

FACTS

WHAT DOES ERIS CLEARING LLC DO WITH YOUR PERSONAL INFORMATION?

Why?

Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.

What?

The types of personal information we collect and share depend on the product or service you have with us. This information can include:

- Social Security number and other identification information (such as name and username)
- Transaction data and information about how you interact with our services
- Address and other contact information

When you are *no longer* our customer, we continue to share your information as described in this notice.

How?

All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Eris Clearing chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does Eris Clearing share?	Can you limit this sharing?
For our everyday business purposes— such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes— to offer our products and services to you	Yes	Yes
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes— information about your transactions and experiences	No	We don't share
For our affiliates' everyday business purposes— information about your creditworthiness	No	We don't share
For nonaffiliates to market to you	No	We don't share

Questions?

Call 888-782-7481

or legal@erisx.com

Who we are	
Who is providing this notice?	Eris Clearing LLC
What we do	
How does Eris Clearing protect my personal information?	<p>To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings.</p> <p>We regularly test our website, data centers, systems, and other assets for security vulnerabilities.</p>
How does Eris Clearing collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> Request marketing or enter a promotion or survey Register as a customer or subscribe to our services Enter into transactions or otherwise interact with our services, for example by providing us feedback.
Why can't I limit all sharing?	<p>Federal law gives you the right to limit only</p> <ul style="list-style-type: none"> sharing for affiliates' everyday business purposes—information about your creditworthiness affiliates from using your information to market to you sharing for nonaffiliates to market to you <p>State laws and individual companies may give you additional rights to limit sharing. See "Other Important Information."</p>
Definitions	
Affiliates	<p>Companies related by common ownership or control. They can be financial and nonfinancial companies.</p> <ul style="list-style-type: none"> <i>Eris Clearing does not share creditworthiness data with affiliates. Eris Clearing does not share information about your transactions and experiences with affiliates for their everyday business purposes.</i>
Nonaffiliates	<p>Companies not related by common ownership or control. They can be financial and nonfinancial companies.</p> <ul style="list-style-type: none"> <i>Eris Clearing does not share information with non-affiliates so that they can market to you.</i>
Joint marketing	<p>A formal agreement between nonaffiliated financial companies that together market financial products or services to you.</p> <ul style="list-style-type: none"> <i>Eris Clearing does not joint market with non-affiliated financial companies.</i>



Other important information

Vermont: In accordance with Vermont law, we will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures. Additional information concerning our privacy policies can be found at www.erisx.com or call 888-782-7481.



PRIVACY POLICY

1) INTRODUCTION

Eris Clearing LLC (“Eris Clearing”) and Eris Exchange, LLC (“Eris Exchange”) and their (“ErisX” or “we”) have adopted and implemented this privacy policy (the “Policy”), which outlines how we collect, use, disclose, and protect the information we collect from members and gather from our website at www.erisx.com and other member facing systems (the “System(s)”) and tells you about your privacy rights.

It is important that you read this Policy and other privacy notices that we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data.

Data Protection Officer

We have appointed a data protection officer (“Data Protection Officer” or “DPO”) who is responsible for overseeing questions about this Policy. If you have any questions about this Policy, including any requests to exercise your legal rights, please contact our DPO using the details set out below.

ErisX
111 S. Wacker Dr. Suite 4730
Chicago, IL 60606

Email: legal@erisx.com
Phone: 888-782-7481

Changes To This Policy

This Policy is effective as of January 1, 2020.

2) THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- a) **Identity Data** includes first name, last name, username, or similar identifier.
- b) **Contact Data** includes an address, email address, and telephone number.

- c) **Transaction Data** includes details about trades, positions, and other details of services that we have provided to you.
- d) **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this System.
- e) **Profile Data** includes your username and password, preferences, or feedback responses.
- f) **Usage Data** includes information about how you use our Systems and services.
- g) **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific feature of our System. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not collect any special categories of personal data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data).

