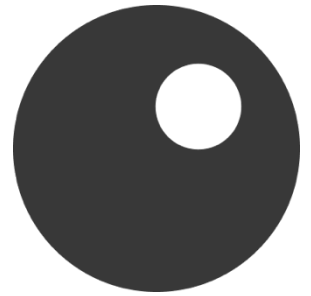


Orca App Ltd

Version 1.4

Last updated 24 November 2020



PRIVACY POLICY

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Orca App Ltd Privacy Policy
Version 1.0
Last updated 24 November 2020

At Orca (trading name of Orca App Limited) we respect your privacy and are committed to protecting your personal data. In this Privacy Policy we will outline how we will use, process and store any personal data we collect from you or that you provide to us, either through our Website or via our Orca App. We will also tell you about your privacy rights and how the law protects you.

When you use our Services, you're trusting us with your information. We understand this is a big responsibility and work hard to protect your information and put you in control.

1. SCOPE OF POLICY

1. This policy applies to your use of:
 - our website at www.orca.app ("**Website**") pursuant to the Orca Terms of Use;
 - the mobile application ("**Orca App**") once you have downloaded a copy of the Orca App onto your mobile telephone or handheld device ("**Device**"); and
 - any of the services accessible through the Orca App or the Website ("**Services**").
2. This Policy aims to give you information on how we collect and process your personal data through your use of our Website or Orca App, including any data you may provide when you purchase a product or service, sign up to our newsletter/email, take part in a competition or survey, or apply for a job with us. We may also collect and use information about you that is provided by third parties. Our Website and Orca App are not intended for children and we do not knowingly collect data relating to children.
3. If you have any further questions, you can reach to our Data Protection Compliance Manager on compliance@getorca.app.
4. The General Data Protection Regulation (GDPR) gives you the right to see, erase, or challenge the data we hold about you (among other rights). Our support team or Data Protection Compliance Manager can help with any queries you might have in relation to your data. Read the full Privacy Policy for further details on how we use your information.
5. Our Website use cookies to distinguish you from other users. This helps us to provide you with a good experience when you browse our Website and allows us to improve the functionality of our Website and the user experience. Please see our Cookie Policy on the Website for further details.
6. In this Privacy Policy, Orca will sometimes be referred to as 'we', 'us', or 'our'. Additionally, there are references to "You". In these instances, "You" may be a visitor to our Website, or a user of our Orca App and its Services ("user").

Controller

For the purpose of the GDPR the data controller is Orca App Limited ("Orca") a company registered in England and Wales (company number 12376651), with its registered office at Wework Labs Office 01-104, 70 Wilson Street, Finsbury, London, EC2A 2DB and we are registered with the Information Commissioner's Office with reference number ZA766960.

Data Protection Compliance Manager

1. We have appointed a Data Protection Compliance Manager, who has a number of important responsibilities including:
 - monitoring Orca's compliance with the GDPR and other data protection laws;
 - raising awareness of data protection issues, training Orca staff and conducting internal audits;
 - and

- cooperating with our Principal firm, RiskSave Technologies Limited (“**RiskSave**”) and supervisory authorities, such as the Information Commissioner’s Office (**ICO**) on our behalf.
2. You can contact our Data Protection Compliance Manager at: compliance@getorca.app or Orca App Ltd, Wework Labs Office 01-104, 70 Wilson Street, Finsbury, London, EC2A 2DB.
 3. If you have any questions about this Privacy Policy, including any requests to exercise your legal rights, please contact us via in-App support via Orca App or e-mail us compliance@getorca.app.

Complaints

1. You have the right to make a complaint at any time to the ICO, the UK supervisory authority for data protection issues (<https://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.
1. So that we're clear and there's no misunderstanding about how we handle your personal data, we will:
 - Always keep your data safe and private.
 - Never sell your data.
 - Allow you to manage and review your marketing choices at any time.

