annual income, liquid net worth, total net worth and investment risk tolerance
- (e) **Communication Information:** the contents of any communications you may submit to us through our customer contact channels, broker-dealer withdrawal processing or through your Financial Institution regarding your account with us
- (f) **Technical Information:** IP address
- (g) **Special Categories of Personal Data:** political opinions (in the context of some politically exposed persons checks we are required to conduct) and facial geometry images (for any users of our photo ID verification services)

We also may obtain the following information from other third-party sources:

- (h) **Criminal Convictions and Offences Data:** in the context of background checks and our financial crime monitoring procedures



3. Use of your personal data

We process your personal data for the following purposes in **bold** below, utilizing the identified "Categories" of your personal data as indicated and using the "Legal Basis" also indicated (depending on where you are located).

i. Customer account creation and management (including customer identity verification, account updates, abandoned property processing and changes and managing customer inquiries and complaints)

If you open an account with us, we will process your personal data to open your account and, depending on the status of your account, provide you with methods to manage your account through us (in addition to Your Rights detailed in Section 8 below). There are various laws and regulations we must comply with in this process which affects how we use your personal data.

- Categories: (a)-(e) and (g)*
- Legal Basis: Where necessary for the performance of a contract entered into with a customer.

We have a legitimate interest to manage our business and to ensure that our relationship with our customers is maintained to a high standard and that our services are provided accordance with applicable US law as a regulated financial institution.

*For the processing of facial geometry images for ID verification, with your explicit consent or for the purposes of ensuring your security while you are authenticating and verifying your ID in an electronic system.

*For the processing of political opinions, with your explicit consent or to comply with regulatory requirements relating to unlawful acts and dishonesty if your disclosure of Politically Exposed Persons information reveals any political opinions.

ii. Customer trade and transaction processing and connected activities (including, customer credit risk monitoring, trade monitoring, processing money movements, providing month-end settlements, corporate actions and account statements)

When you fund your account, make a trade or otherwise use our services, there are a variety of actions we must take to fulfil your request using your personal data, including actions required by Apex of applicable US laws.

- Categories: (a)-(d)
- Legal Basis: Where necessary for the performance of a contract entered into with a customer.

We have a legitimate interest to manage our business and to ensure that our relationship with our customers is maintained to a high standard and in accordance with applicable US law as a regulated financial institution.

iii. Developing, improving, and expanding our products and services for our clients (i.e. such as your Financial Institution)

We use data, which in some instances may include your personal data, to develop and improve the services and products we offer to other financial institutions.



- Categories: (a)-(d)
- Legal Basis: We have a legitimate interest to manage our business and to ensure that our relationship with our clients is maintained to a high standard.

iv. Help maintain the safety, security and integrity of our property, technology assets, business and your personal data

We may process your personal data to help keep our business, employees, software, systems, and your own personal data safe and secure.

- Categories: (a)-(f)
- Legal Basis: We have a legitimate interest in ensuring our property, business and data are secure.

v. Recordkeeping and review of electronic communications for compliance with regulatory and legal obligations (such as supervisory and books and records requirements required by FINRA and the SEC)

As a broker dealer, we are subject to strict recordkeeping requirements regarding our business. This includes the retention of your personal data (see [7. Retention of your personal data](#) below) and ongoing review of any communications records in our possession.

- Categories: (a)-(e), (g)* and (h)**
- Legal Basis: We have a legitimate interest to comply with applicable US securities laws, regulations and rules as a regulated financial institution and to help ensure the integrity of the US securities markets.

*For the processing of facial geometry images for ID verification, with your explicit consent or for the purposes of ensuring your security while you are authenticating and verifying your ID in an electronic system.

**For the processing of political opinions, with your explicit consent or to comply with regulatory requirements relating to unlawful acts and dishonesty if your disclosure of Politically Exposed Persons information reveals any political opinions.

vi. To comply with our obligations to detect, prevent and report financial crime through transaction monitoring and other means, including sharing information with government authorities (where we are required to)

As a broker dealer processing money movement and securities transactions, we are subject to a variety of regulatory obligations to assist in the fight against fraud and other financial crime. We monitor transactions, review suspicious activity and report and coordinate with our regulators and other third parties to comply with our legal obligations regarding financial crime.

