



# ODEON

## Odeon Capital Group LLC Privacy Policy Statement December 2018

This Privacy Policy sets forth the manner in which Odeon Capital Group LLC may collect, utilize and maintain nonpublic information about customers, as required under federal and other applicable law. Odeon is committed to protecting privacy and maintaining the confidentiality and security of a customer's personal information.

### **Acceptance of Privacy Policy**

Odeon Capital Group LLC ("Odeon Capital", "Odeon", "the Firm", "we", or "us") and its corporate affiliates are committed to respecting and protecting your personal privacy. This Privacy Statement, including any future modifications (this "Privacy Statement") applies to all personal information (information that uniquely identifies a specific natural person) that we may collect through your use of oneilsecurities.com (the "Site") and any other services, sites, applications (or "apps"), software, features, events, surveys or studies, or content offered by us from time to time that link or otherwise refer to this Privacy Statement (collectively, including the Site, the "Services"), whether as a visitor or a customer. This Privacy Statement is effective with respect to all information that we have collected from you, or will collect from you in the future. Please read this Privacy Statement carefully before you use the Services. By accessing and/or using the Services, you expressly consent and agree to be bound and abide by this Privacy Statement, any applicable Terms of Use for the Services ("Terms of Use"), and to comply with all applicable laws, rules, and regulations (collectively, "Applicable Laws"). If you do not want to agree to this Privacy Statement and the Terms of Use, you must not access or use the Services.

### **Collection of Customer Information**

Odeon may collect personal information about customers from the following sources:

- Customer questionnaires and other information provided by the customer in writing, in person, by telephone, electronically or by any other means. This information may include name, address, employment information and financial and investment qualifications as applicable;
- Information about customers from financial institutions and service providers with whom a customer may have authorized to provide such information to Odeon;
- Transactions in a customer's account, including account balances, investments, contributions and withdrawals; and
- Verification services and consumer reporting agencies, including a customer's creditworthiness or credit history, as applicable.
- Website cookies, web beacons, pixels, and other similar tracking technologies to collect information about your use of the Services, including without limitation, device information (e.g., a unique device ID from your computer or mobile device), your browser type and version, IP address, wireless mobile subscriber ISDN number, geo-location (including precise location), operating system and platform, when you open email that we send you, the time content was accessed, usage statistics, the existence of cookies from prior sessions, the URL you came from before accessing our Site, which URL you go to next, and/or other similar information related to your use of the Services.
- The Internet, offline sources, other public or commercial sources, or third parties (e.g., researchers, analysts, and/or marketers). This information could include statistical, demographic, or other similar information. We may merge the data we collect from your activity on the Services with data available from third parties in order to better understand your interests. Third party information could include information you have provided to social media services (e.g., your name, username, gender, birthday, profile picture, avatar, "likes", etc.).

### **Disclosure of Nonpublic Personal Information**

Odeon does not disclose nonpublic personal information about customers or potential customer to affiliates or nonaffiliated third parties except as permitted by law. For example, Odeon may share nonpublic personal information about customers, without the customer's consent, with affiliated and nonaffiliated parties in the following situations, among others:

- In connection with the administration and operations of Odeon and other of Odeon's products and services, with Odeon's brokers, attorneys, accountants, auditors, administrators or other service providers;
- To respond to a subpoena or court order, judicial process or regulatory inquiry;
- In connection with a proposed or actual sale, merger or transfer of all or a portion of its business;

- To protect or defend against fraud, unauthorized transactions (such as money laundering), law suits, claims or other liabilities;
- To respond to requests for information regarding compliance with anti-money laundering laws;
- Upon consent of a customer to release such information, including authorization to disclose such information to person acting in a fiduciary or representative capacity on behalf of the customer; and
- To assist Odeon in offering affiliated products and services to customers.

As indicated above, the foregoing may include responses to inquires for purposes of compliance with anti-money laundering and anti-terrorist due diligence, disclosure or reporting requirements. Odeon also may share nonpublic personal information about customers at customer direction or with customer consent.

