

Data Protection



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Information on the Processing of Data of DonauCapital Pure Investment GmbH

Thank you very much for your interest in our company. Data protection is of a particularly high priority for the management of DonauCapital Pure Investment GmbH ("Pure" or "we").

As the controller, Pure has implemented numerous technical and organisational measures to ensure that the data processed via this website or app are protected as comprehensively as possible. Nevertheless, internet-based data transmissions can always have security gaps, so that absolute protection cannot be guaranteed in this respect.

This Information on the Processing of Data ("Data Protection Information") applies to data processing in the context of the use of the website or the services of Pure.

1 Definitions

This Data Protection Information of Pure is based on the terms used by the European legislator when adopting Regulation (EU) 2016/679 (General Data Protection Regulation, hereinafter referred to as "GDPR"). Our Data Protection Information should be easy to read and understand for the public as well as for our clients and business partners. To ensure this, we would like to explain the terms used in advance.

We use the following terms, among others, in this Data Protection Information:

a) Personal Data

Personal data means any information relating to an identified or identifiable natural person ("data subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

b) Data Subject

Data subject means any identified or identifiable natural person whose personal data is processed by the controller.

c) Processing

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

d) Restriction of Processing'

Restriction of processing means the marking of stored personal data with the aim of limiting their processing in the future.

e) Profiling

Profiling means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

f) Pseudonymisation

Pseudonymisation means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.

g) Controller

Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

h) Processor

Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

i) Recipient

Recipient means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients;

j) Third Party

Third party means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

k) Consent

Consent of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

2 Name and Contact Details of the Controller

The name and the contact details of the controller are:

DonauCapital Pure Investment GmbH
Passauer Straße 5
94161 Ruderting
Germany
Tel.: 0049 8509 910 950
E-Mail: christian.neuwirth@donaucapital.de
Website: www.donaucapital.de

You can also exercise your data protection rights at the above email address.

3 Which Personal Data is collected and in which Context?

The use of the website of the Pure is possible without any specification of personal data. In this case, we do not process any personal data other than your IP address. However, if a data subject wants to use services of our enterprise via our website or app, processing of the following personal data is necessary for the performance of the related contract:

- Salutation
- Name, first name

- Address (street, house number, city, postcode and state in which the data subject has his or her domicile or habitual residence)
- Date of birth
- Nationality
- Telephone number
- Email address
- Type of employment relationship (employed, self-employed, unemployed, retired/retired, student)
- Information on financial circumstances, income, investment objectives, investment horizon, risk tolerance, and knowledge and experience in relation to specific types of financial instruments and financial services
- All data contained on the identification document used by the client when carrying out the identification (photo, number of the identity card or passport, information on height and eye colour, place of birth, issuing authority)

The processing of the aforementioned data is necessary upon conclusion of a contract for the use of our services due to mandatory legal provisions. The data processing is therefore based on Art. 6 para. 1 p. 1 lit. b) GDPR. The collection of this data is carried out for the following purposes in addition to the performance of the contract concluded with you:

- to be able to identify you as our contractual partner;
- for correspondence with you;
- for invoicing purposes;
- to fulfil legal obligations and duties (e.g. due to applicable money laundering laws, securities trading laws, tax laws, etc.);
- for the settlement of any existing liability claims and the assertion of any claims against you.

If the processing of personal data is not carried out to perform a contract concluded with us and there is no legal basis for such processing, we obtain the consent of the data subject. Then the processing is based on Art. 6 para. 1 p. 1 lit. a) GDPR. We will inform you of the purpose for which the data will be processed when you give your consent.

4 To whom may your Personal Data be transferred?

Your personal data may be transferred to recipients outside of Pure. Data will only be passed on to third parties if this is permitted by applicable law, if you have given your consent or if processors commissioned by us guarantee compliance with the provisions of the GDPR and the Federal Data Protection Act.

5 How long will your Personal Data be stored?

Your personal data will be stored and processed by us for the duration of the performance of our contractual and legal obligations. If your personal data is no longer required for the performance of contractual or legal obligations, it will be deleted on a regular basis.

Personal data may be stored for up to 10 years or even up to 30 years, if necessary, in order to comply with statutory archiving periods (e.g. in accordance with the German Commercial Code (HGB), the German Fiscal Code (AO), the German Anti-Money Laundering Act (GwG)) or to preserve evidence within the framework of statutes of limitation (Sections 195 et seq. of the German Civil Code (BGB)).

6 Cookies

Pure's website uses cookies. Cookies are text files that are stored on a computer system via an internet browser.

Numerous websites and servers use cookies. Many cookies contain a so-called cookie ID. A cookie ID is a unique identifier of the cookie. It consists of a string of characters by which websites and servers can be assigned to the specific internet browser in which the cookie was stored. This enables the visited websites and servers to distinguish the individual browser of the data subject from other internet browsers that contain other cookies. A specific internet browser can be recognized and identified via the unique cookie ID.

Through the use of cookies, Pure can provide the users of this website with more user-friendly services that would not be possible without the cookie setting.

By means of a cookie, the information and offers on our website can be optimized in the interests of the user. As already mentioned, cookies enable us to recognize the users of our website. The purpose of this recognition is to make it easier for users to use our website. For example, the user of a website that uses cookies does not have to re-enter his or her access data each time he or she visits the website, because this is done by the website and the cookie stored on the user's computer system.

The data subject can prevent the setting of cookies by our website at any time by means of an appropriate setting of the internet browser used and thus permanently object to the setting of cookies. Furthermore, cookies that have already been set can be deleted at any time via an internet browser or other software programmes. This is possible in all common internet browsers. If the data subject deactivates the setting of cookies in the internet browser used, it is possible that not all functions of our website can be used to their full extent.

