

# **ASIA TRANSPAY PRIVACY POLICY AND COOKIE POLICY**

This Privacy Policy is an overview of how we collect, use, and process your personal data when you use our Site. Please read carefully through this policy to understand our views and practices regarding your personal information and how we will treat it. This Privacy Policy depicts your privacy rights in terms of gathering, use, storing, sharing, and protecting your personal data. You agree to this Privacy Policy by registering, accessing, or using Asia TransPay's products, services, solutions, features, and technologies.

## **RESPONSIBILITIES**

You should be aware that by providing you with Asia TransPay Services we can act as a data processor and you act as a data controller in the meaning given by General Data Protection Regulation (GDPR). We process your data only to provide you and your Clients with Asia TransPay Services and only on documented instructions from you.

You, as a data controller, shall comply with all applicable data protection laws, rules and regulations. You should check if your privacy policy duly discloses your data practices, including using third-party service providers for detection and prevention of fraud.

You warrant that when you act as data controller you obtain prior consent from your Clients to collect, use and process their personal data by Asia TransPay, including consent to transfer personal data to the third countries. If you disclose personal data without your Client's proper consent, you are responsible for that unauthorized disclosure.

As a data controller, to the extent that you process Client's personal data, you may be required under privacy laws to honor requests for data access, portability, correction, deletion, and objections to processing. In case data subject directly contact us with a request to exercise his individual rights under GDPR or with another claim on data protection, we will direct such data subject to you as data controller. Nevertheless, we will assist you by providing all necessary information or by other means envisaged by applicable law.

In some cases, when you use Asia TransPay Hosted payment page (HPP) allowing you to accept card payments through Asia TransPay payment page, we and you jointly determine to process cardholder data for the purposes of our cooperation. In such case, we are joint data controllers and bear several liability for data protection infringements. Yours and our obligations and responsibilities will be allocated in the data protection agreement with You.

When we collect personal data of merchant's officers, we act as data controller, therefore we are subject to controller's rights and obligations under applicable data protection laws.

## **WHAT DATA WE COLLECT FROM YOU**

We will collect and process the following data about you:

- Contact and personal information including your name, address, phone number, e-mail, etc. (used to maintain permanent communication with you, to send you legal and information notices);
- Account information including IBAN and account name, transactional data, account details and transaction history, date of the transaction, time, amount, currency, location, name/IP address of sender and receiver, data about beneficiary and other details about the parties involved;

- Financial information including your full bank account number and/or credit card number (used for payments to you, if any);
- Video and audio records of video calls for identification. This information Asia TransPay may process for the purpose of conclusion of the agreement or for performance of measures at your request prior to the conclusion of the agreements, etc.;
- Exhaustive personal information including your date of birth or national ID number, etc. (used for bank and AML compliance purposes).

When you visit Asia TransPay Site or use our services, we also gather information provided by your computer, mobile phone, or other viewports. This info includes data about pages you visit, your IP-address, device information, type of operating system, your location, web and mobile network data, and some other minor details. Note that we also gather information about your activities with the site or service and keep track of your issued transactions.

Please pay attention to the fact that we may also acquire information related to you provided by third parties such as credit agencies and services for person verification. We collect only that information that is necessary for the purpose of providing Asia TransPay Services to you.

We collect your data and activities with the system in order to safeguard you from scam, fraud, and misuse of any private data you might share.

You are responsible for ensuring that any third party whose personal data is entered into our services by you or through your use of Asia TransPay Services has been adequately informed and has consented to their personal data being collected.

## **HOW WE USE YOUR DATA**

We use your information:

- to ensure maximum Asia TransPay user experience;
- to process transactions and issue relevant notifications in the most comprehensive manner;
- to comply with any applicable legal and/or regulatory requirements;
- for internal record keeping;
- to notify you about changes to our Services;
- to settle disputes, levy charges, and resolve occurring problems;
- to prevent clients from becoming a subject to illegal activities and potential fraud;
- to contact you in case of emergency via one of the means available;
- to provide you with information about other similar goods and services we offer;
- to make sure information you provide is accurate, in case discrepancies occur.

You should be aware that the processing of your personal data is necessary for the performance of a contract with Asia TransPay to which you are the party and this ground shall be considered as a lawful basis for processing of your personal data by Asia TransPay within the meaning given by General Data Protection Regulation (GDPR).

You acknowledge and agree that your personal data may be transferred to any countries when it is necessary for the conclusion or performance of a contract concluded in your interest between us and another legal person.

Please note that in most cases, if you do not provide the requested information, Asia TransPay will not be able to provide the requested service to you, e.g. our support cannot reach you in case of emergency without collecting your e-mail address or phone number.