### **Former and Prospective Customers**

This same Privacy Policy applies to former and prospective customers.

### **Protection of Subscriber Information**

Odeon maintains physical, electronic and procedural safeguards that comply with federal standards to protect customer information. Odeon restricts access to the personal and account information of customers to those registrants and employees who need to know that information in the course of their job responsibilities. When disposing of records containing customer information our registrants and employees are training to use an electronic shredder.

### **Using/Accessing our Services from Outside the United States**

Odeon Capital Group LLC is a Delaware corporation with its headquarters located at 750 Lexington Avenue, New York, NY 10022, United States. Our Services are governed by, and operated in accordance, with the laws of the United States. The United States is where the Services, including our servers and central database, are hosted, located, and operated. If you are accessing the Services from outside the United States, you will be voluntarily transmitting your personal information to the United States where your information will be stored and processed by Odeon. Your data may also be processed by certain third party data processors located in the United States. There are obvious risks that apply when data are transferred from one jurisdiction to another (e.g., an unauthorized interception of the data, misuse, etc.) and the data protection and other laws of the United States and/or other countries might not be as comprehensive as those in your country. Additionally, in certain circumstances, law enforcement or regulatory agencies, courts, or security authorities in the United States may be entitled to access your personal information. By using our Services, you acknowledge and agree that your personal information will be transferred to and processed in the United States and by those third parties with whom we share your information as described in this Privacy Statement. Please be assured that we take commercially reasonable steps to ensure that your privacy is protected. For users of the Services that are residents of the European Union (“EU”) or the United Kingdom (“UK”), please review Odeon’s European Data Privacy Addendum below, which details your rights under the EU’s General Data Protection Regulation (“GDPR”) and provides you with an explanation of how you may exercise your rights.

### **Third Party Services**

Other websites and services to which we link, through which you access the Services, or share information from the Services and which are not owned or controlled by us are not subject to the terms of this Privacy Statement. We are not responsible for the privacy practices or the content of any other web sites or services and any visit you make to those other services is at your own risk. Third parties that support the Services, including by providing advertising or other services, such as analytics, may use tracking technologies to collect information about your use of the Services or other third party services. We do not control these third party technologies or services and their use is governed by the privacy policies of third parties using such technologies. Such third party's use of any information you share is governed by the third party's Privacy Statement.

### **Further Information**

Odeon reserves the right to change its Privacy Policy at any time. The examples contained within this Policy are illustrations and are not intended to be exclusive. Odeon’s Privacy Policy complies with federal law regarding privacy. Customers may have additional rights under other domestic or foreign laws that may apply.

## **Odeon Capital Group LLC European Data Privacy Addendum**

### **Purposes for Addendum**

This European Data Privacy Addendum, including any future modifications (the "Addendum"), forms a material part of Odeon's Privacy Statement and applies to any "personal data" (as defined under the GDPR) that we may "process" (as defined under the GDPR) through your use of the Services, whether as a guest or a customer. The purpose of this Addendum is to briefly describe: 1) your rights under the GDPR; 2) the legal bases that support O'Neil Securities' processing activities; and 3) whether any automated processing methods are used for processing your personal data.

### **Your Rights as a European Data Subject**

The GDPR provides "data subjects" (essentially natural persons that are the subject of personal data and are residents of the EU or UK) with a wide array of rights related to data privacy. Odeon Capital Group is considered a "data controller" under the GDPR with respect to its processing of your personal data. A data controller is essentially a person or organization that can determine how and why your personal data is processed and is responsible for ensuring that you are able to exercise certain privacy rights. Although Odeon Capital Group affiliates, service providers, and business partners will also collect and process your personal data, as described in the Privacy Statement, Odeon Capital Group will always be the data controller in respect to such processing. If you wish to exercise any of the rights detailed below, please send an e-mail sufficiently detailing such request to: [privacy@odeoncap.com](mailto:privacy@odeoncap.com). Please note that if we receive a request from you to exercise your rights, Odeon Capital Group has the right to have you take reasonable steps to confirm your identity, including your residency within the EU or UK.

