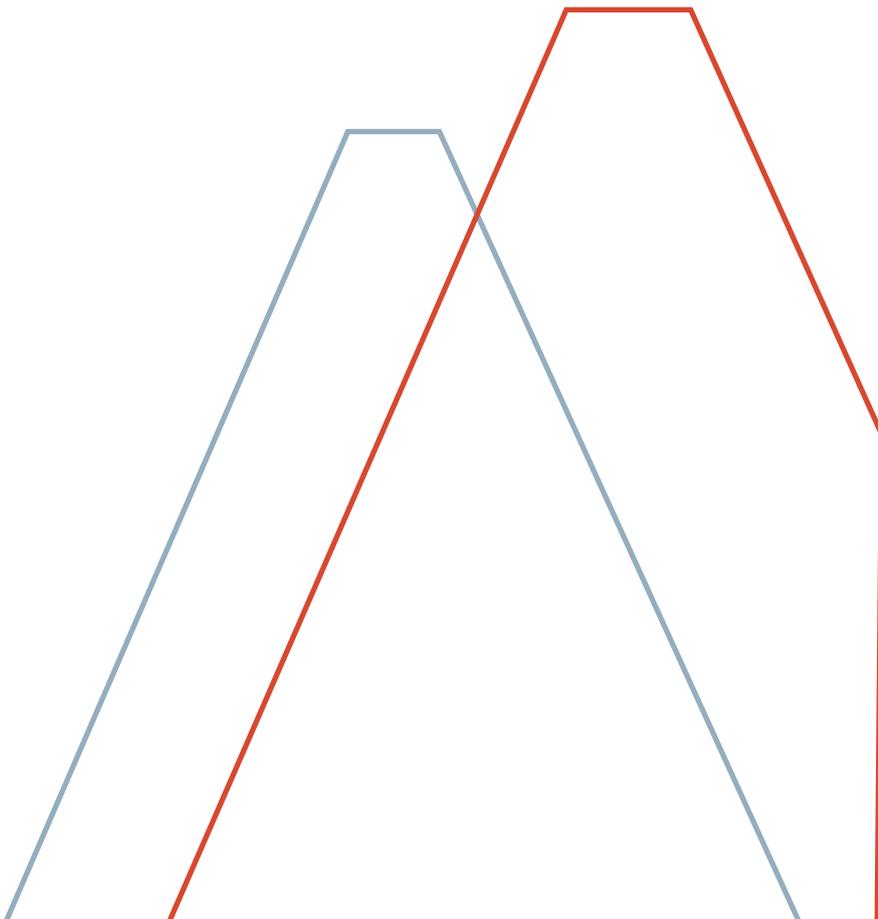


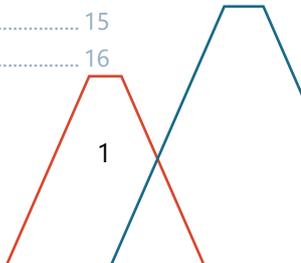
# OPTIVER PRIVACY POLICIES AND DISCLAIMERS

2019/2020



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## 1. OPTIVER EUROPE PRIVACY POLICY<sup>1</sup>

### 1.1 OBJECTIVE

This policy sets out how Optiver Europe, in its capacity as controller, processes personal data and how you may seek access to or correct your personal data, and request to have your personal data erased. Optiver Europe processes personal data in compliance with applicable European data protection laws, including the Regulation (EU) 2016/679 (General Data Protection Regulation, “**GDPR**”). Please read this policy carefully.

### 1.2 PERSONAL DATA WE COLLECT

Optiver Europe may collect personal data from an individual, for example, through a job application process, in relation to a procurement process, or if an individual requests information or otherwise engages with Optiver Europe. Optiver Europe may ask an individual to provide their first and last name, contact information, date of birth, financial information such as tax identification number(s) or bank account details, pre-employment screening information, certification information, details of qualifications, information about transactions with Optiver Europe or customers of third-party suppliers or contractors, or licences and information collected incidentally to the management of operational activities.

### 1.3 HOW WE COLLECT PERSONAL DATA

Optiver Europe will generally only collect personal data from the relevant individual, unless in Optiver Europe's opinion it is unreasonable or impracticable to do so. However, not all of the personal data Optiver Europe holds about an individual will come directly from the individual. It may, for example, come from publicly available information, previous or current employers, third party referees, government agencies, pre-employment screening agencies or other organisations to which the individual belongs.

If an individual elects to not give Optiver Europe their personal data, Optiver Europe may be unable to employ them, or procure services or otherwise engage with the individual.

### 1.4 PURPOSE AND LAWFUL GROUNDS FOR PROCESSING

**Administration.** If an individual engages with Optiver Europe, Optiver Europe may use personal data. Such processing is legally permissible under Art. 6(1)(f) GDPR as necessary for the purposes of the legitimate interests pursued by Optiver Europe, which are managing the relationship, verifying the individual's identity and sending relevant information.

**Counterparty.** For the purpose of entering into and performing contracts with you or the business you are related to, Optiver Europe may request/require and process certain personal data. By way of example, you may be a contact person, shareholder, authorized signatory or ultimate beneficial owner of one of our counterparties. Such processing is legally permissible under Art. 6(1)(b) GDPR as

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<sup>1</sup> Optiver Europe means the group of companies comprised by Optiver Services B.V., Optiver VOF and AMS Derivatives B.V., all based in Amsterdam (Strawinskylaan 3095, 1077 ZX Amsterdam, the Netherlands) as well as Optiver UK Trading Limited and Optiver UK Limited, both based in London (Heron Tower, Level 17-19, 110 Bishopsgate, London, EC2 N4AY United Kingdom).

necessary for the purposes of performance of a contract by Optiver Europe, which includes accepting counterparties, carrying out risk assessments, risk management, reporting and carrying out our business activity.

**Recruitment.** When you apply to a job on this site, your personal data will be processed for the purposes of managing Optiver Europe's recruitment related activities, which include setting up and conducting interviews and tests for applicants, evaluating and assessing the results thereto, and as is otherwise needed in the recruitment and hiring processes. Such processing is legally permissible under Art. 6(1)(f) GDPR as necessary for the purposes of the legitimate interests pursued by Optiver Europe, which are the solicitation, evaluation, and selection of applicants for employment.

**Legal obligations.** Optiver Europe may be required to process personal data for legal and compliance reasons, such as the prevention, detection, or investigation of a crime; loss prevention; or fraud. We may also use personal data to meet our internal and external audit requirements, information security purposes, and as we otherwise believe to be necessary or appropriate: (a) under applicable law (including the GDPR), which may include laws outside your country of residence; (b) to respond to requests from courts, law enforcement agencies, regulatory agencies, and other public and government authorities, which may include such authorities outside your country of residence; (c) to enforce our contractual relationship with an individual; and (d) to protect our rights, privacy, safety, or property, or those of other persons. Such processing is legally permissible under article 6(1)(c) and article 6(1)(f) GDPR.

Optiver Europe will update this policy if the way Optiver Europe uses or processes personal data changes.

Optiver Europe will only process special categories of personal data as set out in article 9 GDPR or criminal records as set out in 10 GDPR if the relevant individual consents to the collection, the collection is reasonably necessary for Optiver Europe's business activities, or in circumstances permitted by the GDPR.

## 1.5 USE OF THIRD PARTIES (PROCESSORS) AND DISCLOSURE OF PERSONAL DATA

Optiver Europe only discloses personal data when necessary to conduct our business operations as described below. When Optiver Europe discloses personal data, it will do so in accordance with applicable data protection and security requirements.

**Within Optiver.** Our businesses around the world are supported by a variety of Optiver teams and functions, and personal data will be made available to them if necessary for the provision of services, human resources administration, and business and product development, for instance. All of our employees and contractors are required to follow our data privacy and security policies when handling personal data.

**Third-party suppliers.** Optiver Europe partners with and is supported by suppliers around the world. Personal data will be made available to these parties only when necessary to fulfill the services they provide to us, such as software, system, and platform support, recruitment services, clearing services, cloud hosting services, advertising, data analytics, and order fulfillment and delivery.

**Third parties for legal reasons.** We will share personal data when we believe it is required, such as:

- ▲ to comply with legal obligations and respond to requests from government agencies, including law enforcement and other public authorities, which may include such authorities outside your country of residence;
- ▲ in the event of a merger, sale, restructure, acquisition, joint venture, assignment, transfer, or other disposition of all or any portion of our business, assets, or stock (including in connection with any bankruptcy or similar proceedings); and
- ▲ to protect our rights, users, systems, and capabilities.