## **HOW WE PROTECT YOUR DATA**

Asia TransPay takes the safeguarding of your information very seriously, and takes a number of steps to ensure it stays secure. Your data is protected by the means of physical, technical, and administrative resources to lower the risks of loss, misuse, unauthorized entry, disclosure, or alteration by a third party. To keep your data safe, we apply firewall and data encryption protection and physical authorization control system, just to name a few. As Asia TransPay is PCI DSS certified, we maintain all required technology, methods and business processes to protect cardholder data, and also use such technology and methods as regards the security of your personal data.

We monitor our systems constantly and our staff is always ready to respond to your notifications and queries within a short time.

Asia TransPay warrants and represents that:

- We update and patch our servers in a timely manner;
- We will not claim ownership of the Data;
- We will not disclose your identifying information to other Asia TransPay's users or other unauthorized third parties;
- We keep your data in confidence in accordance with the terms and conditions set in a separate agreement with Asia TransPay;
- We will use your data only as described in this Privacy Policy and will maintain appropriate administrative, technical and organizational measures to protect personal data;
- We will notify you promptly of any suspected or actual breach of the security of your data;
- We will assist you in ensuring compliance with your duties under GDPR;
- We impose on our sub-contractors the same data protection obligations as set out in the contract with you;
- We will notify you of any personal data breaches (including any unauthorized or accidental access) without undue delay after becoming aware of a personal data breach.

We immediately inform you if, in our opinion, you infringe GDPR protection provisions. You shall ensure the security of data you transfer to Asia TransPay. You assume full liability for failures to meet the GDPR in cases when it envisaged by this Privacy Policy or GDPR.

## **SHARE OF YOUR DATA WITH ASIA TRANSPAY USERS**

To ensure the payment process runs smoothly, some of your data may be shared with a company or entity you cooperate with. Your registration date, number of payments you have issued/received via Asia TransPay, information whether you have an authorized control over a bank account – all that information might be showed to Asia TransPay users you work with at the moment. In addition, this information can be displayed to third parties in case you let them access your Asia TransPay account.

You shall maintain the confidentiality of your password from Asia TransPay account. You are recommended to sign out of the Asia TransPay account when you have finished work with it. In any case responsibility for any loss of passwords and misuse of Asia TransPay account by third parties lay with you.

Asia TransPay warrants that it will not disclose your personal data to any third party excluding Asia TransPay's contractors who may use such information only for the limited purpose of providing services to you and who are obligated to keep the information confidential.

If you transfer to us any personal data of your users, clients or contractors you shall be obliged to obtain prior consent for the collection, retention, use and processing of data by you and for transferring it to Asia TransPay.

## **HOW LONG WE KEEP YOUR DATA**

After the termination of the agreement between Asia TransPay and you, you may request deletion of your Data. We are able to delete your Data or information within ninety days. Please be aware that applicable law may prevent us from returning or destroying all or part of the personal data or require storage of the personal data for some period. In which case we will protect the confidentiality of the personal data and will not actively process the personal data anymore.

## **DATA OWNER RIGHTS**

When we act as data controller, you have the following rights for personal data that we have about you.

- Right to erase or delete all or some of your personal data (e.g., if it is no longer necessary to provide Services to you). Nevertheless, we may be legally obliged to store your data longer for purpose of compliance with the rules, taxation and accounting purposes as envisaged by applicable law.
- Right to change, update or fix your data in certain cases, particularly if it's inaccurate. You can ask us to stop using all or some of your personal data (e.g., if we have no legal right to keep using it) or to limit our use of it (e.g., if your personal data is inaccurate or unlawfully held).
- Right to obtain a copy of your personal data we retain about you.

Please contact us using the contact information below to make the request or ask us about your rights.

## **LEGAL GROUNDS FOR PROCESSING**

Our legal grounds for collecting and using personal data depends on the type of personal information collected and the specific context in which we collect it.

**Legitimate interest.** We may process your personal data on the basis of our legitimate interests provided that such processing shall not outweigh your rights and freedoms. We rely on this legal basis when we carry out procedures which are the part of our Services or which are transparent, expectable and are the stable business practice. For example, to:

- safeguard the prevention, investigation and detection of payment fraud;
- comply with applicable laws, industry standards or requests of regulatory bodies;
- manage corporate transactions, such as mergers or acquisitions;
- provide you with technical and administrative notifications;
- lawfully disclose personal data to a third party, provided we take all technical and legal measures to protect personal data;
- comply with KYC standards and anti-money laundering rules;
- process payment transaction by your request.

You have the right to object to this processing in certain circumstances. In such cases, we will cease processing your information unless we have compelling legitimate grounds to continue processing or where it is needed for legal reasons.

