

## MEMBER/USER PRIVACY NOTICE



### INTERCONTINENTAL EXCHANGE, INC.

This privacy notice describes how Intercontinental Exchange, Inc. (together with its affiliates, "ICE", "we" or "us") collect and process personal information about you when you are a Member representative, a client or employee or beneficial owner of a Member (or an entity that is applying to become a Member), or a user of an Exchange, Clearing House or another ICE service; how we use and protect this information; and your rights in relation to your personal information.

Personal information is information, or a combination of pieces of information, that could reasonably allow you or your household to be identified directly or indirectly.

#### 1. INFORMATION WE COLLECT

We may collect personal information from you directly (e.g. from a membership application or when you submit a query to us) and we may also collect information about you from other sources (where permitted by law).

We need certain personal information relating to you as a consequence of the contractual relationship we have with you or with Members to enable us to fulfil our contractual obligations. Failure to provide this information may prevent or delay the fulfilment of these obligations. We may also be required to collect certain personal information by law (for example, as a result of our legal obligations to take steps to prevent money laundering).

Where you provide personal information to us for purposes of providing services, we act as a service provider with respect to such personal information. We process the personal information consistent with Intercontinental Exchange's [Privacy Policy](#) and, unless you provide prior written approval, we will not collect, retain, use, disclose, or sell your personal information for any purpose other than performing services pursuant to our contractual relationship, enabling us to meet our legal and regulatory requirements, marketing our products and services, or product improvement and development.

##### 1.1 Information we collect directly from you

The categories of information that we collect directly from you (depending upon your relationship with us) include the following:

- (a) Identifiers, such as your name, date of birth, age, address, country of residence, phone number, email address, account password, or other identification details;
- (b) Commercial information, including records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies;
- (c) Protected characteristics, such as your military status;
- (d) Education information, such as the information included in your curriculum vitae;
- (e) Professional information, such as your job title, company, or investor type;
- (f) Financial information, such as credit card number and expiration date;
- (g) Audio, electronic, visual, or similar information, such as photographs or voice recordings; and

- (h) Your preferences, such as how often you wish to receive marketing or other communications.

### 1.2 Information collected automatically from you,

We and our third party service providers, use cookies, web beacons, and other tracking technologies to collect information about you automatically. Examples of this type of information include, but are not limited to:

- (a) Identifiers, such as your IP (Internet Protocol) address, your browser type, your operating system, or domain name; and
- (b) Internet or other electronic network activity information, such as the dates and times of your use of the Digital Services, the route by which you choose to access them, and your use of any hyperlinks or downloadable content available on the Digital Services.

We collect this information using cookies and other device tracking technologies. Further information about our use of cookies and other device tracking technologies is available at: <https://www.intercontinentalexchange.com/cookies>.

### 1.3 Information we collect from other sources

We collect the following categories of information from other sources such as Members, third parties providing due diligence services, Companies House (or its equivalent in other jurisdictions) and other publicly available sources:

- (a) Identifiers, such as your name, age, date of birth, phone number, email address, and postal address;
- (b) Commercial information, such as your transactions and considered transactions, including companies in which you may have an interest;
- (c) Education information, such as the information on a curriculum vitae;
- (d) Professional information; and
- (e) other relevant information in respect of the Membership and/or use of our services.

## 2. HOW WE USE THIS PERSONAL INFORMATION AND THE BASIS ON WHICH WE USE IT

We use this personal information to:

- (a) On-board new Members and carry out background screening checks (for instance, where your firm applies to become a Member of an ICE Exchange or Clearing House);
- (b) carry out our obligations to Members and users of our services under any applicable contract (such as a membership or participation agreement);
- (c) exercise our rights under any applicable contract;
- (d) provide any services that you request from us;
- (e) keep our records accurate and up-to-date;
- (f) comply with legal obligations to which we are subject;

- (g) exercise our legal rights where necessary to do so, for example to detect, prevent and respond to fraud claims, intellectual property infringement claims or violations of law;
- (h) provide, improve and personalise the services by analysing information about your recent usage for analytics purposes to understand how people use our services so that we can make them more intuitive; and
- (i) carry out monitoring of the use of our services in accordance with applicable law.

Under EU privacy law, we must have a legal basis to process your personal information. In most cases the legal basis will be one of the following:

- (a) to fulfil our contractual obligations, for example to ensure that you have access to the applicable ICE Exchange and/or Clearing House platforms;
- (b) to meet our legal and regulatory obligations as a trading venue and clearing house, for example to have transparent and non-discretionary rules and procedures and to provide for fair and orderly trading; and
- (c) to meet our legitimate interests, for example to ensure that we can provide you with our services, and that our records are kept up to date and accurate. When we process personal information to meet our legitimate interests, we put in place robust safeguards to ensure that your privacy is protected and to ensure that our legitimate interests are not overridden by your interests or fundamental rights and freedoms. For more information about the balancing test that we carry out to process your personal information to meet our legitimate interests, please contact us at the details below.

