

# PRIVACY POLICY AS OF 5 SEPTEMBER 2019

## 1. GENERAL

1.1 The website (<https://kinesis.money>) (“Website”) together with the documents referred to on it are owned and operated by Kinesis Cayman and Kinesis AG (“we”, “us”, “our”, “Kinesis” or “Company”, “Kinesis Cayman” or “Kinesis AG”).

1.2 Kinesis Cayman is a company incorporated in the Cayman Islands, with registered office at C/O Stuarts Corporate Services, 36A Dr. Roy’s Drive, Grand Cayman, Cayman Islands, KY1-1104 and Kinesis AG is a company incorporated in Liechtenstein, with registered office at Dr. Grass-Strasse 12, 9490 Vaduz, Liechtenstein.

1.3. You may make contact with Kinesis in connection with various products or services (“the Services”) that you are considering or would like to obtain from us. You may:

1.3.1 access our website (<https://kinesis.money>) (“Website”) for the purposes of acquiring or subscribing for one of our products or services such as participating in the sale by the Company of digital tokens (the “Kinesis Tokens”) subject to relevant documents, to be found on the Website, including the following:

1.3.1.(a) the [Simple Agreement for Future Tokens \(the “SAFT Agreement”\)](#) during the Pre-Sale phase of the Kinesis Tokens sale being prior to 10 September 2018; and/or

1.3.1. (b) the [Terms and Conditions of Token Sale and Use \(the “Token Sale Agreement”\)](#) and [Offering Memorandum](#) (if applicable to you) during the Public Sale phase of the Kinesis Tokens sale bring as and from 10 September 2018; and/or

1.3.1.(c) the KVT application form

([https://kinesis.money/individual\\_kv\\_t\\_application.html](https://kinesis.money/individual_kv_t_application.html)); and/or,

1.3.1.(d) Brand Ambassador programmes

(<https://kinesis.money/en/referral-program-brand-ambassador/>); and/or,

1.3.1.(e) the subscription page (<https://kinesis.money/en/#subscribe>)  
subscribing for information;

1.3.1.(f) our Website, applications, platform and services, including any information and materials therein and any software that we make available that allows you to access relevant services (collectively referred to as the “Platform”) including:

1.3.1.(f) (i) the Kinesis Cayman products and services, including:

1.3.1.(f) (i) (1) information [subscription](#) services;

1.3.1.(f) (i) (2) the [Kinesis Currency Network](#);

1.3.1.(f) (i) (3) the [Kinesis Explorer](#);

1.3.1.(f) (i) (4) the [Kinesis Wallet](#); and

1.3.1.(f) (i) (5) the [Kinesis Mint](#);

1.3.1.(f) (ii) the Kinesis AG products and services, including:

1.3.1.(f) (ii) (1) the [Kinesis Exchange](#);

collectively “the Services”. and/or,

1.3.2 communicate electronically with us.

1.4 during the course of your contact with us (including via any of the means specified in 1.3.1/1.3.2 above) we may collect, process or be provided with your personal data.

1.4. By visiting or continuing to use our Website you are accepting and consenting to the practices described in this policy and the Terms of Use available here <https://kinesis.money/en/terms-of-use-and-service/>.

1.5. We may update this Privacy Policy from time to time effective as of the date at the top of this policy, so it should be reviewed regularly for updates and changes.

## 2. INFORMATION WE COLLECT

2.1. In operating our Website and providing our Services we may collect and process the following data about you:

2.1.1. Details of your visits to our Website and the resources that you access, including but not limited to, traffic data, location data, web logs and other communication data.

2.1.2. Information that you provide by filling in forms and documents on our Website, such as when you register to access, apply to, subscribe for or receive our Services which includes (but is not limited to) your name, email, phone number, residential address, place of birth, date of birth, gender, official identification number, nationality, country of residence and source of wealth and funds.

2.1.3. Information provided to us when you communicate with us for any reason.

2.1.4. Details contained in any request for support or assistance from us including resolving disputes or troubleshooting problems.

2.2. We endeavour only to capture information that is necessary to provide our Services to you in compliance with our legal and regulatory obligations.