### **Right to Transparent Communication**

You are entitled to receive information from Odeon Capital Group regarding its collection and processing of your personal data. All such information must be provided in a concise, transparent, intelligible, and easily accessible form, using clear and plain language. Such information has been provided by Odeon Capital Group in its Privacy Statement, as it is amended from time to time.

### **Right to Access Basic Information**

You have the right to obtain confirmation from Odeon Capital Group as to how your personal data are being processed, including the following information:

- Confirmation of whether, where, and by whom your personal data are being processed;
- Purpose(s) for the processing;
- Categories of personal data being processed;
- Categories of recipients with whom the data may be shared;
- The period for which the data will be stored (or the criteria used to determine that period);
- The source of the data (where you were not the source); and
- Information about the existence of, and an explanation of the logic involved in, any automated decision-making that has a significant effect on you.

You may also request to receive an electronic copy of your personal data that are processed by Odeon Capital Group. Odeon Capital Group is required to provide any requested information within one (1) month of receiving an access request. However, if Odeon Capital Group receives a large numbers of requests, or especially complex requests, this time limit may be extended by a maximum of two (2) further months as long as Odeon Capital Group provides you with an explanation for the delay within the original one (1) month timeframe. If Odeon Capital Group fails to meet these deadlines, you may complain to the relevant Data Protection Authority (explained below) and may be able to seek a judicial remedy in the relevant EU Member State's court system.

### **Right to Data Portability**

You have the right to transfer your personal data between controllers (e.g., to move account details from one online platform to another). Specifically, you have the right to:

- Receive a copy of your personal data in a structured, commonly used, machine-readable format that supports re-use;
- Transfer your personal data from one controller to another;
- Store your personal data for further personal use on a private device; and
- Have your personal data transmitted directly between controllers without hindrance.

Please note that any inferred or derived data (data derived through use of analytical processes) do not fall within the right to data portability, because such data are not provided by you. Additionally, Odeon Capital Group is not obliged to retain personal data for longer than is otherwise necessary simply to service a potential data portability request.

### **Right to Rectify Information**

Odeon Capital Group is required to ensure that inaccurate or incomplete data are erased or corrected. You have the right to request Odeon Capital Group correct or erase personal data that you believe to be inaccurate or incomplete.

### **Right to Withdraw Consent**

Your consent can provide a lawful basis for Odeon Capital Group to process your personal data and/or transfer your data internationally. However, you have the right to withdraw such consent. However, please note that other lawful bases may apply to the processing or transfer of your data.

### **Right to Erasure/Right to be Forgotten**

Under the GDPR, in certain circumstances, you may have the right to have Odeon Capital Group erase your personal data, cease further dissemination of the data, and potentially have third parties halt processing your data upon your request. This right is commonly referred to as the “right of data erasure” or “the right to be forgotten.” You have the right to erasure of your personal data if:

- The data are no longer needed by Odeon Capital Group for their original purpose (and no new lawful purpose exists);
- The lawful basis for the processing is your consent, you withdraw that consent, and no other lawful ground exists for Odeon Capital Group to process the information;
- You exercise your right to object to processing and Odeon Capital Group has no overriding grounds for continuing the processing;
- The data have been processed unlawfully; or
- Erasure is necessary for compliance with other EU laws or the national law of a relevant EU Member State.

### **Right to Object to Processing Personal data for Public or Legitimate Interests**

Where Odeon Capital Group is processing your personal data on the basis of having a "public interest" or "legitimate interests", those bases are not absolute and you may have a right to object to such processing. If you object, Odeon Capital Group must cease such processing unless it either: 1) demonstrates compelling legitimate grounds for the processing which override your interests, rights, and freedoms; or 2) requires the data in order to establish, exercise, or defend legal rights.