**Recruitment.** When you apply to a job on this site, your personal data will be shared with Greenhouse Software, Inc., a cloud services provider located in the United States of America and engaged by Optiver Europe to help manage its recruitment and hiring process on Optiver Europe's behalf. Accordingly, if you are located outside of the United States, your personal data will be transferred to the United States once you submit it through the relevant website. Because the European Union Commission has determined that United States data privacy laws do not ensure an adequate level of protection for personal data collected from EU data subjects, the transfer will be subject to appropriate additional safeguards under the standard contractual data protection clauses approved by the European Commission.

## 1.6 TRANSFER OF PERSONAL DATA

Optiver Europe may at times transfer personal data from the country in which it was collected, including to servers situated offshore. The countries where personal data may be transferred to include Australia, The Netherlands, Hong Kong, Ireland, United States of America, and Singapore.

When Optiver Europe transfers personal data from the European Economic Area to other countries in which applicable laws do not offer the same level of protection to personal data, we take measures to provide an appropriate level of protection to such personal data.

## 1.7 RETENTION OF PERSONAL DATA

Optiver Europe will retain personal data in accordance with the retention periods set by relevant rules and regulations.

When you apply to a job on this site, your personal data will be retained by Optiver Europe as long as Optiver Europe determines it is necessary to evaluate your application for employment. Optiver Europe will in any event delete your personal data three (3) months after completing the application process. It is noted that Optiver Europe may retain your name and the function that you applied for a longer period of time in order to optimize its recruitment process.

## 1.8 ACCESS TO, AND CORRECTION OF PERSONAL DATA

Individuals have the right to access and control personal data that Optiver Europe holds about them. Any individual wishing to access, amend, correct or delete their personal data processed by Optiver Europe must contact the Optiver Europe Data Protection Officer (see below for details). You also have to right to data portability. Before providing personal data, Optiver Europe will ask for proof of identity and sufficient information about your interaction with Optiver Europe so that any relevant personal data can be located.

Access will be provided where this is reasonable and practicable. However, in accordance with applicable law, Optiver Europe may refuse an access request in certain permitted situations.

## 1.9 QUESTIONS AND COMPLAINTS

Should an individual have a question or wish to make a complaint in relation to Optiver Europe's processing of personal or sensitive data, or a request for access or correction, they may contact the 'Optiver Europe Data Protection Officer' at Strawinskyalaan 3095, 1077 ZX Amsterdam, The Netherlands (telephone +31 20 708 7000).

Where a complaint is received, the Optiver Europe Data Protection Officer will consider the complaint and, within a reasonable time, will decide whether the complaint warrants further investigation. The complainant will be advised by Optiver Europe of the outcome of its investigations within a reasonable time.

Alternatively, you may refer your complaint to the Dutch Data Protection Authority.

This Optiver Europe Privacy Policy was last updated on 2 November 2018.

## 2. OPTIVER EUROPE DISCLAIMER

The following terms and conditions apply to the use of the website [www.optiver.com](http://www.optiver.com). By using our website and using the information provided on it, the user accepts the following conditions. If the user does not accept these conditions, he or she should not use our website.

### 2.1 Legal Disclaimer

All material on the Optiver Europe webpages has been prepared by and for one or all of Optiver Services B.V., Optiver VOF, AMS Derivatives B.V., Optiver UK Trading Limited and/or Optiver UK Limited (collectively "Optiver Europe"), for information purposes only and is not a solicitation of any offer to buy or sell any security or other financial instrument or to participate in any trading strategy. The financial products and/or services referred to on these webpages may not be eligible for sale in all jurisdictions. This information is directed at institutional counterparties as defined by applicable law and/or regulation in the relevant jurisdiction. It is not for retail investors and it is not for distribution into any jurisdiction where this information is not permitted.

The information on our website is for general informational purposes only and does not constitute an offer to sell or a solicitation of an offer to buy any security or any financial instrument or to provide any investment advice in any jurisdiction. Optiver Europe is not providing specific investment advice to any individual viewing the content of our website and does not represent that the securities or services described herein are suitable for any specific investor. Investors are advised not to rely on any information contained on our website in the process of making a fully informed investment decision. Optiver Europe expressly disclaims all liability in respect to actions taken based on any or all of the information on our website.

Optiver Europe is authorized at all times to amend, modify or discontinue the operation of our website and the information and details on our website (including this disclaimer) without prior notification. It is therefore advisable to review this disclaimer and any other notices on our website on a regular basis so that you are aware of any such amendments or modifications.

## 2.2 COOKIES

This Website uses Google analytic cookies. These cookies help Optiver Europe improving its website. By continuing to use our website the user consents to the use of these cookies.

## 2.3 (INTELLECTUAL) PROPERTY AND USE OF OUR WEBSITE

Users of our website are permitted to store, analyse, print, download and copy the data and/or information on our website for personal use and non-commercial purposes only. Information on our website may not be distributed, published, transferred, reproduced or made available to third parties in any other way without Optiver Europe's express written consent. No licensing rights or rights of use of any kind (except for as described above) are granted to the user of our website. Optiver Europe retains all rights (including all registered property rights as well as the rights to all non-registered brands, copyright, texts, graphic material, design and logos) in relation to the information presented on our website. Links to our website are not permitted without Optiver Europe's prior written consent.

## 2.4 LINKS

This Website provides links to other websites maintained by third parties. The inclusion of any such link does not imply any type of endorsement by Optiver Europe of any material contained on any linked site. Optiver Europe has no control over the linked sites and Optiver Europe does not provide any guarantee concerning the content of those sites and is not responsible or liable for any content, information or other materials available on such sites.

## 2.5 DISCLAIMER OF WARRANTY & LIMITATION OF LIABILITY

Optiver Europe provides no guarantee whatever concerning the availability of, access to and use of our website. Optiver Europe does not guarantee that the information and data provided on our website is up to date, accurate or complete. The user accepts that access to and use of our website, as well as the use of the information provided on it, are solely his or her personal responsibility.

Optiver Europe does not in any way guarantee the security of our website and, in particular, cannot rule out the possibility that unauthorized third parties may gain access to details entered by the user on our website or that such entries will be intercepted and/or manipulated.

Optiver Europe accepts no liability whatever for loss, costs, compensation or lost earnings arising directly or indirectly from the provision of our website to the user or the use of our website by the user or third parties, or arising from the access provided by our website to other websites. This exclusion of liability also extends to the management and staff of Optiver Europe.

THIS WEBSITE AND ALL INFORMATION CONTAINED HEREIN IS PROVIDED "AS IS," WITHOUT WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY, NON-INFRINGEMENT OF THIRD-PARTY RIGHTS, FREEDOM FROM VIRUSES OR OTHER HARMFUL CODE, OR FITNESS FOR A PARTICULAR PURPOSE. YOU HEREBY ACKNOWLEDGE THAT YOUR USE OF THIS SITE IS AT YOUR SOLE RISK.

## 3. OPTIVER AMERICAS PRIVACY POLICY<sup>2</sup>

### 3.1 INTRODUCTION

This policy sets out how Optiver Americas (“Company” or “We”) collects, holds, maintains, uses, and discloses personal information, including sensitive information; and how you may seek access to, and correct your personal information. Optiver Americas processes personal information in compliance with applicable United States and Illinois data protection laws, and, when and as applicable, other laws including the General Data Protection Regulation 2016/679. This policy applies to information we collect on our website (<https://www.optiver.com/na/en/>) (the “Website”). This policy does not apply to information collected by us offline or through any other means, including on any other website and through any third-party.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Website. By accessing or using this Website, you agree to this privacy policy. This policy may change from time to time without prior notice of any kind. Your continued use of this Website after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

### 3.2 DETAILS

#### **The kinds of personal information Optiver Americas may collect and hold**

In the process of conducting its business, Optiver Americas may collect, hold, use, and in some cases, disclose personal information, including sensitive information, relating to its business, contractors, and employees.

**Personal information** is information or an opinion about an individual who is reasonably identifiable from that information, whether or not the information or opinion is correct, and whether or not it is in a material form, and regardless of its source. Examples of the type of personal information we may collect includes a person's name, address, phone number, and email address, and any other identifier by which you may be contacted online or offline.

**Sensitive information** is a subset of personal information, and is information or an opinion about an individual's racial or ethnic origin; political, philosophical or religious opinions or associations or affiliations; sexual preferences or practices; memberships; beliefs; health, genetic or biometric information; and dietary preferences.

The references to 'personal information' in this policy include 'sensitive information'.

#### 3.2.1 COLLECTING PERSONAL INFORMATION

Optiver Americas will only collect personal information where necessary.