## 3. LAWFUL BASIS FOR PROCESSING YOUR DATA

3.1. Kinesis may collect and process your information because:

3.1.1. we have a contract in place with you for the provision of relevant Services; or,

3.1.2. you have given us consent to do so; or,

3.1.3. to comply with the law; or,

3.1.4 to meet our legitimate interests, for example to: understand how you use the Services and to enable us to use this knowledge to improve the Services; or, to communicate with you regarding the Services.

## 4. USE OF YOUR INFORMATION

4.1. The information that we collect and process relating to you is primarily used to enable us to provide our Services to you. In addition, we may use the information for the following purposes:

4.1.1. to provide you with information requested from us, relating to our Services and to provide information on other Services which may be of interest to you, where you have consented to receive such information;

4.1.2. to improve our Website and our Services;

4.1.3. to verify your status and confirm any information you have provided to us;

4.1.4. to distribute Kinesis Tokens to you;

4.1.5. to verify compliance with relevant terms and conditions in relation to the provision and/or use of our Services;

4.1.6. to compare the personal data provided with third party databases in order to verify its accuracy and confirm your identity to comply with relevant regulations that apply to our Company;

4.1.7. to meet our regulatory, legal and compliance obligations in meeting our obligations to you; or

4.1.8. to notify you about any changes to our Website or improvements and changes to our Services.

4.2. We will only contact you when you have provided consent and only by those means you have provided consent for.

## 5. DISCLOSURE OF YOUR PERSONAL DATA

5.1. We may disclose your personal data:

5.1.1. to a third party service provider, if we are under a duty to disclose or share your personal data with them in order to comply with any legal obligation, or in order to enforce or apply our terms and conditions and other agreements, or to protect the rights, property, reputation, security and safety of our Website, applicants for Kinesis Tokens or others including exchanging information with or providing information to third parties; or

5.1.2. to any law enforcement or revenue authorities (when requested by them to do so) but only to the extent necessary to adequately deal with the requests made.

5.2. We may retain the services of a third party service provider or business partner (that may be located outside of the EU) for the purposes of obtaining or engaging their external expertise in relation to the processing of your personal information, principally in relation to secure data storage, management, disaster recovery and verification purposes. In the event that a third party service provider or business partner is located in a country outside of the European Union (“EU”), such country may not have the same level of data protection as required within the EU. Such third party service providers will only be selected and retained provided appropriate safeguards are in place in relation to such third party service providers and/or the country in question including for instance appropriate contractual clauses and/or adequacy decisions to ensure that your information is treated securely and in accordance with this policy. Such third parties will only be permitted to process your personal data in accordance with our instructions and our requirements disclosed to you in this privacy policy.

## 6. USE OF COOKIES

6.1. On occasion we may gather information about your computer or the personal device that you access the Website on to facilitate usage of our Services and to provide statistical information regarding the use of our Website.

6.2. Such information will not contain personally identifiable data and will solely be used by us for statistical purposes about our visitors and their use of our Website.

6.3. We may gather information about your general internet use by using a cookie file. These cookies are downloaded to your computer or personal device automatically and stored on the hard drive of your computer or personal device. It contains information that assists us in improving our Website and the Services we provide to you.

6.4. All computers and personal devices have the ability to decline use of cookies. This can be done by activating the appropriate setting in your browser. However if you choose to decline cookies, you may be unable to access particular parts of our Website.

## 7. STORING YOUR PERSONAL DATA

7.1. Data that is provided to us is stored on secured servers managed, controlled or exclusively accessed by us. Details relating to any transactions entered on our Website will be encrypted to ensure its safety.

7.2. We may transfer, store and process your information using cloud services in various countries (including outside of the EU) operated by third party service providers or business partners. Such countries may not have the same level of data protection as required within the EU. Such third party service providers or business partners will only be selected and retained provided appropriate safeguards are in place in relation to such third party service providers and/or the country in question including for instance appropriate contractual clauses and/or adequacy decisions, to ensure that your information is treated securely and in accordance with this policy.

7.3. The transmission of information via the internet is not completely secure and therefore we cannot guarantee the security of data sent to us electronically and transmission of such data is entirely at your risk.

7.4. Where we have given you a password (or where you have chosen a password) to access certain parts of our Website or usage of our Services, you are responsible for keeping this password confidential.