2. INFORMATION WE COLLECT ABOUT YOU

1. We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- a) **Submitted Information** - information you give us through direct interactions:

This is information you give us about yourself by filling in forms on the Orca App and/or the Website, or by corresponding with us (for example, by e-mail or via the chat functions on the Orca App and/or the Website).

It includes information you provide when you register to use the Orca App, download or register the Orca App, subscribe to any of our Services, enter into any order or transaction on the Orca App or the Website, participate in discussion boards or other social media functions on the Orca App or the Website, enter a competition, promotion or survey and when you report a problem with an Orca App, the Services, or the Website. If you contact us, we will keep a record of that correspondence, and may use redacted information for other services.

The information you give us may include your name, address, date of birth, e-mail address, phone number, the device's phone number, username, password and other registration information, financial information (details of your bank account including the bank account number, bank sort code), identification document numbers, copies of identification documents (for example, passport, driving licence and utility bill) personal description and photograph and any other information you provide us in order to prove your eligibility to use our Services.

- b) **Information we collect** about you and your device.

Device Information - each time you visit the Orca App or our Website we will automatically collect the following information:

- technical information, including the internet protocol (IP) address used to connect your computer or Device to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform, Device information and the type of mobile device you use, a unique Device identifier (for example, your Device's IMEI number, the MAC address of the Device's wireless network interface, or the mobile phone number used by the Device), mobile network information, your mobile operating system, the type of mobile browser you use, time zone setting "Device Information";
- information about your visit, including the full uniform resource locators (URL), clickstream to, through and from our site (including date and time), services you viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information

(such as scrolling, clicks, and mouse-overs), methods used to browse away from the page, device information;

- transaction information, including details about payments to and from you and other details of products and services you have received from us;
- information stored on your device, including if you allow Orca access contact information from your address book, login information, photos, videos or other digital content, check ins (Content Information). The Orca App will periodically recollect this information in order to stay up-to-date;
- details of your use of our Orca App or your visits to our Website.

Third Party Information: Information to help us deliver our Service to you.

- We work closely with third parties in order to help us deliver our Service to you. These third parties are business partners, sub-contractors in technical, payment and delivery services, advertising networks, analytics providers, search information providers, fraud prevention agencies, customer service providers and developers. Information we may collect about you from such parties can include information which helps us to verify your identity or information relating to your payment transactions. Please see the 'Disclosure of your Information' section for more information.
- If you allow us to, we will collect friends lists from Facebook and similar information from other third parties such as Twitter and Google – the Orca App will periodically re-collect this information in order to stay up-to-date.

3. USES MADE OF THE INFORMATION

1. Below is a summary of the key types of data that we make use of as part of the Orca Services. For more information on how these types of data are used and for which purposes then please see the table below.

2. We use information held about you in the following ways:

(a) **Submitted Information:** We will use this information:

- to carry out our obligations arising from any transactions you enter into with us and to provide you with the information, products and services that you request from us;
- to provide you with information about other goods and services we offer that are similar to those that you have already purchased or enquired about;
- to provide you, or permit selected third parties to provide you, with information about goods or services we feel may interest you. Please see the section on 'Third Party Services' below for more information;
- to verify your identity to protect against fraud, comply with laws and to confirm your eligibility to use our products and services;
- to notify you about changes to our Service;
- to facilitate social interactions through our Services and to make you aware if any of your contacts who are Orca users have utilised any of Orca's products or features; and
- to ensure that content from our Website or in Orca App is presented in the most effective manner for you and for your computer or Device.

(b) **Device Information:** We will use this information:

- to administer our Website and the Orca App for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- to improve our Website and the Orca App to ensure that content is presented in the most effective manner for you and for your computer;
- to allow you to participate in interactive features of our Service, when you choose to do so;
- as part of our efforts to keep our Website and the Orca App safe and secure;
- to measure or understand the effectiveness of advertising we serve to you and others, and to deliver relevant advertising to you;

- to make suggestions and recommendations to you and other users of our Website and the Orca App about goods or services that may interest you or them;
- to verify your identity, protect against fraud, comply with laws and to confirm your eligibility to use our products and services; and
- to comply with our regulatory obligations.

c) **Third Party Information:** We will combine this information with information you give to us and information we collect about you. We will use this information and the combined information:

- to help us better understand your financial circumstances and behaviour so that we may make decisions about how you manage your Orca Account;
- making decisions about whether to agree to approve any applications; and
- for the purposes set out above (depending on the types of information we receive).