If You Fail To Provide Personal Data

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel the service you have with us, but we will notify you if this is the case at the time.

3) THE DATA WE COLLECT ABOUT YOU

We use different methods to collect data from and about you including through:

- a) **Direct interactions.** You may give us your Identity, Contact and Profile Data by filling in forms or by corresponding with us by post, phone, email or otherwise; this includes personal data you provide when you:
 - i) create an account on, or trade through, our Systems;
 - ii) subscribe to our service or publications;
 - iii) request marketing to be sent to you;
 - iv) enter a competition, promotion or survey; or
 - v) give us some feedback.

b) **Automated technologies or interactions.** As you interact with our Systems, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs, and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our cookie policy below for further details.

c) **Third parties or publicly available sources.** We may receive personal data about you from various third parties as set out below:

- i. Technical Data from the following parties:
 1. analytics provided by Google based outside the EU

4) **HOW WE USE YOUR PERSONAL DATA**

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- a) When you allowed us to collect your personal data by expressly consenting to receive direct marketing communications via email (You have the right to withdraw consent to marketing at any time by contacting us)
- b) Where we need to perform the contract we are about to enter into or have entered into with you.
- c) Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- d) Where we need to comply with a legal or regulatory obligation.

Purposes For Which We Will Use Your Personal Data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate. (*‘legitimate interest’ means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).* You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting our DPO.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact our DPO if you need details

about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of Data	Lawful Basis for Processing Including Basis of Legitimate Interest
To register you as a new customer/member	a) Identity b) Contact c) Profile	a) Performance of a contract with you b) Necessary to comply with a legal obligations
To place orders through ErisX	a) Identity b) Contact c) Profile	a) Performance of a contract with you b) Necessary to comply with a legal obligation c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our services)
To manage our relationship with you which may include: a) Notifying you about changes to our terms or privacy policy b) Asking you to leave a testimonial	d) Identity e) Contact f) Profile g) Marketing and Communications	a) Necessary to comply with a legal obligation b) Necessary for our legitimate interests (to keep our records updated and to study how customers use our services)
To administer and protect our business and the Systems (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	a) Identity b) Contact c) Technical	a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganization or group restructuring exercise) b) Necessary to comply with a legal obligation
To use data analytics to improve our Systems, services,	a) Technical b) Usage	Necessary for our legitimate interests (to define types of customers for our services, to keep our Systems

marketing, customer relationships and experiences		updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about goods or services that may be of interest to you	<ul style="list-style-type: none"> a) Identity b) Contact c) Technical d) Usage e) Profile 	Necessary for our legitimate interests (to develop our services and grow our business)

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

a) Opting Out

You can ask us to stop sending you marketing messages at any time by contacting us at legal@erisx.com.

b) Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of our website may become inaccessible or not function properly. For more information about the cookies we use please see our cookie policy below.

Change of Purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact our DPO.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5) DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below for the purposes set out in the table above.

- a) Service providers based in the United States that provide IT and system administration services.

- b) Professional advisers including lawyers, bankers, auditors, and insurers based in the United States that provide related services.
- c) Regulators and other authorities based in the United States and the European Union that require reporting of processing activities in certain circumstances.
- d) Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

6) ANTI-MONEY LAUNDERING NOTICE

To help the government fight the funding of terrorism and money laundering, ErisX must obtain, verify and record information that identifies each person who opens and maintains an account. When you establish an account, we will ask for your name, address, date of birth and other information to allow us to identify you. We may also ask for a copy of government issued identification, such as a driver's license, passport, or other identification.

7) COLLECTION AND USE OF INFORMATION BY COOKIES AND WEB BEACONS

- a) cookies (or browser cookies); a cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting, you may be unable to access certain parts of our website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our website.
- b) web beacons; pages of our website and our emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit us, for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).
- c) The information collected by such methods includes the pages you view on our website, the search terms you enter into our search utility, your IP address and the operating system, browser software and Internet service provider you use. The information derived from cookies and web beacons may be used by us to analyze your usage patterns, and to improve your experience with our website.