### **Right to Object to Processing for the Purposes of Direct Marketing**

You have the right to object to the processing of your personal data for the purposes of receiving direct marketing from Odeon Capital Group (including “profiling” activities as detailed further below).

### **Right to Object to Processing for Scientific, Historical, or Statistical Purposes**

Where your personal data are processed for scientific and historical research purposes or statistical purposes, you have the right to object, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

### **Right to Restrict Processing**

In some circumstances, you may be entitled to limit the purposes for which Odeon Capital Group can process your personal data. Specifically, you have the right to restrict the processing of your personal data if:

- The accuracy of the data is contested (and only for as long as it takes to verify that accuracy);
- The processing is unlawful and you request restriction (as opposed to exercising the right to erasure);
- Odeon Capital Group no longer needs the data for their original purpose, but the data are still required by Odeon Capital Group to establish, exercise, or defend legal rights; or
- If verification of overriding grounds is pending in the context of an erasure request.

### **Fees for Requests**

Odeon Capital Group is required to give effect to your rights of access, rectification, erasure, and the right to object free of charge. However, Odeon Capital Group may charge a reasonable fee for repetitive requests, unfounded or excessive requests, or further copies beyond the initial copy provided.

### **Right to Make a Complaint to the Relevant DPA**

Data Protection Authorities (“DPAs”) are the regulatory authorities responsible for monitoring and enforcing data protection laws at a national level and providing guidance on the interpretation of those laws. DPAs are empowered to oversee enforcement of the GDPR, investigate breaches of the GDPR, and bring legal proceedings where necessary. If you believe that your rights have been infringed by Odeon Capital Group, you have the right to ask Odeon Capital Group to remedy the situation. If you believe you have not received an adequate response from Odeon Capital Group, you may file a complaint with the relevant DPA (either the DPA for the EU Member State in which you live or work or the Member State in which the alleged infringement occurred). A list of DPAs may be found at: <https://truendo.com/eu-data-protection-authorities-list/>

### **Odeon Capital Group Legal Bases for Processing Your Personal Data**

Under the GDPR, in order to process your personal data, Odeon Capital Group is required to identify a legal basis (or bases) for its processing activities. Odeon Capital Group legal bases for processing your personal data are as described below.

## Consent

Odeon Capital Group is permitted to process your personal data to the extent you have given consent for Odeon Capital Group to perform processing activities. Please note that your consent to processing can be revoked at any time (though there may be other applicable legal bases that may justify ongoing processing of your personal data). Your consent may be revoked by sending an email to: [privacy@odeoncap.com](mailto:privacy@odeoncap.com)

## Contractual Necessity

Odeon Capital Group is permitted to process your personal data to the extent the Processing is necessary:

- For the performance of a contract between you and Odeon Capital Group (e.g., to comply with the terms of use for our Services and/or any subsequent agreement Odeon Capital Group enters into with you);
- To respond to your request to access your personal data; or
- For the conclusion or performance of a contract between Odeon Capital Group and a third party where it is in your interest for the processing to occur.

In order for you to be able to access the Services, it is critical that Odeon Capital Group be able to process your personal data. Without being able to process your personal data, including your payment information, Odeon Capital Group would be unable to provide the Services to you.

## Legitimate Interests

Odeon Capital Group is permitted to process your personal data to the extent the processing is necessary for the purposes of legitimate interests pursued by Odeon Capital Group or a third party (“legitimate interests”), except where those legitimate interests are overridden by your interests, fundamental rights, or freedoms. You have the right to object to Odeon Capital Group processing of your personal data on the basis of legitimate interests; if you wish to raise such an objection, please send an email detailing your objection to [privacy@odeoncap.com](mailto:privacy@odeoncap.com). Odeon’s identified legitimate interests for processing your personal data include:

- **Organizational Interests:** As Odeon Capital Group is organized into multiple business units, it is often necessary for Odeon Capital Group to transmit your personal data within the organizational group. Processing is necessary so that data can be shared amongst our affiliates so that each entity can carry out their legal, regulatory, and/or contractual responsibilities and/or coordinate/implement business plans, logistics, and/or operations. This is especially true because Odeon Capital Group affiliated entities may perform critical services for Odeon Capital Group, such as services related to: accounting, compliance, research and development, human resources, information technology and security, legal, management, etc.
- **Operational Interests:** Processing your personal data is necessary to facilitate the day-to-day operation of our business and to allow for business planning for strategic growth. This includes: managing our relationship with you, our employees, other users/clients, vendors, business partners, and/or others; sharing intelligence with internal stakeholders; implementing training procedures; planning and allocating resources and budgets; performing data modelling; facilitating internal reporting; analyzing growth strategies; aggregating analytics; and/or processing personal information to create anonymized data (e.g., for service improvement, analytics, etc.).
- **Logistical Interests:** Processing your personal data is necessary to enable Odeon Capital Group business operations to run more efficiently, e.g., establishing how to allocate resources or to predict future demand.
- **Research and Development Interests:** Processing your personal data is necessary for us to deliver and/or improve our services. This includes processing your personal data to determine whether a service is working as intended, monitoring usage and conduct, and identifying and troubleshooting issues.
- **Market Intelligence and Analytical Interests:** Odeon Capital Group has a legitimate need to conduct market intelligence so that we can better promote our services by creating a better understanding of our users’ and/or customers’ preferences. This could include using diagnostic analytics to optimize services, and/or marketing campaigns by assessing/monitoring users’ usage of the services and/or conduct while using the services. Common metrics for evaluation could include monitoring pages and links accessed, ad performance and conversion tracking, number of posts, number of page views, patterns of navigation, time at a page, devices used, user reviews, where users are coming from, hardware used, operating system version, advertising identifiers, unique application identifiers, unique device identifiers, browser types, languages, wireless or mobile network information, etc. These metrics could be used to personalize services and communications; determine which users should receive specialized communications based on how they use the service; create aggregate trend reports; determine the most effective advertising channels and messaging; and/or measure the audience for a certain communication.
- **Personalization Interests:** We process personal data in order to enhance and personalize the “consumer experience” we offer our current and/or prospective users/customers in our services.