3. We may associate any category of information with any other category of information and will treat the combined information as personal data in accordance with this policy for as long as it is combined.
4. We have set out below, in a table format, a description of all the ways we use your personal data as stated above, 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 for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us compliance@getorca.app 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.

What we use your information for	Type of Information	Our reasons	Our legitimate interests
<p>To provide the Orca Services: To fulfil our obligations in any contract you have entered into or will enter into with us. Including: Provide you with access to Orca and to enable your interaction with Orca; Provide customer service; Processing and delivering your order; and Collecting and recovering money owed to us.</p>	Submitted Information	<p>Fulfilling contracts</p> <p>Our legitimate interests</p> <p>Our legal obligation Consent</p>	<p>Being efficient about how we fulfil our legal and contractual duties. Our commercial interest in providing you with a good service. Complying with regulations that apply to us.</p>
<p>To combat against fraud and ensure compliance with regulatory obligations: To verify your identity to protect against fraud, comply with financial crime laws and to confirm your eligibility to use our products and services; To help us better understand your financial circumstances and behaviour so that we may make decisions about how you manage your Orca Account; and To keep our platform secure.</p>	Submitted Information Device Information Third Party Information	<p>Fulfilling contracts</p> <p>Our legitimate interests</p> <p>Our legal obligation</p>	<p>Developing and improving how we deal with financial crime, as well as complying with our legal duties in this respect. Complying with regulations that apply to us.</p>
<p>To help market and provide new products and services that interest you: To provide you with information about other goods and services we offer that are similar to those that you have already purchased or enquired about; To measure or understand the effectiveness of advertising we serve to you and others, and to deliver relevant advertising to you To make suggestions and recommendations to you and other users of our Website and</p>	Submitted Information Device Information Third Party Information	Our legitimate interests	<p>Developing products and services for existing users and any applicable fees in relation to them. Defining types of users for new products or services. Being efficient about how we fulfil our legal and contractual duties.</p>

Orca App about goods or services that may interest you or them; and To process applications for products and services available through us including making decisions about whether to agree to approve any applications.			Seeking your consent when we need it to contact you.
To keep the Orca Services up and running: To administer our Website and Orca App for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes; to ensure that content from our site is presented in the most effective manner for you and for your computer; To allow you to participate in interactive features of our service (such as prize draw, competition or completing a survey), when you choose to do so; To notify you about changes to our service and legal binding documents; and as part of our efforts to keep our Website and Orca App safe and secure.	Submitted Information Device Information	Fulfilling contracts Our legitimate interests Our legal obligation	Being efficient about how we fulfil our legal and contractual duties. Complying with regulations that apply to us.
Facilitate social interactions: To facilitate social interactions through our services and to make you aware if any of your contacts who are Orca users have utilised any of Orca's products or features.	Submitted Information Device Information	Our legitimate interests Your consent	Developing new products and services or enhancing existing products and services. Being efficient about how we fulfil our legal and contractual duties. Seeking your consent when we need it to contact you.

5. What do we mean, when we say:

Legitimate Interest: this means the interest of ours as a business in conducting and managing Orca App Ltd. to enable us to provide to you the Orca Services and offer the 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 by law).

Fulfilling a Contract: this 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.

Our Legal Obligation: this means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

Consent: this means that we will only process your personal data for certain specific purposes if we obtain your consent before such processing, for example in order to collect and process your location data and/or to send you notifications about local merchants. We normally ask for your consent the use of your personal data in order to provide our services to you when you download our Orca App. Please note that if you do not provide your consent for this purpose, or withdraw it at a later stage, we may be unable to provide our services to you.