8) SECURITY

We use administrative, organizational, technical, and physical safeguards to protect the personal data we collect and process. Our security controls are designed to maintain an appropriate level of data confidentiality, integrity, and availability. We regularly test our website, data centers, Systems, and other assets for security vulnerabilities.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

Although ErisX takes reasonable steps to safeguard and to prevent unauthorized access to your personal data, it cannot be responsible for the acts of those who gain unauthorized access, and ErisX makes no warranty, express, implied or otherwise, that we will prevent unauthorized access to your private information.

9) DATA RETENTION

How Long Will You Use My Personal Data For?

We will only retain your personal data for as long as necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us.

10) YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

- a) **Request access to your personal data.** This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- b) **Request correction of your personal data.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- c) **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right

to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

d) **Object to processing of your personal data.** This enables you to ask us to delete or remove personal data where we are relying on a legitimate interest and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which overrides your rights and freedoms.

e) **Request restriction of processing your personal data of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

f) **Request the transfer of your personal data to you or to a third party.** This enables you to ask us to provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

g) **Withdraw consent at any time where we are relying on consent to process your personal data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

11) DATA TRANSFERS

ErisX is headquartered in the United States, and we have operations, entities, and service providers in the United States and throughout the world. Many of our external third parties are based outside the European Economic Area ("EEA"), so their processing of your personal data will involve a transfer of data outside the EEA.

We will take steps to ensure that your personal information receives an adequate level of protection in the jurisdictions in which we process it. Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.



Please contact our DPO if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

12) OTHER WEBSITES

Our website contains links to websites of third parties. Please note that when you click on one of these links, you will be accessing a website ErisX does not control and which may be governed by privacy policies and practices that differ from ours. ErisX is not, and will not be, responsible for the privacy policies or practices of third parties or the content or security of any third party website.

13) CALIFORNIA PRIVACY RIGHTS

Under California Civil Code Section 1798.83 (known as the “Shine the Light” law), ErisX members and customers who are residents of California may request certain information about our disclosure of personal data and information during the prior calendar year to third parties for their direct marketing purposes. To make such a request, please contact our DPO with “Request for California Privacy Information” on the subject line and in the body of your message. We will comply with your request within thirty (30) days or as otherwise required by the statute. Please be aware that not all information sharing is covered by the “Shine the Light” requirements and only information on covered sharing will be included in our response.

14) CHILDREN

The Systems are not intended for children under eighteen (18) years of age. ErisX does not market any services to children under eighteen (18) years of age or knowingly collect any information from children under eighteen (18) years of age. If you believe that we might have any unauthorized information from or about a child under the age of 18, please contact our DPO as soon as possible.

15) CHANGES TO THIS POLICY

We may update or modify this Policy at any time. Any such updates or modifications will be effective upon posting on our website, and your continued use of the Systems will constitute your consent to any updated or modified Policy.

16) TERMS OF USE

Indemnity

You agree to indemnify, defend, and hold ErisX and its partners, officers, directors, representatives, agents, partners, and employees (collectively, “Indemnified Person(s)”) harmless from and against any and all claims, liabilities, losses, and expenses (including damage awards, settlement amounts, and reasonable legal fees), brought against any Indemnified Person, arising out of or related to your content and materials, your use of ErisX Systems, your violation of these



terms of use, your violation of any third party's rights including such party's copyrights and trademarks or your use of any information obtained from the ErisX Systems.

Disclaimer of Warranties

You understand that we cannot and do not guarantee or warrant that files and content available from the Internet or ErisX Systems will be free of viruses or other destructive code. You are responsible for implementing sufficient procedures and checkpoints to satisfy your particular requirements for anti-virus protection and accuracy of data input and output, and for maintaining a means external to our site for any reconstruction of any lost data.