- Categories: (a)-(f), (g)* and (h)**
- Legal Basis: We have a legitimate interest in ensuring we comply with applicable U.S. legal and regulatory requirements.

*For political opinions, to comply with regulatory requirements relating to unlawful acts and dishonesty.



**For criminal convictions and offenses data that may be revealed in the context of background searches and receipt of US government financial crime watchlists to comply with our AML/anti-fraud obligations, relating to unlawful acts and dishonesty.

vii. To comply with our financial regulatory reporting obligations and manage and respond to court orders or other legal requests

As a clearing broker we are required to report certain account and transaction information to our US regulators and to respond to subpoenas and other third-party requests which may involve your personal data.

- Categories: (a)-(e) and (g)

Legal Basis: We have a legitimate interest to manage our business, comply with our regulatory reporting requirements and to ensure that all investigations, comply with legal obligations in other jurisdictions (including the United States) and communications with regulatory authorities are managed efficiently and effectively.

viii. For internal audits and reviews

We may process your personal data as part of internal measures to verify and improve our business operations, processes and procedures.

- Categories: (a)-(e)
- Legal Basis: We have a legitimate interest to manage our business and ensuring it is functioning correctly.

ix. To defend and enforce our rights (and those of third parties) including, against legal claims, and to manage regulatory matters, investigations, data breaches, and/or data subject requests

We may process your personal data where we need to in order to defend or enforce our legal rights as further described immediately above.

- Categories: (a)-(e)
- Legal Basis: We may have a legal obligation to do so (e.g., respond to data subject requests).

We have a legitimate interest to manage our business and to ensure that all investigations, litigation and proceedings etc. are managed efficiently and effectively.

We may have to defend and enforce our rights in judicial, administrative or arbitral proceedings.

x. To enable any due diligence and other appraisals or evaluations for any actual or proposed merger, acquisition, financing transaction or joint venture contemplated by us

In the situation or selling all or part of our business or engaging in a joint venture or partnership, your personal data may be processed by a third party in order for appropriate due diligence to occur subject to appropriate safeguards.

- Categories: (a)-(e)
- Legal Basis: We have a legitimate interest to manage our business.



Please note that, subject to applicable data protection laws, you may have the right to object to the processing of your personal data where that processing is carried out for our legitimate interest.

4. Consequences of not providing personal data

Where we need to collect the abovementioned categories of personal data by virtue of a legal obligation or in order to enter into a contract with you, and you do not provide this personal data when requested, we may not be able to comply with our legal obligations, provide you with the services or perform the contract we have or are trying to enter into with you. In such case, we may have to terminate our relationship with you by closing your account(s).

5. Sharing your personal data

We may share your personal data with the following third parties:

- **Apex Affiliates:** we may share your personal data with our subsidiaries and affiliates for the same purposes as are described above.
- **Your Financial Institution:** we may share your personal data with the Financial Institution that your account relates to in order to coordinate the provision of our services to you, including opening and closing your account or updates to their details and at the Financial Institution's request. Please review the privacy notice of your Financial Institution to understand how that organization may process this personal data.
- **Service Providers:** we engage third-party service providers to perform business/operational services for us or on our behalf and to whom we will disclose personal data. These third parties include, for example, IT services, transfer agents, broker-dealers, credit reference agencies and professional advisors.
- **Regulators and Law Enforcement:** as a regulated financial institution in the US, we may disclose personal data to our regulators and other governmental authorities, including law enforcement, where we believe we have a legal or regulatory obligation to do so.
- **Transactions:** we may disclose personal data to a third-party during negotiation of, in connection with, or as an asset in a corporate business transaction or acquisition.

There also may be other instances where Apex may share personal data with third parties as required by applicable law, court order or governmental regulation; if such disclosure is otherwise necessary in support of any criminal or other legal investigation or proceeding; in order to enforce or apply our agreements; or to protect the rights, property or safety of Apex or other third parties.

6. International transfer of your personal data

The personal data we receive or collect may be transferred to and stored in countries outside of the jurisdiction you are located in, to locations where we and our third-party service providers have operations, including in the United States, Canada and the United Kingdom. Such transfers will be made in accordance with applicable data protection and privacy laws and Apex will endeavour to put in place appropriate safeguards where required, including e.g., Standard Contractual Clauses (or similar) where receiving your personal data from our EU/UK based business clients.