Optiver Americas may collect personal information from an individual, for example, through its job application process, in relation to a procurement process, or if an individual requests information or otherwise engages with Optiver Americas. Optiver Americas may ask an individual to provide their first

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<sup>2</sup> Optiver Americas means the group of companies comprised by Optiver Americas LLC, Optiver Holding US LLC, Optiver US LLC and Randolph Street Capital LLC, all based in Chicago, Illinois (130 East Randolph Street, Suite 1300, Chicago, Illinois, United States of America 60601).

and last name, contact information, date of birth, social security number, pre-employment screening information, certification information, details of qualifications, information about transactions with Optiver Americas or customers of third party suppliers or contractors, or licences and information collected incidentally to the management of operational activities.

Optiver Americas will generally only collect personal information from, and supplied by, the relevant individual, unless in Optiver Americas' opinion it is unreasonable or impracticable to do so. However, not all of the personal information Optiver Americas holds about an individual will come directly from the individual. It may, for example, come from publicly available information, previous or current employers, third party referees, government agencies, pre-employment screening agencies or other organizations to which the individual belongs.

If an individual elects to not give Optiver Americas their personal information, Optiver Americas may be unable to employ them, or procure services from or otherwise engage with the individual.

Optiver Americas will only collect sensitive personal information if the relevant individual consents to the collection, the collection is reasonably necessary for Optiver Americas' business activities, or in circumstances permitted by applicable law.

### 3.2.2 HOLDING PERSONAL INFORMATION

Optiver Americas may hold personal information electronically, or in paper files. Optiver Americas will take all reasonable steps to protect personal information against misuse, interference, loss and unauthorised access, modification or disclosure. Depending on the information and the circumstances this protection may include:

- (a) the use of confidential passwords for purposes of accessing such information on Optiver Americas' internal systems;
- (b) storing hard copies of documents containing personal or sensitive information in secure files created for this purpose;
- (c) imposing confidentiality requirements on our employees;
- (d) conducting reasonable due diligence on any third-party service provider's security measures, and compliance with the applicable law; and
- (e) maintaining physical access controls over our premises.

Where Optiver Americas holds personal information that it no longer requires, Optiver Americas will take reasonable steps to destroy or de-identify such information, subject to Optiver Americas' internal records retention policies, business continuity backup procedures, and any law, regulation or court order requiring retention.

### 3.2.3 USE OF PERSONAL INFORMATION

**Job applications, employment and counterparty management.** Personal information is used by Optiver Americas so that we can verify an individual's identity, qualifications, or experience; make informed employment decisions; comply with regulatory requirements; manage our employee-employer relationships; make informed resource management decisions and operate our business (including managing our counterparty relationships).

**Administration.** If an individual engages with Optiver Americas, we may use personal information in order to manage the relationship, to verify the individual's identity and send important information.

**Legal obligations.** Optiver Americas may be required to use and retain personal information for legal and compliance reasons, such as the prevention, detection, or investigation of a crime; loss prevention; or fraud. We may also use personal information to meet our internal and external audit requirements,

information security purposes, and as we otherwise believe to be necessary or appropriate: (a) to the fullest extent permitted under applicable law, which may include laws outside your country of residence; (b) to respond to requests from courts, law enforcement agencies, regulatory agencies, and other public and government authorities, which may include such authorities outside your country of residence; (c) to enforce our contractual relationship with an individual; and (d) to protect our rights, privacy, safety, or property, or those of other persons.

Sensitive information will only be used for a purpose other than the express purpose for which it was collected with the individual's consent or for a purpose directly related to the express purpose for which the individual would reasonably expect the personal information to be used.

#### 3.2.4 DISCLOSURE OF PERSONAL INFORMATION

Optiver Americas only discloses personal information when necessary to conduct our business operations as described below. When we disclose personal information, we do so in accordance with applicable data privacy and security requirements.

**Within Optiver.** Our businesses around the world are supported by a variety of Optiver teams and functions, and personal information will be made available to them if necessary for the provision of services, human resources administration, and business and product development, for instance. All of our employees and contractors are required to follow our data privacy and security policies when handling personal information.

**Third-party suppliers.** Optiver Americas partners with and is supported by suppliers around the world. Personal information will be made available to these parties only when necessary to fulfill the services they provide to us, such as software, system, and platform support; recruitment services; clearing services; cloud hosting services; advertising; data analytics; and order fulfillment and delivery.

**Third parties for legal reasons.** We will share personal information when we believe it is required, such as:

- ▲ To comply with legal obligations and respond to requests from government agencies, including law enforcement and other public authorities, which may include such authorities outside your country of residence.
- ▲ In the event of a merger, sale, restructure, acquisition, joint venture, assignment, transfer, or other disposition of all or any portion of our business, assets, or stock (including in connection with any bankruptcy or similar proceedings)
- ▲ To protect our rights, users, systems, and capabilities.

**E-recruitment.** If you register as an applicant in order to apply for employment, your personal information, including any sensitive personal information you provide, will be made available to the organization to which you have applied. If you are unsuccessful in your application Optiver Americas may retain your personal information to contact you in the future if a suitable role becomes available. If you do not want us to retain your personal information for this purpose, please let us know.

#### 3.2.5 CROSS-BORDER DATA FLOWS

Optiver Americas may at times transfer personal information from the country in which it was collected, including to servers situated offshore. The countries where personal information may be transferred to include Australia, The Netherlands, Hong Kong, Ireland, United States of America, and Singapore.

If and when Optiver Americas transfers personal information from the European Economic Area to other countries in which applicable laws do not offer the same level of protection to personal information, we take measures to provide an appropriate level of protection to such personal information.

### 3.3 ACCESS TO, AND CORRECTION OF PERSONAL INFORMATION

Under applicable data protection law, individuals may have the right to access and control personal information that Optiver Americas holds about them. Any individual wishing to access, amend, correct or delete their personal information held by Optiver Americas must contact the Optiver Americas Privacy Officer. Before providing data to requesting individuals, we will ask for proof of identity and sufficient information about your interaction with us so that we can locate any relevant data.

Access will be provided where this is reasonable and practicable. However, in accordance with applicable law, Optiver Americas may refuse an access request in certain permitted situations.

### 3.4 COMPLAINTS

Should an individual wish to make a complaint in relation to Optiver Americas' use, collection, disclosure or management of personal information or sensitive information, or request access or correction, they must contact the Optiver Americas Legal Department at 130 East Randolph Street, Suite 1300, Chicago, Illinois, United States of America 60601, Attention: Legal Counsel.

Where a complaint is received, the Optiver Americas Legal Department will consider the complaint and, within a reasonable time, will decide whether the complaint warrants further investigation. The complainant will be advised by Optiver Americas of the outcome of its investigations within a reasonable time.

## 4. OPTIVER AMERICAS DISCLAIMER

The following terms and conditions apply to the use of the Website. By using the Website and using the information provided on it, the user accepts the following conditions. If the user does not accept these conditions, he or she should not use Website.

### 4.1 LEGAL DISCLAIMER

All material on the Optiver Americas Website has been prepared by one or all of Optiver Americas LLC, Optiver US Holding LLC, Optiver US LLC and/or Randolph Street Capital LLC (collectively "Optiver"), for informational purposes only and is not a solicitation of any offer to buy or sell any security or other financial instrument or to participate in any trading strategy. Any financial products and/or services referred to on these Website may not be eligible for sale in all jurisdictions. Certain information is directed at institutional investors who have professional experience as defined by applicable law and/or regulation in the relevant jurisdiction. Such information is not for retail investors and it is not for distribution into any jurisdiction where this information is not permitted.

The information on our Website is for general informational purposes only and does not constitute an offer to sell or a solicitation of an offer to buy any security or any financial instrument or to provide any investment advice in any jurisdiction. Optiver Americas is not providing specific investment advice

to any individual viewing the content of our Website and does not represent that the securities or services described herein are suitable for any specific investor. Investors are advised not to rely on any information contained on our Website in the process of making a fully informed investment decision. Optiver Americas expressly disclaims all liability in respect to actions taken based on any or all of the information on our Website.

Optiver Americas is authorized at all times to amend, modify or discontinue the operation of our Website and the information and details on our Website (including this disclaimer) without prior notification. It is therefore advisable to review this disclaimer and any other notices on our Website on a regular basis so that you are aware of any such amendments or modifications.

## 4.2 COOKIES

This Website uses Google analytic cookies. These cookies help Optiver Americas improving its Website. By continuing to use our Website the user consents to the use of these cookies.