TO THE FULLEST EXTENT PROVIDED BY LAW, WE WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE CAUSED BY A DISTRIBUTED DENIAL-OF-SERVICE ATTACK, VIRUSES, OR OTHER TECHNOLOGICALLY HARMFUL MATERIAL THAT MAY INFECT YOUR COMPUTER EQUIPMENT, COMPUTER PROGRAMS, DATA, OR OTHER PROPRIETARY MATERIAL DUE TO YOUR USE OF ERIS SYSTEMS OR ANY SERVICES OR ITEMS OBTAINED THROUGH ERIS SYSTEMS OR TO YOUR DOWNLOADING OF ANY MATERIAL POSTED ON IT, OR ON ANY WEBSITE LINKED TO IT.

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TO THE FULLEST EXTENT PROVIDED BY LAW, ERIS HEREBY DISCLAIMS ALL WARRANTIES OF ANY KIND, WHETHER EXPRESS OR IMPLIED, STATUTORY, OR OTHERWISE, INCLUDING BUT NOT LIMITED TO ANY WARRANTIES OF MERCHANTABILITY, NON-INFRINGEMENT, AND FITNESS FOR PARTICULAR PURPOSE.

THE FOREGOING DOES NOT AFFECT ANY WARRANTIES THAT CANNOT BE EXCLUDED OR LIMITED UNDER APPLICABLE LAW.



Assumption of Risks

Use of ErisX Systems is at your sole risk. You assume all risks that ErisX Systems, applications, and related information are suitable for your needs. Use of any applications, digital products, or site content obtained through ErisX Systems is at your own discretion and risk, and you are solely responsible for any damage to your computer or loss of data. You agree that ErisX shall not be responsible for any loss or damage of any sort relating to your dealings with any third party content provider on ErisX Systems.

Disclaimer of Damages and Limitation of Liability

TO THE FULLEST EXTENT PROVIDED BY LAW, IN NO EVENT WILL ERIS, ITS AFFILIATES, OR THEIR LICENSORS, SERVICE PROVIDERS, EMPLOYEES, AGENTS, OFFICERS, OR DIRECTORS BE LIABLE FOR DAMAGES OF ANY KIND, UNDER ANY LEGAL THEORY, ARISING OUT OF OR IN CONNECTION WITH YOUR USE, OR INABILITY TO USE, ERIS SYSTEMS, ANY WEBSITES LINKED TO IT, ANY CONTENT ON ERIS SYSTEMS OR SUCH OTHER WEBSITES, INCLUDING ANY DIRECT, INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES, INCLUDING BUT NOT LIMITED TO, LOST PROFITS OR LOSS OF PRIVACY, PERSONAL INJURY, PAIN AND SUFFERING, EMOTIONAL DISTRESS, LOSS OF REVENUE, LOSS OF PROFITS, LOSS OF BUSINESS OR ANTICIPATED SAVINGS, LOSS OF USE, LOSS OF GOODWILL, LOSS OF DATA, AND WHETHER CAUSED BY TORT (INCLUDING NEGLIGENCE), BREACH OF CONTRACT, OR OTHERWISE, EVEN IF FORESEEABLE.

THE FOREGOING DOES NOT AFFECT ANY LIABILITY THAT CANNOT BE EXCLUDED OR LIMITED UNDER APPLICABLE LAW.

In no event will Eris' aggregate liability in connection with ErisX Systems or these terms of use exceed the amount that you paid to ErisX to perform services to you, regardless of the cause of action. These limitations of liability shall apply to the maximum extent permitted by law, notwithstanding any failure of essential purpose of any limited remedy. Some states do not allow the exclusion or limitation of liability for consequential damages, so the above limitation may not apply to you.

17) CONTACT US

If you have any questions or comments regarding this Policy, or wish to communicate to ErisX your desire to opt out of receiving communications from ErisX or for any other inquiries, please contact us:

ErisX Clearing, LLC
227 West Monroe St., Suite 2070
Chicago, IL 60606

Email: legal@erisx.com
Phone: 888-782-7481