6. **Marketing.** We may use your personal data (such as your Submitted Information, Location Information or transaction information) 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.

You will only receive marketing communications from us where you have requested them – for example if you purchased goods or services from us or if you provided us with your details when you registered with us and you opted to receive information about our products, services and company news.

7. **Opting out.** You can ask us to stop sending you marketing messages at any time by logging in to your account and 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 at compliance@getorca.app.
8. **Third-party marketing.** We will obtain your express opt-in consent before we share your personal data with any company outside Orca App Ltd. for marketing or promotional purposes.
9. **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 at compliance@getorca.app.

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.

10. 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.

4. DISCLOSURE OF YOUR INFORMATION

DATA PROCESSING PARTNERS

1. We will disclose the data we collect from you to certain third parties who use personal data in delivering their services to us, they use data securely and confidentially and under strict contractual controls in accordance with data protection laws and enforced by Orca.
2. We share your data with other companies to fulfil our contract with you or comply with regulation:
 - FCA Regulatory Hosting Provider acting as Principal, who facilitates our business as an Appointed Representative.
 - Product Provider — who facilitates the investment activities of subscribers to the Orca App.
 - Execution Broker Provider — who provides execution services.
 - Open Banking Payment Provider — who securely connects your bank account to Orca App.
 - KYC Providers — who screens Orca App customer identification in line with our regulatory obligations.
 - Cloud storage providers — in order to safely and securely store your data.
 - Companies within the Orca Group — in order to provide a unified service across all of our products and services, we may disclose your personal information to any member of the Orca Group, which means any of our subsidiaries or related entities who are based in EEA and non-EEA countries and provide IT, system administration and support services. Companies in the Orca Group will be acting as joint controllers or processors in order to provide the Orca Services.
 - Government Entities — in order to comply with our regulatory obligations to report activity suspected to be money laundering we might share your information with government entities responsible for this. We may be required by the Financial Conduct Authority or the Financial Ombudsman to share personal data with them.
 - Other Orca users — in providing a referral programme there is a legitimate interest in sharing your name with the person who invited you, to let them know the invite was successful and in order to fulfil the invite referral terms.
 - Aggregated Data — we may also share aggregated information (information about our users that we combine together so that it no longer identifies or references an individual user) and non-personally identifiable information for industry and market analysis, demographic profiling, marketing and advertising, and other business purposes. This is not considered personal data under GDPR as it can't be used to directly or indirectly identify you.

For example: If we decide to engage advertisers to promote our products and services, the advertisers and their advertising networks may require anonymised personal data to serve relevant adverts to you and others. We will never disclose identifiable information about individuals to advertisers, but we may provide them with aggregate information about our users (for example, we may inform them that 700 men aged under 28 have clicked on their advertisement on any given day). We may also use such aggregate information to help our advertising partners provide a tailored and targeted campaign, relevant for a sub-section of our users (for example, women in Manchester). In some instances, we may use personal data we have collected from you to enable our advertising partners to display their advertisement to their target audience.

- Business Transfers — in the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets. If Orca App Limited or substantially all of its assets are acquired by a third party, in which case personal data held by it about its users will be one of the transferred assets.
- Other selected service providers (subject to GDPR rules).

THIRD PARTY SERVICES PARTNERS

3. We may share your data with third party partners and/or service providers in order to provide certain services to you upon your request. Your data will only be sent across in these instances once you have requested to utilise these services. You can withdraw your consent at any time by contacting support via our in-App chat function, however, please be aware that this may impact your ability to use such services going forward. Please remember that when we share your data with our partners in such instances that you will also be subject to our partner's privacy policy as well. Please be aware that we shall not be held responsible for the privacy policies of such other sites and services. Please read the privacy policies or statements of each and every site or service that collects your personal data. These service providers may be located or have facilities that are located a different jurisdiction (including outside the EEA), in which case your information may become subject to the laws of the jurisdiction(s) in which that service provider or its facilities are located.
4. From time-to-time, we may partner with certain third parties in order to offer you co-branded services or promotional offers. In order to provide these services to you and to allow us and any associated third party to optimise their/our offering to you, we will share some of your personal data with such third parties. We will obtain your express opt-in consent before we share your personal data with any company outside the Orca Group of companies for these purposes.
5. You can withdraw your consent at any time after giving your explicit opt-in consent by contacting support via in-App chat and letting us know.