## 4.3 INTELLECTUAL PROPERTY AND USE OF OUR WEBSITE

Users of our Website are permitted to store, analyse, print, download and copy the data and/or information on our Website for personal use and non-commercial purposes only. Information on our Website may not be distributed, published, transferred, reproduced or made available to third parties in any other way without Optiver Americas' express written consent. No licensing rights or rights of use of any kind (except for as described above) are granted to the user of our Website. Optiver Americas retains all rights (including all registered property rights as well as the rights to all non-registered brands, copyright, texts, graphic material, design and logos) in relation to the information presented on our Website. Links to our Website are not permitted without Optiver Americas' prior written consent.

## 4.4 LINKS

This Website provides links to other Website maintained by third parties. The inclusion of any such link does not imply any type of endorsement by Optiver Americas of any material contained on any linked site. Optiver Americas has no control over the linked sites and Optiver Americas does not provide any guarantee concerning the content of those sites and is not responsible or liable for any content, information or other materials available on such sites.

## 4.5 DISCLAIMER OF WARRANTY & LIMITATION OF LIABILITY

Optiver Americas provides no guarantee whatever concerning the availability of, access to and use of our Website. Optiver Americas does not guarantee that the information and data provided on our Website is up to date, accurate or complete. The user accepts that access to and use of our Website, as well as the use of the information provided on it, are solely his or her personal responsibility.

Optiver Americas does not in any way guarantee the security of our Website and, in particular, cannot rule out the possibility that unauthorized third parties may gain access to details entered by the user on our Website or that such entries will be intercepted and/or manipulated.

Optiver Americas accepts no liability whatever for loss, costs, compensation or lost earnings arising directly or indirectly from the provision of our Website to the user or the use of our Website by the

user or third parties, or arising from the access provided by our Website to other websites. This exclusion of liability also extends to the management and staff of Optiver Americas.

THIS WEBSITE AND ALL INFORMATION CONTAINED HEREIN IS PROVIDED "AS IS," WITHOUT WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY, NON-INFRINGEMENT OF THIRD-PARTY RIGHTS, FREEDOM FROM VIRUSES OR OTHER HARMFUL CODE, OR FITNESS FOR A PARTICULAR PURPOSE. YOU HEREBY ACKNOWLEDGE THAT YOUR USE OF THIS SITE IS AT YOUR SOLE RISK.

## 4.6 RIGHTS OF APPLICANTS AND EMPLOYEES

Applicants and employees may have certain rights under US Federal Employment Laws. Please review the three electronic posters below.

- ▲ [Family and Medical Leave Act \(FMLA\)](#)
- ▲ [Equal Employment Opportunity \(EEO\)](#)
- ▲ [Employee Polygraph Protection Act \(EPPA\)](#)

This Privacy Policy was last updated on 25 November 2019.

# 5. OPTIVER AUSTRALIA PRIVACY POLICY

## 5.1 BACKGROUND

### 5.1.1 OBJECTIVE

This policy sets out how Optiver Pty Ltd and its related bodies corporate in Australia ("Optiver") collect, hold, use, and disclose personal information, including sensitive information; and how you may seek access to, and correct your personal information. Optiver follows the Australian Privacy Principles and the Privacy Act 1998 (Cth) (the "Privacy Act").

The handling of employee records such as job application details, qualification records, remuneration details, performance and disciplinary information, and similar, may in certain circumstances be exempt from the Privacy Act and, if so, this Privacy Policy does not apply to such handling.

### 5.1.2 EUROPEAN PERSONAL DATA

Optiver will process personal information belonging to a European resident ("EU personal information") in compliance with applicable European data protection laws, including the General Data Protection Regulation 2016/679 and any implementing laws in relevant European Member States and the United Kingdom ("EU Data Protection Laws"). Optiver will only process EU personal information where necessary.

## 5.2 DETAILS

### 5.2.1 THE KINDS OF PERSONAL INFORMATION OPTIVER MAY COLLECT AND HOLD

In the process of conducting its business, Optiver may collect, hold, use, and in some cases, disclose personal information, including sensitive information, relating to its business, contractors, and employees.

**Personal information** is information or an opinion about an individual who is reasonably identifiable from that information, whether or not the information or opinion is correct, and whether or not it is in a material form, and regardless of its source. Examples of the type of personal information we may collect includes a person's name, address, phone number, and email address.

**Sensitive information** is a subset of personal information, and is information or an opinion about an individual's racial or ethnic origin; political, philosophical or religious opinions or associations or affiliations; sexual preferences or practices; memberships; beliefs; health, genetic or biometric information; and dietary preferences. Under the Privacy Act sensitive information also includes criminal records.

The references to 'personal information' in this policy include 'sensitive information'.

### 5.2.2 COLLECTING PERSONAL INFORMATION

Optiver will only collect personal information where necessary.

Optiver may collect personal information from an individual, for example, through its job application process, in relation to a procurement process, or if an individual requests information or otherwise engages with Optiver. Optiver may ask an individual to provide their first and last name, contact information, date of birth, gender, financial information such as tax file numbers, bank account details, transaction statements required for legal and compliance reasons, pre-employment screening information (including details of prior criminal records), certification information, details of qualifications, information about transactions with Optiver or customers of third party suppliers or contractors, or licences and information collected incidentally to the management of operational activities.

Optiver may collect personal information from its employees and contractors in order to obtain feedback including opinions expressed in responses to engagement and other surveys, information concerning work habits and practices and feedback concerning performance of individuals and management.

Optiver will generally only collect personal information from the relevant individual, unless in Optiver's opinion it is unreasonable or impracticable to do so. However, not all of the personal information Optiver holds about an individual will come directly from the individual. It may, for example, come from publicly available information, previous or current employers, third party referees, government agencies, pre-employment screening agencies or other organisations to which the individual belongs.

If an individual elects to not give Optiver their personal information, Optiver may be unable to employ them, or procure services or otherwise engage with the individual.

Optiver will only collect sensitive personal information if the relevant individual consents to the collection, the collection is reasonably necessary for Optiver's business activities, or in circumstances permitted by the Privacy Act or where applicable, EU Data Protection Laws.

### 5.2.3 HOLDING PERSONAL INFORMATION

Optiver may hold personal information electronically, or in paper files. Optiver will take all reasonable steps to protect personal information against misuse, interference, loss and unauthorised access, modification or disclosure. Depending on the information and the circumstances this protection may include:

- (a) the use of confidential passwords for purposes of accessing such information on Optiver's internal systems;
- (b) storing hard copies of documents containing personal or sensitive information in secure files created for this purpose;
- (c) imposing confidentiality requirements on our employees and contractors;
- (d) conducting reasonable due diligence on any third party service provider's security measures, and compliance with the Privacy Act, especially if they are located offshore; and
- (e) maintaining physical access controls over our premises.

Where Optiver holds personal information that it no longer requires for any purpose for which the personal information may be used or disclosed, Optiver will take reasonable steps to destroy or de-identify such information, subject to any law or court order requiring retention.

### 5.2.4 USE OF PERSONAL INFORMATION

#### (a) All personal information (including EU personal information)

**Job applications, employment and counterparty management.** Personal information is used by Optiver so that we can verify an individual's identity, qualifications, or experience; make informed employment decisions; comply with regulatory requirements; manage our employment relationships; make informed resource management decisions and operate our business (including managing our counterparty relationships).

Personal information may also be used by Optiver in relation to obtaining employee feedback.

**Administration.** If an individual engages with Optiver, we may use personal information in order to manage the relationship, to verify the individual's identity and send important information.

**Legal obligations.** Optiver may be required to use and retain personal information for legal and compliance reasons, such as the prevention, detection, or investigation of a crime; loss prevention; or fraud. We may also use personal information to meet our internal and external audit requirements, information security purposes, and as we otherwise believe to be necessary or appropriate: (a) under applicable law (including the Privacy Act and EU Data Protection Laws), which may include laws outside your country of residence; (b) to respond to requests from courts, law enforcement agencies, regulatory agencies, and other public and government authorities, which may include such authorities outside your country of residence; (c) to enforce our contractual relationship with an individual; and (d) to protect our rights, privacy, safety, or property, or those of other persons.

Optiver will notify individuals in advance if the way Optiver uses or processes personal information changes.

Sensitive information will only be used for a purpose other than the express purpose for which it was collected with the individual's consent or for a purpose directly related to the express purpose for which the individual would reasonably expect the personal information to be used.

**(b) Personal information that is not EU personal information**

This section applies to personal information that is not EU personal information (and all references to personal or sensitive information in this section shall be interpreted accordingly).

Where personal information is collected from individuals or from other third parties about individuals, Optiver will use such information for the primary purpose for which it was collected or a purpose related to that purpose for which the individual would reasonably expect the personal information to be used.