7 Collection of general Data and Information

Each time a data subject or automated system accesses Pure's website, certain general data and information is collected and stored in the server's log files. The following data may be collected: (1) the browser types and versions used, (2) the operating system used by the user, (3) the website from which the user accesses our website (so-called referrer), (4) the sub-websites accessed on our website, (5) the date and time of access to the website, (6) the user's internet service provider and (7) other similar data and information that serve to avert danger in the event of attacks on our IT systems.

When using these general data and information, Pure does not draw any conclusions about the data subject. Rather, this information is required (1) to display the contents of our website correctly, (2) to optimize the the content of our website and the advertising for it, (3) to ensure the long-term operability of our IT systems and the technology of our website, and (4) to provide law enforcement authorities with the information necessary for prosecution in the event of a cyber attack. Therefore, Pure analyzes anonymously collected data and information on one hand for statistical purposes and on the other hand for the purpose of increasing the data protection and data security of our enterprise, so as to ensure an optimal level of protection for the personal data we process. The anonymous data of the server log files are stored separately from any personal data provided by a data subject.

8 Decisions based on automated Processing

We are required by applicable law to assess whether our service is suitable for you at the outset and during the course of our business relationship with you. If our service is not suitable for you, we must not offer this service to you. The decision as to whether our service is suitable for you is based on automated processing of the information you provide when opening an account and is generally made by our IT systems without the involvement of natural persons.

8.1 Logic underlying the automated Decision

The logic underlying the decision differs with regard to different sub-aspects of suitability. According to Art. 54 (2) of Delegated Regulation (EU) 2017/565, our service is suitable for a client if

- a) it meets the investment objectives of the client concerned, including in terms of his risk appetite;
- b) it is such that any investment risks associated with the transaction are financially bearable for the client in accordance with the client's investment objectives; and

- c) it is of such a nature as to enable the client, with his knowledge and experience, to understand the risks involved in the management of his portfolio.

The logic of our decision-making regarding investment objectives, desired investment duration, risk tolerance, and knowledge and experience with financial instruments and financial services is to evaluate whether the relevant client's answers to the questions we ask on these topics are correct or incorrect. Incorrect answers result in an automated rejection of the suitability of the service for the client in question. However, the algorithm takes into account that in order to affirm suitability, it is sufficient to have either knowledge or experience of the service and the financial instruments used in it. Therefore, it is sufficient to answer correctly either the questions we ask clients to determine their relevant knowledge or to determine their relevant experience.

With regard to risk-bearing capacity, we determine the maximum investment volume that is still suitable for the client with regard to the client's risk-bearing capacity on the basis of the information provided by the client on his financial circumstances. The client's income and assets can each make an independent contribution to the client's maximum investment volume. The suitability of our service for the client is automatically rejected if the calculated maximum investment volume is smaller than the minimum account size of the broker cooperating with us.

8.2 Rights of the Data Subject in relation to automated Decisions

In accordance with Art. 22 (3) GDPR, you have the right to request the intervention of a person on the part of the controller, to express your point of view and to contest the decision. To exercise these rights, you can contact our customer service by telephone or send an email to dpo@purewallet.app

9 Possibility to contact us via the Website

The website of Pure contains information that facilitates rapid electronic contact with our company as well as direct communication with us. This information also includes an e-mail address. If a data subject contacts us by e-mail or via a contact form, the personal data transmitted by the data subject will be stored automatically. Such personal data transmitted to us on a voluntary basis by a data subject will be stored for the purpose of processing or contacting the data subject. This personal data will not be passed on to third parties, except to processors commissioned by us.

10 Rights of Data Subjects

You have the right

- pursuant to Art. 7 (3) GDPR to withdraw your consent at any time. This means that we will no longer be allowed to process the data based on this consent in the future; the withdrawal of consent does not affect the legitimacy of the processing carried out on the basis of the consent until the withdrawal;
- pursuant to Art. 15 GDPR to request information about your personal data processed by us. In particular, you can request information about the processing purposes, the category of personal data, the categories of recipients to whom your data has been or will be disclosed, the planned storage period, the existence of a right to rectification, erasure, restriction of processing or objection, the existence of a right of complaint, the origin of your data if it has not been collected by us, as well as the existence of automated decision-making including profiling and, if applicable, meaningful information about its details;
- pursuant to Art. 16 GDPR to demand the correction, without undue delay, of incorrect or incomplete personal data stored by us;
- pursuant to Art. 17 GDPR to request the erasure of your personal data stored by us, unless the processing is necessary for the exercise of the right to freedom of expression and information, for compliance with a legal obligation, for reasons of public interest or for the assertion, exercise or defence of legal claims;
- pursuant to Art. 18 GDPR to request the restriction of the processing of your personal data, insofar as the accuracy of the data is disputed by you, the processing is unlawful, but you object to its erasure and we no longer require the data, but you need it for the assertion, exercise or defence of legal claims or you have objected to the processing pursuant to Art. 21 GDPR;
- pursuant to Art. 20 GDPR to receive your personal data that you have provided to us in a structured, common and machine-readable format or to request that it be transferred to another controller;
- pursuant to Article 22(3) GDPR, in relation to the decisions based on automated processing (see in detail above, point 8), to request the intervention of a person on the part of Pure, to express your own point of view and to challenge the decision; and
- pursuant to Art. 77 GDPR, to complain to a supervisory authority. You can generally contact the supervisory authority of your usual place of residence or workplace or our company headquarters.

11 Right to object

If your personal data is processed on the basis of legitimate interests pursuant to Article 6 (1) sentence 1 lit. f GDPR, you have the right to object to the processing of your personal data pursuant to Article 21 GDPR, provided that there are grounds for doing so that arise from your particular situation.

If you wish to exercise your right to object, simply send an e-mail to dpo@purewallet.app