Please contact us using the contact information below to learn more about our safeguards for transfers of your personal data.

7. Retention of your personal data

We will retain your personal data for as long as required for our legitimate business purposes. Typically, this will be up to 6 years following closure of the relevant account due to our recordkeeping regulatory obligations. The criteria we use to determine such retention periods include: (i) how long the personal data is needed to provide our services; (ii) the type of personal data collected; and (iii) whether we are subject to a legal, contractual or similar obligation to retain the personal data (e.g., mandatory data retention laws, government orders to preserve data relevant to an investigation, or data that must be retained for the purposes of litigation or disputes).

8. Your rights

Depending on where you are located, you may have certain data privacy rights, which may be subject to limitations and/or restrictions:

- a) **Right to confirm that we process your personal data and a right to it.** You have a right to access your personal data we hold about you and receive details about the processing activities we carry out in relation to your personal data.
- b) **Right to rectify/update your personal data.** You have a right to request an update or correction to any of your personal data that is inaccurate or incorrect.
- c) **Right to delete or anonymize your personal data.** You have a right to ask us to delete or anonymize any personal data that we are holding about you in certain specific circumstances.
- d) **Right to restrict use of your personal data.** You have a right to ask us to restrict the way that we process your personal data in certain specific circumstances.
- e) **Right to obtain information about with whom we shared your personal data.** You have a right to access information about the private organizations and public institutions to whom we disclosed your personal data.
- f) **Right to data portability.** You have a right to ask us to provide your personal data to a third-party in a machine-readable format in certain circumstances.
- g) **Right to object.** You have a right to object to our processing of your personal data in certain circumstances.
- h) **Right to be aware that you may not give consent to us and be informed on the consequences of not giving such consent.** You are free to give consent to us to process your personal data or not when we rely on consent for processing your personal data. Also, if you do not give a specific consent to us, we may not be able to provide you with specific services or products.
- i) **Right to withdraw consent.** You have the right to withdraw your consent where this is the legal basis we are relying on for the processing of your personal data. Please note that withdrawing your consent does not affect the lawfulness of our processing of your personal data based on such consent before the withdrawal.

For more details on your rights, including how to exercise them, please contact us using the details in the “Contact us” section below.

If you are located in the EEA/UK or in Brazil, you also have the right to lodge a complaint with a competent supervisory authority.



9. Links to other websites

Our website may contain links to other third-party websites which may operate independently from us and may have their own privacy notice or policies, which we advise you to review. To the extent any linked websites or apps are not owned or controlled by us, we are not responsible for their content.

10. How we protect your personal data

We apply technical and organizational controls to protect your personal data from unauthorized access or alteration, destruction, loss, leakage or misuse, such as restriction of access, firewalls, antimalware and antispyware, intrusion detection and protection, vulnerability scanning, business continuity and disaster recovery testing, penetration testing and security monitoring and alerting tools.

11. Updates to this Privacy Notice

We may revise or supplement this Privacy Notice from time to time. If we make changes that materially affect our use of your personal data or your privacy rights, we will announce the changes by providing a notice through our website, and/or, if deemed appropriate, via the in-app document centre through your Financial Institution or other communication channel.

12. Contact us

For questions, comments and requests regarding this Privacy Notice, including requests relating to exercising any of your data subject rights:

Electronically

Please submit a privacy request webform found at:

<https://investorhelp.apexfintechsolutions.com/hc/en-us/requests/new>

Alternatively, the privacy request webform can be found by visiting www.apexfintechsolutions.com, navigating to the “contact” or “contact us” section and follow the instructions for Individual Investor Support.

By Mail To

UK/EU Representative

Privacy Office
Apex Fintech Solutions UK Ltd
Eagle Star House Urban Hq,
5-7 Upper Queen Street
Belfast
BT1 6FB

Non-UK/EU Mailing Address

Privacy Office
Apex Clearing Corporation
350 North St. Paul Street, #1300
Dallas, TX 75201
United States



Brazilian Data Protection Officer:

Privacy Office
AFSprivacy(at)apexfintechsolutions.com
141 W Jackson Blvd, Ste 500
Chicago IL, 60604
United States