Optiver may also use personal information:

- (a) to lessen or prevent a serious threat to an individual's life, health or safety, or a serious threat to public health or public safety;
- (b) if Optiver has reason to suspect that unlawful activity or misconduct of a serious nature related to Optiver's business is imminent;
- (c) where the collection, use or disclosure of personal information is reasonably necessary for Optiver to establish, exercise or defend a claim against it;
- (d) where the collection, use or disclosure of personal information is reasonably necessary for the purposes of a confidential alternative dispute resolution process;
- (e) the disclosure is warranted by law or by order of a court or tribunal;
- (f) the disclosure is reasonably necessary for an enforcement related activity by an enforcement body;
- (g) for any other purpose the individual has consented to; or
- (h) for another purpose permitted by the Privacy Act.

## 5.2.5 DISCLOSURE OF PERSONAL INFORMATION

**(a) All personal information (including EU personal information)**

Optiver discloses personal information when necessary to conduct our business operations as described below. When we disclose personal information, we do so in accordance with applicable data privacy and security requirements which may include the Privacy Act and EU Data Protection Laws.

**Within Optiver.** Our businesses around the world are supported by a variety of other Optiver group company teams and functions, and personal information will be made available to those group companies if necessary for the provision of services, human resources administration, and business and product development, for instance. All of our employees are required to follow our data privacy and security policies when handling personal information. For more information about Optiver's locations please click here: [www.optiver.com/ap/en/our-locations](http://www.optiver.com/ap/en/our-locations).

**Third-party suppliers.** Optiver partners with and is supported by suppliers around the world. Personal information will be made available to these parties only when necessary to fulfil the services they provide to us, such as software, system and platform support; recruitment services; employee feedback and engagement services; clearing services; cloud hosting services; advertising; data analytics; and order fulfillment and delivery.

**Third parties for legal reasons.** We will share personal information when we believe it is required, such as:

- ▲ To comply with legal obligations and respond to requests from government agencies, including law enforcement and other public authorities, which may include such authorities outside your country of residence.
- ▲ In the event of a merger, sale, restructure, acquisition, joint venture, assignment, transfer, or other disposition of all or any portion of our business, assets, or stock (including in connection with any bankruptcy or similar proceedings).
- ▲ To protect our rights, users, systems, and capabilities.

**E-recruitment.** If you register as an applicant in order to apply for employment, your personal information, including any sensitive personal information you provide, will be made available to the organization to which you have applied. In order to consider an application fully, your personal information may be forwarded to Optiver's global offices. If you are unsuccessful in your application Optiver may retain your personal information to contact you in the future if a suitable role becomes available. If you do not want us to retain your personal information for this purpose, please let us know by contacting us at [TheTalentTeam@optiver.com.au](mailto:TheTalentTeam@optiver.com.au).

#### **(b) Personal information that is not EU personal information**

Optiver can also disclose personal information on the same basis that it can use the personal information, as described in the section on the use of personal information above.

#### **5.2.6 TRANSBORDER DATAFLOWS**

Optiver may at times transfer personal information from the country in which it was collected, including to servers situated offshore. The countries where personal information may be transferred to include The Netherlands, Hong Kong, Ireland, United Kingdom, United States of America and Singapore.

When Optiver transfers EU personal information from the European Economic Area to other countries in which applicable laws do not offer the same level of protection to personal information, we take measures to provide an appropriate level of protection to such personal information.

### **5.3 ACCESS TO, AND CORRECTION OF PERSONAL INFORMATION**

Under applicable data protection law, individuals may have the right to access and control personal information that Optiver holds about them. Any individual wishing to access, amend, correct or delete their personal information held by Optiver must contact the Optiver Privacy Officer or Optiver's Talent Engagement & Experience department at [TheTalentTeam@optiver.com.au](mailto:TheTalentTeam@optiver.com.au). Before providing data to

requesting individuals, we will ask for proof of identity and sufficient information about your interaction with us so that we can locate any relevant data.

Access will be provided where this is reasonable and practicable. However, in accordance with applicable law, Optiver may refuse an access request in certain permitted situations.

## 5.4 COMPLAINTS

Should an individual wish to make a complaint in relation to Optiver's use, collection, disclosure or management of personal information including sensitive information, or request access or correction, they must contact the 'Privacy Officer' at 39 Hunter Street, Sydney, NSW 2000.

Where a complaint is received, the Privacy Officer will consider the complaint and, within a reasonable time, will decide whether the complaint warrants further investigation. The complainant will be advised by Optiver of the outcome of its investigations within a reasonable time.

Alternatively, you may refer your complaint to the Office of the Australian Information Commissioner (the "OAIC"). The OAIC's contact details are:

The Office of the Australian Information Commissioner  
GPO Box 2999, Canberra ACT 2601, Australia  
Phone: 1300 363 992  
Website: [www.oaic.gov.au](http://www.oaic.gov.au)

For complaints in relation to Optiver's data protection practices relating to EU personal data, you may contact the UK Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further information is available on the Information Commissioner's website at <https://ico.org.uk>.

You may request to receive a copy of this Privacy Policy by contacting the Privacy Officer on the details above at 'Complaints'.

This Privacy Policy was last updated on 19 December 2019.

## 6. OPTIVER AUSTRALIA WHISTLEBLOWER POLICY

### 6.1 PURPOSE

The purpose of this Policy is to:

- ▲ help deter wrongdoing, in line with Optiver's risk management and governance framework;
- ▲ ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- ▲ ensure disclosures are dealt with appropriately and on a timely basis;
- ▲ provide transparency around Optiver's framework for receiving, handling and investigating disclosures;
- ▲ support Optiver group's values and code of conduct; and
- ▲ to meet Optiver's legal and regulatory obligations.

### 6.1.1 SCOPE

This Policy applies to all Optiver Australia employees and other Whistleblowers. The Policy applies from commencement of an employee's employment with Optiver Australia and all employees must attest to having read it on their New Hire Disclosure Form.

An eligible Whistleblower qualifies for protection if:

- ▲ they have made a disclosure of information relating to a "disclosable matter" directly to an "eligible recipient" as set out below.
- ▲ they have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act; or
- ▲ they have made an emergency disclosure or a public interest disclosure to a journalist or parliamentarian. A discloser should contact an independent legal adviser before making such disclosures.

### 6.1.2 DEFINITIONS

**Whistleblower.** A person who has a connection to an organisation who may be in a position to observe or be affected by wrongdoing and may face reprisals for reporting it.

To access the rights and protections in the law the person must be a current or former:

- ▲ employee
- ▲ officer e.g. director, company secretary;
- ▲ contractor, supplier or their employee; or
- ▲ spouse, relative or dependant of one of the people referred to above.

## 6.2 MAKING A DISCLOSURE

Disclosable matters involve information that the discloser has reasonable grounds i.e. a reasonable person in their position would reach the same conclusion, to suspect concerns of:

- ▲ misconduct (including fraud, negligence, default, breach of trust and breach of duty); or
- ▲ an improper state of affairs or circumstances.

This information can be about Optiver or another member of the Optiver group or an officer/employee of Optiver engaging in conduct that:

- ▲ breaches the Corporations Act 2001 (Cth);
- ▲ breaches other financial sector laws enforced by ASIC;
- ▲ breaches legal or regulatory requirements generally;
- ▲ involves offering or accepting a bribe e.g. from a DCP to provide favourable pricing; or
- ▲ involves actual or threatened detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure,

or more broadly:

- ▲ represents a danger to the public or financial system. Information which indicates a significant risk to the stability of, or confidence in, the financial system is also a disclosable matter, even if it does not involve a breach of a particular law.

Disclosures that relate solely to personal work-related grievances (such as decision about promotion or termination of the discloser), and that do not relate to detriment or threat of detriment to the discloser, do not qualify for protection under the Corporations Act. A personal work-related grievance can qualify for protection if, for example, information about misconduct is accompanied by a personal work-related grievance.

### 6.3 WHO CAN RECEIVE A DISCLOSURE?

An employee can make a disclosure either internally or externally. A discloser may choose to remain anonymous while making a disclosure, over the course of an investigation and after the investigation is finalised. Anonymous disclosures are also protected under the Corporations Act.

In order to qualify for protection as a Whistleblower under the Corporations Act, a discloser must disclose directly to the following eligible recipients.

#### 6.3.1 INTERNAL DISCLOSURE

An employee may file a written report with Sydney Compliance or a member of the Local Management Team, these teams are authorised by Optiver to receive Whistleblower disclosures. An employee may also file a report to an officer of Optiver or other Optiver group entity or with Optiver group's internal audit team in Amsterdam. Once an employee has made their report, they are covered by the Whistleblower protections mentioned in the following section.