**Contract.** We can process your personal data to fulfill our contractual obligations. We rely on contract as a legal basis to process personal data submitted by merchant in case it is an

individual or if it transfers personal data of its officers. Processing of data of your personal data is necessary to provide you with Asia TransPay Services.

**With your consent.** We can request from you a consent for processing when we required to do so by law or when we do not have another legal basis for processing of your data. Where we rely on your consent to process your personal data, you have the right to withdraw or decline consent at any time. We do not rely on consent in common cases, because the right to withdraw a consent can be used for fraudulent activity. This would jeopardize the financial stability of Asia TransPay, reliability and integrity of Asia TransPay Services, thereby harming all legitimate parties in the payment process.

## **TRANSFERS OF YOUR DATA**

For purpose of the provision of Asia TransPay Services to you and your Clients, we can engage the third-party service providers to any countries. In such case personal data may be transferred outside the EU, including to the United States. Data protection law of third countries may be different data protection laws and not guarantee adequate level of security. However, we will take all necessary measures to ensure that any such transfers comply with applicable data protection laws and that personal data remains protected. When you act as data controller you shall inform your Clients about risks of such transfers and obtain their consent for that.

## **AMENDMENTS TO PRIVACY POLICY**

We can make amendments to this Privacy Policy at any time by the means of publishing a revised edition on the Site. If any amendments are made, you will be notified of such changes. The revised version will be in effect immediately and be noted by updated date to the end of this Privacy Policy. If you do not agree with any changes you are entitled to terminate the agreement with Asia TransPay. By continuing using Asia TransPay Services, you accept the changes.

## **DATA BREACHES**

In case of any data breach we will endeavor our best efforts to send a notification of becoming aware of the breach as soon as possible. If your data was transferred to third-parties data processors they will be notified of data breach as well.

Pease feel free to contact our Data Protection Officer to:

- request access to information that Asia TransPay has about You;
- correct any information that Asia TransPay has about You;
- delete information that Asia TransPay has about You;
- ask any other questions or concerns.

## **COOKIE POLICY**

When you visit Asia TransPay Site or Asia TransPay Platform, a small Cookie file might be placed on your computer or mobile device. We will analyze data from the Cookies and use it to improve quality of our services, track your activities with Asia TransPay, keep your account safe. By clicking on or navigating the Site, you are agreeing to this Cookie Policy. Cookies help us provide you with a good experience when you browse the Asia TransPay Site, and also allow us to improve it.

## **WHAT IS A COOKIE?**

A cookie is a small file of letters and numbers that we store on your browser or the hard drive of your computer if you agree. Cookies contain information that is transferred to your computer's hard drive.

We are using the following cookies:

**Session cookies** – they help you do not re-enter information and stay logged in each time you change web-pages. Session cookies are deleted automatically after you leave the Site or when you close your browser.

**Persistent cookies** – they help us to recognize you each time you return to the Asia TransPay Site and remember your preferences for viewing the site. Such cookies are stored on your computer until deleted by you or automatically after its expiration.

**Third-party cookies** - are the persistent cookies placed not by Asia TransPay which help to gather browsing activity across numerous websites and during several sessions. Such cookies are stored on your computer until deleted by you or automatically after its expiration.

You can find out more from <https://www.aboutcookies.org/>

## USE OF COOKIES

We use cookies for the following purposes:

**Authentication.** When you log in Asia TransPay Site or Asia TransPay Platform we use cookies to remember you so you don't have login each time you left the main page and navigate throughout the Asia TransPay Site.

**Settings.** We can use cookies to remember your settings of the Asia TransPay Services so you don't have to change it each time you log into Asia TransPay Site or Asia TransPay Platform.

**Fraud Prevention.** With help of cookies we can obtain information about security of your computer and web browser used to access to Asia TransPay Site or Asia TransPay Platform and to detect harmful or illegal use of Asia TransPay Services.

**Improving Asia TransPay Services.** We use cookies to understand how we can make Asia TransPay Site and Services better. Cookies help us to know how people reach Asia TransPay Site, detect and gather reporting on bugs, improve functionality and speed of Asia TransPay Site and Asia TransPay Platform.

**Marketing.** From time to time we can use cookies to show you more relevant ads, e.g. to not show the same ads multiple times or recognize actions across multiple devices or browsers, etc.

## CHANGE OF COOKIE SETTINGS

You have the right to delete and disable cookies using setting of your browser. Also you can use third-party tools, like browser plug-ins or applications allowing you to monitor, block or limit third-party cookies, web pixels and some javascript-based technologies.

## CONTACT DETAILS

If you have any further questions, please feel free to contact us - [info@atpay.hk](mailto:info@atpay.hk).

*Privacy Policy and Cookie Policy last updated on 28 January 2021.*