7.5. We take all appropriate security measures in line with market driven best practice to protect your personal information.

## 8. RETENTION OF INFORMATION

8.1. Kinesis will not retain your personal information for longer than it is required.

8.2. We will keep your personal information:

8.2.1. for as long as required by law;

8.2.2. until we no longer have a valid reason for retaining it; or

8.2.3. until you request us to stop using it.

8.3. We may keep a sufficient amount of personal information from you to ensure that we comply with your requests not to use your personal information or comply with your right to erasure. For example, we must keep your request to be erased even if it includes your personal data until such time as you are no longer our customer.

## 9. YOUR RIGHTS

9.1. Below are the rights that you may have under law, and what Kinesis does to protect those rights:

<b>Legal right</b>	<b>What Kinesis does to protect your rights</b>
The right to be informed	<p>Kinesis is publishing this Privacy Notice to keep you informed as to what we do with your personal information. We strive to be transparent about how we use your data.</p> <p>In addition, if there is a data breach that includes your personal information that poses a high risk for your rights and freedoms as an individual we will notify you within 72 hours of becoming aware of the breach.</p>

The right to access	You have the right to access your information. Please contact us at <a href="mailto:privacy@kinesis.money">privacy@kinesis.money</a> if you wish to access the personal information Kinesis holds about you.
The right to rectification	If the information Kinesis holds about you is inaccurate or not complete, you have the right to ask us to rectify it. If that data has been passed to a third party with your consent for legal reasons, then we must also ask them to rectify the data. Please contact us to rectify your information: <a href="mailto:privacy@kinesis.money">privacy@kinesis.money</a>
The right to erasure	This is commonly known as ‘the right to be forgotten’. If you want Kinesis to delete your personal data and we do not have a legal reason to continue to process and store it, please contact us: <a href="mailto:privacy@kinesis.money">privacy@kinesis.money</a>
The right to restrict processing	You have the right to ask Kinesis to restrict how we process your data. This means we are permitted to store the data but not further process it. We keep just enough data to ensure we respect your request in the future. If you want us to restrict processing of your data, please contact us: <a href="mailto:privacy@kinesis.money">privacy@kinesis.money</a>
The right to data portability	<p>Kinesis must allow you to obtain and reuse your personal data for your own purposes across services in a safe and secure way without this effecting the usability of the services provided there is no legal reason to do so. Please contact us if you want information to port your data elsewhere: <a href="mailto:privacy@kinesis.money">privacy@kinesis.money</a>.</p> <p>This right only applies to personal data that you have provided to us where we have determined the purposes and means of processing your personal data. The data is held by us by consent or for the performance of a contract.</p>
The right to object	You have the right to object to Kinesis processing your data even if it is based on our legitimate interests, the exercise of official authority, direct marketing (including profiling and aggregation), and processing for statistical purposes. If you wish to object please contact us: <a href="mailto:privacy@kinesis.money">privacy@kinesis.money</a>
The right to withdraw consent	If you have given us your consent to process your data but change your mind you have the right to withdraw your consent at any time, and Kinesis must stop processing your data. If you want to withdraw your consent, please contact us: <a href="mailto:privacy@kinesis.money">privacy@kinesis.money</a>
The right to complain to a Supervisory Authority	You have the right to complain to the Information Commissioner’s Office if you believe Kinesis has not responded to your requests to solve a problem. You can find more details here: <a href="https://ico.org.uk/concerns/">https://ico.org.uk/concerns/</a>

## 10. THIRD PARTY LINKS

10.1. You may find links to third party website on our Website. These websites may have their own privacy policies which you should review.

10.2. We do not accept any responsibility or liability for their policies as we do not have control over them.

## 11. COMMUNICATIONS WITH US

11.1. We welcome any queries, comments or request you may have regarding this Privacy Policy. Any request by you must comply with the terms of this Privacy Policy.

11.2. Please direct any correspondence to us relating to our Privacy Policy to [privacy@kinesis.money](mailto:privacy@kinesis.money).

## 12. GENERAL

This document does not constitute legal advice and should not be relied on by any person. It is designed for general information purposes only. Visitors to our Website should consult their own counsel.