#### 6.3.2 EXTERNAL DISCLOSURE

A Whistleblower may file a report to, Optiver's external auditor (including a member of the audit team conducting the audit) or ASIC or other prescribed regulators or law enforcement agencies.

To file a report with ASIC, employees can submit an [online misconduct reporting form](#) or [write to ASIC](#). If an employee files a report to ASIC anonymously, they should note that ASIC will not be able to follow up for further information or provide updates.

Disclosures to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the Whistleblower provisions in the Corporations Act are also protected.

A Public Interest Disclosure or Emergency Disclosure can also be made to a journalist or parliamentarian and qualify for protection.

A Public Interest Disclosure is the disclosure of information to a journalist or parliamentarian where:

- (a) at least 90 days have passed since the discloser made a disclosure to ASIC;
- (b) the discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;
- (c) the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
- (d) before making the public interest disclosure, the discloser has given written notice to ASIC that includes sufficient information to identify the previous disclosure and states that the discloser intends to make a public interest disclosure.

An Emergency Disclosure is the disclosure of information to a journalist or parliamentarian where:

- (a) the discloser has previously made a disclosure of the information to ASIC;
- (b) the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons;
- (c) before making the emergency disclosure, the discloser has given written notice to ASIC that includes sufficient information to identify the previous disclosure and states that the discloser intends to make an emergency disclosure; and
- (d) the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial or imminent danger.

A discloser should contact an independent legal adviser before making a Public Interest Disclosure or an Emergency Disclosure.

## 6.4 PROTECTIONS

Once a Whistleblower has made their report, they are covered by the whistleblower protections detailed below. If a Whistleblower makes an external disclosure they are still covered, even if they have not raised their concerns internally.

### 6.4.1 INTERNAL

Optiver will keep a Whistleblower's identity or information that is likely to lead to their identification, confidential unless:

- i. the Whistleblower provides consent; or
- ii. Optiver needs to report or disclose the information to ASIC or other prescribed regulators or law enforcement agencies or to external legal counsel for the purpose of obtaining legal advice or representation about the Whistleblower provisions.

It is otherwise illegal to identify a Whistleblower or disclose information that is likely to lead to the identification of the Whistleblower. A Whistleblower may lodge a complaint about a breach of confidentiality by writing to the Privacy Officer [legal@optiver.com.au](mailto:legal@optiver.com.au) or to ASIC or other prescribed regulator or law enforcement agency.

### 6.4.2 EXTERNAL

ASIC or other applicable regulator or law enforcement agency is required to keep information provided by a Whistleblower confidential. ASIC may not disclose either the information or the identity of the Whistleblower, without the Whistleblower's consent or unless that disclosure is specifically authorised by law. ASIC can also resist producing documents to a court or tribunal where it may reveal a Whistleblower's identity, unless a court or tribunal thinks it necessary or in the interests of justice.

### 6.4.3 LEGAL ACTION

A Whistleblower is protected against the following legal actions:

- criminal prosecution (the disclosure cannot be used against the Whistleblower in a prosecution, unless the disclosure is false).
- civil litigation e.g. breach of an employment contract, duty of confidentiality.
- administrative action, including disciplinary action.

This protection does not grant immunity to the Whistleblower for any misconduct that the Whistleblower was involved in, that is revealed in the disclosure. However, if the Whistleblower

voluntarily self-reports their involvement in corporate misconduct, ASIC will consider their cooperation when deciding what further action to take.

## 6.5 SUPPORT AND PROTECTION FROM DETRIMENT

Optiver will not retaliate against a Whistleblower who has filed a report about Optiver's conduct, or about an individual or entity with whom Optiver has or had a business relationship.

A person cannot engage in conduct that causes detriment to a discloser (or another person), in relation to a disclosure, if:

- i. the person believes or suspects that the discloser (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for protection; and
- ii. the belief or suspicion is the reason, or part of the reason, for the conduct.

Optiver will endeavour to ensure that employees are able to make reports without jeopardising their employment. Optiver has an Employee Assistance Program which may be utilised by Whistleblowers and which is operated by trained independent professional counsellors on a confidential basis. Optiver will not discharge, demote, suspend, threaten, harass, deny opportunities or in any other manner discriminate against an employee, with respect to terms and conditions of employment, for making a report under this Policy.

Any retaliation or harassment by an employee relating to a report made under this Policy will be considered a serious breach of this Policy. All employees should refrain from any activity that is, or could be perceived to be, victimisation, retaliation or harassment of a Whistleblower who makes a report in accordance with this Policy.

A Whistleblower can seek their own independent legal advice or contact the applicable regulator or law enforcement agency if the Whistleblower believes they have suffered detriment. They can seek compensation and other remedies through the courts if:

- (a) they suffer loss, damage or injury because of a disclosure; and
- (b) Optiver fails to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

## 6.6 INVESTIGATION INTO A DISCLOSURE

Optiver will take reasonable steps to ensure that information likely to lead to a Whistleblower's identification is not disclosed without their consent. However, Optiver may face difficulties investigating or internally addressing or correcting the misconduct unless the Whistleblower provides some approval to use their information.

After a report has been received, it will be reviewed by Sydney Compliance. Optiver is required to assess each disclosure to determine whether it qualifies for protection and if a formal investigation is required. If the report is determined to be sufficiently serious, a more formal investigation will commence in coordination with Talent, Legal and/or other relevant advisors. Where appropriate, Optiver may also consult with external legal counsel and other necessary advisors.

Optiver will take appropriate steps to ensure that every report is investigated with the appropriate level of attention and using the appropriate technical expertise. Where feasible, such investigation will

be carried out in a strictly confidential manner and will be completed within a reasonable time. If, however Optiver cannot contact the Whistleblower, an investigation may not be able to be undertaken.

If they can be contacted, the Whistleblower will be kept informed on progress, any subsequent investigation and its outcome, as appropriate under the circumstances and in accordance with applicable law. The outcome of the investigation may be shared and discussed with the Local Management Team for further handling. Measures to be taken in response to the investigation will be determined on a case by case basis, as deemed appropriate to handle any issues identified.

The method for documenting and reporting the findings of an investigation will depend on the nature of the disclosure. There may be circumstances where it is not appropriate to provide details of the outcome to the Whistleblower.

## 6.7 TREATMENT OF EMPLOYEES MENTIONED IN A DISCLOSURE

Optiver will seek to be fair to all parties involved. The handling of the disclosure will not involve anyone implicated by the Whistleblower who made the report. An employee who is the subject of a disclosure will be advised about the subject matter of the disclosure prior to any actions being taken e.g. if the disclosure will be the subject of an investigation. An employee who is the subject of a disclosure may utilise Optiver's Employee Assistance Program.

## 6.8 ESCALATION OF BREACHES

All employees are responsible for compliance with this Policy and are required to immediately report any actual or apparent breaches of this Policy to a member of Sydney Compliance. This includes any actual or apparent breaches of this Policy being committed by other persons.

Failure to do so may increase the Compliance risk to Optiver and may result in disciplinary action being taken against the employee, including termination of employment.

This Whistleblower Policy was last updated on 30 December 2019.

# 7. OPTIVER HONG KONG PRIVACY POLICY STATEMENT

## 7.1 OBJECTIVE

Optiver is committed to protecting the privacy, confidentiality and security of any personal data held about individuals with the applicable laws. Nothing in this Privacy Policy Statement ("Policy") is intended to limit your rights under the Personal Data (Privacy) Ordinance ("Ordinance").

This Policy sets out the practices followed by Optiver Holding Hong Kong Limited and Optiver Trading Hong Kong Limited ("Optiver", "we", "us" or "our"), and describes Optiver's practices in its collection, holding, use, correction, disclosure and transfer of personal data including sensitive personal information.

## 7.2 WHAT IS "PERSONAL DATA"?

Personal data means any data relating directly or indirectly to an identifiable individual, for which it is practicable to ascertain the identity of such individual.

Personal data includes a person's name, address, ID number, photo, phone number, email address, contact information, date of birth, gender, financial information such as tax file numbers, bank account details, transaction statements required for legal and compliance reasons, pre-employment screening information (including details of prior criminal records), certification information, details of qualifications, information about that person's transactions with Optiver or customers of third party suppliers or contractors, or licences and information collected incidentally to the management of operational activities.