- **Monitoring Interests:** In order to identify recurring problems and/or analyze the patterns of behavior of users and/or customers, and comply with certain legal/regulatory obligations, it is necessary for Odeon Capital Group to monitor your performance/behavior on our Services.
- **Direct Marketing Interests:** Processing your personal data is necessary for direct marketing purposes to occasionally update users on the Services, including occasional communications regarding updates to our activities, services, and/or events.
- **Business-to-Business Marketing and Sales Interests:** Odeon Capital Group has a legitimate interest in processing personal data in the context of marketing our services to other businesses, e.g., processing the information of a business contact in order to market our services to the affected data subject's employer.
- **Due Diligence Interests:** It is necessary for Odeon Capital Group to process your personal data for the purposes of conducting due diligence. This could include, for example, monitoring official watch-lists, sanction lists and "do-not-do-business-with" lists published by governments and other official bodies globally. This could also include keyword searches of industry and reputable publications to determine if companies and individuals have been involved in or convicted of relevant offenses, such as fraud, bribery, and/or corruption.
- **Fraud Detection and Prevention Interests:** Processing your personal data is necessary for Odeon Capital Group to help detect and prevent fraud, e.g., verifying that the registered address of the cardholder for a particular credit or debit card is the same as the cardholder's normal place of residence or work.
- **Updating Customer Details and Preferences:** Processing your personal data is necessary to verify the accuracy of your user data and to create a better understanding of our past, present, and/or prospective users.
- **Network and Information Security:** Processing your personal data is necessary for the purposes of ensuring our network and information security, e.g., monitoring users' access to our network for the purpose of preventing cyber-attacks, inappropriate use of data, corporate espionage, hacking, system breaches, etc. This could include preventing unauthorized access to electronic communications networks and malicious code distribution and stopping "denial of service" attacks and damage to computer and electronic communication systems.
- **Business Continuity/Disaster Planning Interests:** Odeon Capital Group processes your personal data because it is necessary to allow for the backup and protection of your information (e.g., utilizing cloud-based services to archive/protect data) in order to ensure that such information is not improperly lost or modified. Such processing is also necessary to archive/protect data in accordance with legal, regulatory, organizational, and/or contractual obligations.
- **Artificial Intelligence Interests:** In processing your personal data, Odeon Capital Group may process your data utilizing an algorithm that helps to streamline organizational processes, e.g., our customer service department putting in place an algorithm that helps to manage customer service requests by routing customer contacts to the most appropriate part of the organization.
- **Compliance with Industry-Specific Self-Regulation:** Odeon Capital Group is part of industry organizations including, but not limited to, the Financial Industry Regulatory Authority ("FINRA"), the Securities Investor Protection Corporation ("SIPC"), the National Futures Association ("NFA"), and the Municipal Securities Rulemaking Board ("MSRB"). These organizations were formed in order to: develop industry standards and best practices to protect the industry; share intelligence or concerns about individuals (e.g., industry-specific watch lists); share intelligence or concerns that may have a negative or detrimental impact on the industry; and/or to ensure that participants in the industry are following agreed-upon standards. We are required to process data so that we may stay in compliance with such organizations' regulatory structures.
- **Compliance with Laws and Regulations:** Odeon Capital Group is subject to binding legal or regulatory obligations and needs to process your personal data in order to comply with such laws or regulations. Examples include: complying with reporting obligations; complying with screening obligations; responding to law enforcement requests; and/or responding to judicial/regulatory agency requests.
- **Reporting Potential Threats to Public Security/Safety:** Odeon Capital Group has a legitimate interest in reporting possible criminal acts or threats to public security/safety that we identify as part of our processing activities to a competent authority.

#### **Binding Legal or Regulatory Obligations**

Odeon Capital Group is permitted to process your personal data where it has a binding legal or regulatory obligation to perform the processing to stay in compliance with applicable laws or regulations (e.g., tax reporting purposes). Other examples could include where Odeon Capital Group or one of its affiliates is required to respond to a court order, subpoena, or law enforcement agency request, to prevent fraud or abuse, or to protect the safety of individuals.

**International Data Transfers**

If you access the Services from the EU or UK, Odeon Capital Group will be transmitting your personal data to the United States so that Odeon Capital Group can conduct certain processing activities as identified in the Privacy Statement. Your data will also be processed by certain third party data processors located in the United States (including Odeon Capital Group affiliated entities). Odeon Capital Group shall ensure that any transfers made between itself and any data processors are made with appropriate safeguards in place to protect the information from unauthorized uses or disclosures to the extent reasonably possible. For processors that process your personal data on Odeon Capital Group behalf, and will then transfer data to the United States or another jurisdiction that is not deemed to have adequate safeguards, Odeon Capital Group shall ensure that appropriate safeguards (e.g., “Standard Contractual Clauses”), are in place between Odeon Capital Group and the processor. Standard Contractual Clauses are a set of standard data protection clauses approved by the European Commission (“EC”) as an appropriate safeguard for protecting personal data when personal data are transferred internationally. The applicable Standard Contractual Clauses may be found at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32010D0087&from=EN>.

**Personal Data of Data Subjects Under the Age of Sixteen (16)**

The Services are for a general audience and are not targeted to data subjects under the age of sixteen (16). Odeon Capital Group and its affiliates do not knowingly process personal data from EU residents under the age of sixteen (16) without parental consent. If such a situation is discovered, we will delete that information immediately. If you believe Odeon Capital Group has any information from an EU resident under the age of sixteen, please contact us by: Odeon Capital Group at [privacy@odeoncap.com](mailto:privacy@odeoncap.com).