### **3. YOUR RIGHTS OVER YOUR PERSONAL INFORMATION**

Please let us know if any of the personal information that we hold about you changes so that we can correct and update the information on our systems.

You have certain rights regarding your personal information, subject to local law. These include rights to: access your personal information; erase your personal information; restrict our use of your personal information; object to our use of your personal information; receive your personal information in a usable electronic format and transmit it to a third party (right to data portability); receive additional information regarding the sources from which we collect information, the purposes for which we collect and share personal information, the information of yours we hold, and the categories of parties with whom we share your information; and to lodge a complaint with the data protection authority in the European country where you work, reside, or where the subject-matter of your complaint or concern arises.

California residents have the right to opt-out of certain transfers of your information that involve monetary or other consideration. California law treats such disclosures as “sales” even if no money is exchanged and even if the disclosure is to an affiliate (“sales”). See section 4 below for more information regarding such disclosures. If applicable, you can exercise your right to opt-out. If you exercise the above rights, we will not discriminate against you by denying goods or services. We may, however, provide a different level of service or charge a different rate as permitted by applicable law.

We will contact you if we need additional information from you in order to honour your requests. To exercise any of the above rights, you may contact us at [privacy@theice.com](mailto:privacy@theice.com), +1 770 738

2101, Option 1, or send a letter to our Legal Department, 5660 New Northside Drive, 3rd Floor, Atlanta, GA 30328.

#### 4. **INFORMATION SHARING**

We may share your personal information for our business purposes with third parties under the following circumstances:

- (a) with ICE group companies. We work closely with other companies that fall within the ICE group. For example we share your information to host databases, utilise shared services across the ICE group; for marketing purposes, internal reporting and customer insights and service optimisation;
- (b) with service providers and business partners. We may share your personal information with our service providers and business partners that perform business operations for us. For example, we may partner with other companies to carry out due diligence checks on our behalf, to facilitate payments and the delivery process in connection with our services, provide us with legal advice, host our databases, optimise our services, run marketing campaigns, support email and messaging services and analyse information;
- (c) to fulfil a request from a Member in accordance with our obligations under our contract with that Member;
- (d) in the course of a sale or an acquisition of an ICE group company;
- (e) where permitted by law, to protect and defend our rights and property; and
- (f) when required to do so by law, and/or by public authorities to comply with legal and/or regulatory requirements and cooperate with regulators and law enforcement bodies.

The following categories of your personal information may be shared with these parties:

- Identifiers;
- Commercial information;
- Internet or other electronic network activity information;
- Financial information;
- Professional information;
- Education information; and
- Inferences drawn from any of the above information categories.

#### 5. **INFORMATION SECURITY**

We have implemented generally accepted standards of technology and operational security to protect personal information from loss, misuse, alteration or destruction. We require all employees to keep personal information confidential and only authorised personnel have access to this information.

We will keep your personal information for as long as we have a relationship with you. Once our relationship with you has come to an end, we will retain your personal information for a period of time that enables us to:

- (a) maintain business records for analysis and/or audit purposes;
- (b) meet our regulatory requirements;

- (c) comply with record retention requirements under applicable law;
- (d) defend or bring any existing or potential legal claims; and
- (e) deal with any complaints regarding the services.

If there is any information that we are unable, for technical reasons, to delete entirely from our systems, we will put in place appropriate measures to prevent any further processing or use of the information.

## 6. INFORMATION TRANSFER

Your personal information may be transferred to, stored, and processed in a country other than the one in which it was provided.

We have put in place appropriate safeguards (such as contractual commitments) in accordance with applicable data protection laws to ensure that your personal information is adequately protected. For more information on the appropriate safeguards in place and to obtain a copy of them, please contact us at the details below.

## 7. CONTACT US

If you have questions or concerns regarding the way in which your personal information has been used, please contact:

EU Residents:

Data Protection Officer  
Intercontinental Exchange  
Milton Gate  
60 Chiswell Street  
London  
EC1Y 4SA  
Email: [regulatory-dataprotection@theice.com](mailto:regulatory-dataprotection@theice.com)  
Phone: +44 (0)20 7065 7700

US Residents:

Data Protection Officer  
Intercontinental Exchange  
5660 New Northside Dr.  
Atlanta, GA 30328  
Email: [privacy@theice.com](mailto:privacy@theice.com)  
Phone: +1 770 738 2101 Option 1

## 8. CHANGES TO THE PRIVACY NOTICE

You may request a copy of this privacy notice from us using the contact details set out above. If we change this privacy notice, the updated version will be posted on our website in a timely manner, and we may notify you via other channels.

**Updated with effect from 1 JANUARY 2020**