## 7.3 USE OF INFORMATION AND TYPE OF PERSONAL DATA HELD BY OPTIVER

Your personal data is collected by Optiver so that we can perform our business functions. For example, Optiver may collect and/or use your personal data to:

- (a) meet the disclosure, reporting and compliance requirements (including but not limited to tax reporting) under any laws or regulations, codes, guidelines or internal Optiver compliance policies applicable to Optiver in Hong Kong or elsewhere;
- (b) establish, exercise, defend a claim or any other purposes in connection with any claims made by or against Optiver (this includes but not limited to claims involving you, or (where relevant) your employer, company or affiliated entity (as may be applicable)) in respect of any products and/or services provided by us;
- (c) consider or take part in an alternative dispute resolution process;
- (d) enable an actual or proposed assignee of Optiver, or participant or sub-participant of Optiver's rights in respect of any transaction intended to be the subject of the assignment, participation or sub-participation involving you;
- (e) in relation to employees and contractors of Optiver, obtain your feedback in relation to Optiver and your employment – including opinions expressed in responses to engagement and other surveys, information concerning work habits and practices and feedback concerning performance of individuals and management;
- (f) additionally, in relation to job applicants and employees of Optiver:
  - i. verify your identity, qualifications or experience;
  - ii. assess your suitability for the position for which you have applied;
  - iii. negotiate with and make employment offers to selected applicants;
  - iv. make informed employment decisions;
  - v. comply with regulatory requirements (including but not limited to making tax returns);
  - vi. assess training and development needs;
  - vii. plan and effect promotions; and
  - viii. facilitate a retirement or provident fund scheme and/or other benefits applicable to employees; and
- (g) any other purposes directly relating to any of the above.

Personal data collected from individuals or from other third parties about individuals, may only be used or disclosed for the primary purpose for which it was collected or a purpose related to that purpose for which the individual would reasonably expect the personal data to be used.

Depending on the nature of your dealings with Optiver, the types of personal data that we may collect include, but are not limited to:

- (a) information that identifies you (such as your name, phone number, fax number, email and postal addresses);
- (b) basic information (such as your date of birth);
- (c) information that relates to your financial affairs, associates, business, employment, assets, income, trading activities and/or investment experience;
- (d) information that helps Optiver to process applications made by you for particular products and services;
- (e) marketing information (such as your financial background, information about transactions with Optiver, any information about you which you provide through promotions or customer surveys);
- (f) licence and certification information, details of qualifications;
- (g) if applicable, information about your company's representatives and other connected persons (such as authorised representative name(s) and their contact details);
- (h) your feedback, including opinions expressed in responses to engagement and other surveys, information concerning work habits and practices and feedback concerning performance of individuals and management; and/or
- (i) any information that is provided about the data subject by the data subject and/or any third parties to Optiver.

The provision of personal data is voluntary unless otherwise specified by us. However, failure to provide sufficient information may result in Optiver being unable to:

- (a) provide to you the services described above in this Section 3;
- (b) (for job applicants) consider your employment application; or
- (c) (for employees) effect promotions, transfers or relocations, or the provision of certain benefits to you.

## 7.4 CHANNELS TO COLLECT PERSONAL DATA

During the course of our business, we may collect personal data about you in a variety of ways.

Optiver will only collect personal data from you if in Optiver's opinion it is reasonable, practicable and lawful to do so.

In some circumstances, Optiver may collect your personal data from other entities covered by this Policy or third parties (including publicly available information, previous or current employers, third party referees, government agencies or pre-employment screening agencies). When it does so, it will ensure that it acts in accordance with relevant privacy laws and this Policy.

## 7.5 DISCLOSURE OF PERSONAL DATA

In providing you the information or services you request, Optiver may disclose your personal data to:

- (a) any subsidiary, holding company, associated company or affiliate, or any entity controlled by or under common control with Optiver;
- (b) any affiliate, agent, contractor or other service provider who provides administrative, compliance, telecommunications, computer, other technological, software, payment, screening, data processing or storage, cloud computing, system and platform support,

recruitment, employee feedback and engagement, clearing, cloud hosting, order fulfillment and delivery, advertising data analytics or other services to us and/or our affiliates in connection with the operation of our respective businesses;

- (c) any person under a duty of confidentiality to Optiver, such as a professional adviser or another person that has undertaken to keep such data confidential;
- (d) any bank, intermediary or regulatory authority involved in sending or receiving any payment or instruction to or from or in connection with you;
- (e) any actual or proposed assignee, transferee, participant or sub-participant of Optiver's rights or business;
- (f) any person to whom Optiver is under an obligation to make disclosure under the requirements of any law, rules, regulations or directive binding on us and/or our affiliates, or under and for the purposes of any codes of practice or guidelines issued by or responding to requests made to us and/or our affiliates by regulatory or other authorities, or for the purposes of any legal or administrative proceedings in which we and/or our affiliates are involved;
- (g) in relation to Optiver's employees, any relevant insurers, bankers, provident fund managers and medical practitioners, in connection with services requested and/or provided in relation to employees; and
- (h) any service provider whom Optiver may appoint or to whom Optiver may delegate its obligation to in connection with its business operation.

each a "**Transferee**".

Optiver will not provide a reference concerning an employee or former employee to a third party without the employee's prescribed consent.

If Optiver provides your personal data to a Transferee, Optiver requires the Transferee to protect your personal data in the same way Optiver does.

For the purposes set out under Section 3 of this Policy, we may transfer, disclose otherwise make available your personal data to Transferees situated in overseas jurisdictions, including (without limitation) Australia, the Netherlands, Taiwan, Ireland, United Kingdom, United States of America, Singapore, and Mainland China, where there may not be in place data protection laws which are substantially similar to, or serve the same purposes as, the Ordinance. That means your personal data may not be protected to the same or similar level in Hong Kong.

Under paragraph 3.11.5 and 3.11.6 of the Code of Practice on Human Resource Management issued by the Office of the Privacy Commissioner for Personal Data, Optiver may transfer your employment-related personal data to a related office or a third party within or outside Hong Kong. In any event, such a transfer is for a purpose directly related to your employment and the data transferred will not be excessive in relation to that purpose.

Optiver may also disclose your personal data to other third parties where it is required or permitted to under any applicable law or by order of a court or tribunal.

## 7.6 SECURITY

Optiver will take all reasonable steps to protect personal data against misuse, interference, accidental loss, unauthorised access, destruction, unlawful process, unlawful modification or unauthorised disclosure.

Depending on the type of personal data and the circumstances, this protection may include:

- (a) the use of confidential passwords for purposes of accessing such information on Optiver's network or wiki;
- (b) hard copies of documents containing personal or sensitive information are kept in secure files created for this purpose;
- (c) imposing confidentiality duties and requirements on our employees; and/or
- (d) control of access to our building.

However, Optiver cannot ensure the security and confidentiality of internet communications, which may not be secured by encryption. As a result, all information transmitted via the Internet (including via email) is at your own risk.

## 7.7 ACCESS TO PERSONAL DATA AND CORRECTION

You may do the following in respect of your personal data:

- (a) ascertain whether Optiver holds personal data about you;
- (b) access your personal data; and/or
- (c) require Optiver to correct your personal data which is inaccurate.

When Optiver receives a data access request from you, whether it holds the requested data or not, it will respond in writing within 40 calendar days after receiving your data access request, unless it is unable to respond to your request within such 40 day period, in which case it will:

- (a) notify you (within that 40 day period) of the reasons why it cannot comply and the extent to which it can comply with the request within that 40 day period, and
- (b) comply with your request as soon as practicable thereafter.

Access will be provided where this is reasonable and practicable. However, Optiver may refuse to comply with your data access request in certain situations, which include without limitation the following situations:

- (a) Optiver is not supplied with sufficient information to identify you;
- (b) Optiver cannot comply with the request without disclosing the personal data of a third party;
- (c) where compliance with the request is prohibited under the Ordinance or any other ordinance;
- (d) the data access request follows two or more similar requests, and it is unreasonable for Optiver to comply with the request in the circumstances;
- (e) another party controls the use of the requested data in a way that prohibits Optiver from complying with the data access request; or
- (f) where Optiver may refuse the request in accordance with the Ordinance.

Should you wish to access your personal data held by Optiver and/or seek correction of your personal data, please contact our Privacy Officer, by email at [HKprivacy@optiver.com.au](mailto:HKprivacy@optiver.com.au) or by post to 25/F, 33 Des Voeux Road Central, Hong Kong, your Optiver business contact or for Optiver's employees, the Human Resources Department.

Even if you do not submit such a request, if we are satisfied that, having regard to the purposes for which we hold your personal data, that personal data is inaccurate, incomplete, out-of-date, irrelevant or misleading, we may take reasonable steps to correct that information.

In accordance with the Ordinance, Optiver has the right to charge a reasonable fee for the processing of any request to access personal data.

## 7.8 RETENTION OF PERSONAL DATA

Your personal data will not be kept longer than required for the purpose for which the personal data was used.