5. RETAINING YOUR INFORMATION

We generally retain your information for as long as it is necessary for the performance of the contract we have with you, or to comply with our regulatory obligations. If you no longer want us to use your information you can send a request to compliance@getorca.app. Please note that if you request erasure of your personal data, we will keep relevant personal information for at least 7 years to comply with our regulatory obligations.

6. STORAGE SECURITY & INTERNATIONAL TRANSFERS

1. The hosting facilities for our Website and Orca App infrastructure are situated in the UK.
2. The data that we collect from you will be transferred to, and stored at, a destination inside the European Economic Area (EEA). As we provide an international service your data may be processed outside of the EEA in order for us to fulfil our contract with you to provide the Orca Services. We will need to process your personal data in order for us, for example, to provide ongoing support services. We will take all steps to ensure that your data is treated securely and in accordance with this privacy policy.

3. All information you provide to us is stored on our secure servers. Any transmission of information to our partners (including information to facilitate payments) are encrypted using TLS technology, the current standard in secure communications over the Internet. Unfortunately, the transmission of information via the Internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our site; any transmission is at your own risk.
4. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access. Information we deem sensitive (like your bank account number and sort code and your national insurance number if provided) are stored using state-of-the-art symmetric encryption (AES).

7. YOUR LEGAL RIGHTS UNDER GDPR

1. You have rights under data protection laws in relation to your personal data. Please see below to find out more about these rights:

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. If you require this, then please reach out to our support team via the in-App chat function or contact us compliance@getorca.app.

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. If you require this, then please reach out to our support team via the in-App chat function or contact us compliance@getorca.app.

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. As an appointed representative of our FCA authorised principal – RiskSave Technologies Ltd, company number 09930262, Orca is under certain obligations to retain certain data for a minimum of 6 years. Please note that these retention requirements supersede any right to erasure requests under applicable data protection laws.

Object to processing of your personal data. This is in situations where we are relying on a legitimate interest (or those of a third party) and there is something about your 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. As an appointed representative of our FCA authorised principal – RiskSave Technologies Ltd, company number 09930262, Orca is under certain obligations to process and retain certain data for compliance purposes. Please note that these requirements supersede any right to objection requests under applicable data protection laws. If you object to the processing of certain data, then we may not be able to provide the Orca Services and it is likely we will have to terminate your account.

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. Please note that any requests in relation to the restriction of the processing of your data means that we may not be able to perform the contract we have or are trying to enter into with you (including the Orca Services). In this case, we may have to cancel your use of the Orca Services, but we will notify you if this is the case at the time.

Request the transfer of your personal data to you or to a third party. We will provide to you, your personal data in a structured, commonly used, machine-readable format, which you can then transfer to an applicable third party. 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. If you require this then please reach out to our support team via the in-App chat function or contact us compliance@getorca.app.

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 the Orca Services to you. We will advise you if this is the case at the time you withdraw your consent.

2. **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 may refuse to comply with your request in these circumstances.
3. **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.
4. **Time limit to respond.** We try to respond to all legitimate requests within 1 (one) month. Occasionally it may 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.
5. **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 (including the Orca Services). In this case, we may have to cancel your use of the Orca Services, but we will notify you if this is the case at the time.

8. CHANGES TO PRIVACY POLICY

Any changes we may make to our Privacy Policy in the future will be posted on Website or in Orca App and, where appropriate, notified to you by e-mail or by any instant messaging service we use to provide the Service. Please check back frequently to see any updates or changes to our Privacy Policy.