In addition, please note that Optiver may retain personal data relating to:

- (a) unsuccessful applicants up to a period of two years (from the date of rejection); and
- (b) an employee up to a period of seven years (after an employee has left Optiver).

Optiver may, at its discretion, retain personal data for longer than these periods where it considers it necessary or desirable to do so to meet its legal or regulatory obligations, or where erasure of the personal data is prohibited by law or is not in the public interest.

Where Optiver holds personal data that it no longer requires for any purpose for which the personal data may be used or disclosed, Optiver will take reasonable steps to destroy or de-identify such information, so long as the information is not required to be kept by law or court order.

## 7.9 CHANGES TO THIS POLICY

From time to time, Optiver may change this Policy to accommodate the new legal or regulatory requirements, industry practices or for other purposes. We will provide notice to you if these changes are material and, where required by applicable law, we will obtain your consent.

## 7.10 CONTACT US

Should you:

- (a) have any queries or require further information regarding this Policy or any other steps Optiver has taken to protect your personal data or privacy; or
- (b) have any concerns or wish to make a complaint in relation to Optiver's use, collection, disclosure or management of your personal data,

please contact our Privacy Officer, by email at [HKprivacy@optiver.com.au](mailto:HKprivacy@optiver.com.au) or by post to 25/F, 33 Des Voeux Road Central, Hong Kong.

Where a complaint is received, the Privacy Officer will consider the complaint and, within a reasonable time, will decide whether the complaint warrants further investigation. The complainant will be advised by Optiver of the outcome of its investigations within a reasonable time.

This Privacy Policy Statement was last updated on 17 December 2019.

## 8. 澳帝華期貨股份有限公司「個人資料蒐集、處理、利用告知書」 NOTICE OF COLLECTION, PROCESSING AND USE OF PERSONAL INFORMATION

澳帝華期貨股份有限公司（以下簡稱「本公司」）依據個人資料保護法（以下簡稱「個資法」）第 8 條第 1 項，向您告知下列事項：

Optiver Taiwan Futures Co., Ltd. ("Optiver") hereby, pursuant to Paragraph 1 of Article 8 of the Personal Information Protection Act ("PIPA") notify you of the following matters:

一、本公司蒐集您之個人資料目的：

（一）〇〇二：人事管理（包含甄選、離職及所屬員工基本資訊、現職、學經歷、考試分發、終身學習訓練進修、考績獎懲、取得反饋（包括在回覆僱用和回覆其他調查中所表達的意見，有關工作習慣和實際表現的訊息以及有關個人和管理績效的反饋）銓審、薪資待遇、差勤、福利措施、褫奪公權、特殊查核或其他人事措施）

（二）〇三一：全民健康保險、勞工保險、國民年金保險或其他社會保險

（三）〇六九：契約、類似契約或其他法律或法律遵循原因

1. Purposes of collecting personal information:

(1) 002: Human Resource Management (including recruitment, separation, employee profile, current position, education, working experience, examination distribution, long term learning, training and development, performance management, obtaining feedback (including opinions expressed in responses to engagement and other surveys, information concerning work habits and practices and feedback concerning performance of individuals and management), verify the qualification, compensation, attendance record, benefit, deprived of civil rights, special check (background), other personnel management.)

(2) 031: National health insurance, labor insurance, national pension insurance or other social insurance.

(3) 069: Contract, contract-like or other legal or compliance reasons.

二、本公司蒐集您之個人資料類別：

（一）識別類（如姓名、身分證字號、通訊地址、聯絡電話、非工作用電子郵件地址、住家電話號碼、手機、財務訊息，例如稅籍編號、銀行帳戶或開戶資訊、為了法律或法律遵循原因需要的交易紀錄、簽證及護照號碼、影像）

（二）特徵類（如性別、出生日期）

（三）家庭情形（如婚姻狀況、緊急連絡人）

（四）受僱情形（如薪水、工作表現、休假紀錄、請假或補假紀錄）

（五）取得反饋（包括在回覆僱用和回覆其他調查中所表達的意見，有關工作習慣和實際表現的訊息以及有關個人和管理績效的反饋）

(六) 其他 (如宗教信仰、種族、就業前訊息篩選 (包括詳細犯罪前科紀錄)、認證訊息、詳細資格訊息、與 Optiver 或第三方供應商或承包商的客戶的交易訊息或管理營運活動而附帶蒐集到的執照與訊息。)

## 2. Classification of the personal information:

(1) Types for identification (for example: name, ID number, address, contact number, personal email address, home telephone number, cellphone number, financial information such as tax registration numbers, bank account or account opening information, transaction statements required for legal and compliance reasons, visa and passport number, photograph/image.)

(2) Types of characteristic (for example: gender, date of birth.)

(3) Family (for example: marital status, emergency contact person.)

(4) Employment (for example: salary, evaluation of working performance, record regarding personal leave, compensatory leave, and other information regarding leaving taking.)

(5) Feedback, including opinions expressed in responses to engagement and other surveys, information concerning work habits and practices and feedback concerning performance of individuals and management.

(6) Other (for example: religion and faith, races, pre-employment screening information (including details of prior criminal records), certification information, details of qualifications, information about transactions with Optiver or customers of third party suppliers or contractors, or licences and information collected incidentally to the management of operational activities.)

## 三、本公司利用您之個人資料期間、地區、對象及方式：

(一) 期間：申請人自投履歷日起 3 年。

(二) 地區：本國、本公司之關係企業所在地區 (詳如本公司所屬集團之網站上所載：<http://optiver.com/>) 以及其他受本公司委託處理您個人資料之公司之地區，例如：加拿大、澳洲、愛爾蘭、荷蘭、香港、美國、英國、新加坡等。

(三) 對象：本公司、本公司之關係企業 (詳如本公司所屬集團之網站上所載：<http://optiver.com/>)、以及其他受本公司委託處理您個人資料之公司，例如位於加拿大之 Global Relay Communications Inc.、位於愛爾蘭之 Workday Inc.。

(四) 方式：以自動化機器或其他非自動化之利用方式。

## 3. Time period, areas, parties and ways of using personal information:

(1) Time period: 3 years after applicant's submitting the resume.

(2) Areas: within the territory of this country, the territory of the affiliated companies listed on the website of Optiver Group ([http://optiver.com](http://optiver.com/)) and other territory of the entities entrusted by Optiver with the processing of your personal information such as Canada, Australia, Ireland, Netherlands, Hong Kong, United States of America, United Kingdom, Singapore, etc.

(3) Parties: Optiver, the affiliated companies listed on the website of Optiver Group ([http://optiver.com](http://optiver.com/)), and other entities entrusted by Optiver with the processing of your personal information, such as Global Relay Communications Inc. in Canada, Workday Inc. in Ireland.

(4) Ways: through automatic machine or non-automatic methods

四、就本公司保有您之個人資料，您得透過言詞、書面、電話、簡訊、電子郵件、傳真等方式，行使以下所載個資法第三條之當事人各項權利：

（一）得直接向本公司請求查詢、請求閱覽或請求製給複製本。依個資法第 14 條規定，本公司得須酌收必要成本費用。

（二）得直接向本公司請求補充或更正。

（三）得直接向本公司請求停止蒐集、處理或利用及請求刪除。但依個資法第 11 條及同法施行細則第 21 條規定，本公司因執行業務所必須者，於註明爭議事項後，得不依您請求為之。

4. According to Article 3 of the PIPA, you may exercise following rights by means of words, written document, telephone, text message, email, facsimile or other manners, with regard to your personal information collected by Optiver:

(1) You may inquire and request for a review or make duplications of your personal information. Optiver may charge necessary handling fee in terms of Article 14 of the PIPA.

(2) You may request to supplement or correct your personal information.

(3) You may request Optiver to discontinue the collection, the processing or using, and delete your personal information. However, pursuant to Article 11 of the PIPA and Article 21 of the Enforcement rules of the PIPA, the preceding sentence may not be applicable when the collection, processing and use of the personal information is necessary for the performance of an official duty or fulfillment of a legal obligation and the dispute has been recorded.

五、您不提供個人資料所致權益之影響：

您得自由選擇是否提供相關之個人資料，惟您若拒絕提供相關個人資料，本公司、本公司之關係企業、及其他受本公司委託之公司將無法進行如上開蒐集目的之各項作業，致無法提供您蒐集目的之各項服務。

5. Impact of the rights and interests if not providing personal information:

You may choose to provide or not to provide the relevant personal information. In the case that you refuse to provide the relevant personal information, Optiver, the affiliated companies, and other entities entrusted by Optiver will not be able to provide services as specified purposes of collection listed in section 1.

六、您充分瞭解上述告知事項。

6. You fully understand the matters specified above.