

Privacy Policy

4XHub Ltd

Company:	4XHub Ltd
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VERSION CONTROL

Version Number	Date Updated	Notes
1	August 2021	Original document prepared and finalised in consultation with Sophie Grace Pty Ltd.
2	November 2021	Modified for 4XHUB Ltd. (Labuan)
3	October 2022	Updated by Marcus Tan & Co for Labuan

SECTION A – INTRODUCTION

1. INTRODUCTION

- 1.1 As part of 4XHub Ltd.'s (“**4XHub**”) process to ensure that it continues to maintain the highest levels of professional integrity and ethical conduct, 4XHub has adopted this Privacy Policy (“**Policy**”) to manage personal information in an open and transparent manner.
- 1.2 The provisions of this Policy assist 4XHub in complying with the requirements of the Personal Data Protection Act 2010 (“**PDPA**”) in protecting the personal information 4XHub holds about its clients.

2. WHEN DOES THIS POLICY APPLY?

- 2.1 This Policy always applies to all representatives and employees of 4XHub and the requirements remain in force on an ongoing basis.

3. GLOSSARY

TERM	DEFINITION
Collects	4XHub collects personal information only if 4XHub collects the personal information for inclusion in a record or generally available publication.
Court/tribunal order	means an order, direction or other instrument made by: (a) a court; or (b) a tribunal; or (c) a judge (including a judge acting in a personal capacity) or a person acting as a judge; or (d) a magistrate (including a magistrate acting in a personal capacity) or a person acting as a magistrate; or (e) a member or an officer of a tribunal; and includes an order, direction or other instrument that is of an interim or interlocutory nature.
De-identified	personal information is <i>de-identified</i> if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.
Eligible Data Breach	An eligible data breach occurs: (a) when there has been unauthorised access or unauthorised disclosure of personal information, or a loss of personal information, that 4XHub holds; and (b) the unauthorised access or unauthorised disclosure is likely to result in serious harm to one or more clients; and (c) 4XHub is not able to prevent the likely risk of serious harm with remedial action.

Holds	4XHub <i>holds</i> personal information if it has possession or control of a record that contains the personal information.
Identifier of an individual	means a number, letter or symbol, or a combination of any or all those things, that is used to identify the individual or to verify the identity of the individual, but does not include: (a) the individual's name; or (b) anything else prescribed by the regulations.
Personal information means	means any information in respect of commercial transactions, which: (a) is being processed wholly or partly by means of equipment operating automatically in response to instructions given for that purpose; (b) is recorded with the intention that it should wholly or partly be processed by means of such equipment; and (c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system, that relates directly or indirectly to a data subject, who is identified or identifiable from that information or from that and other information in the possession of a data user, including any sensitive that relates directly or indirectly to a data subject, but does not include any information that is processed for the purpose of a credit reporting business carried on by a credit reporting agency under the Credit Reporting Agencies Act 2010.
Sensitive information	Means any personal data consisting of information as to the physical or mental health or condition of a data subject, his political opinions, his religious beliefs or other beliefs of a similar nature, the commission or alleged commission by him of any offence or any other personal data as the Minister may determine by order published in the Gazette.

SECTION B – CONSIDERATION OF PERSONAL INFORMATION PRIVACY

4. PRIVACY STATEMENT

4.1 4XHub's Board of Directors always ensure that the provisions of this policy are implemented in the day to day running of 4XHub.

4.2 The Director always ensures that this Policy:

- (a) is current and reflects the latest applicable Malaysian laws; and
- (b) contains the following information:
 - (i) the kinds of personal information that 4XHub collects and holds;
 - (ii) how 4XHub collects and holds personal information;

- (iii) the purposes for which 4XHub collects, holds, uses and discloses personal information;
- (iv) how an individual may complain about a breach of the PDPA, or other relevant legislation that binds 4XHub, and how 4XHub deals with such a complaint;
- (v) whether 4XHub is likely to disclose personal information to overseas recipients; and
- (vi) if 4XHub is likely to disclose personal information to overseas recipients, the countries in which such recipients are likely to be located if it is practicable to specify those countries in this policy.

4.3 4XHub ensures that the 4XHub's Privacy Statement is available free of charge and in such form as appropriate. 4XHub makes the Privacy Statement available on its website.

4.4 If the Privacy Statement is requested in a particular form, 4XHub will take such steps as are reasonable to provide the Privacy Statement in the form requested.

SECTION C – COLLECTION OF PERSONAL INFORMATION (SOLICITED PERSONAL INFORMATION)

5. PERSONAL INFORMATION (OTHER THAN SENSITIVE INFORMATION)

- 5.1 This Section C applies to the collection of personal information that is solicited by 4XHub.
- 5.2 4XHub does not collect personal information unless the information is reasonably necessary for one or more of 4XHub's functions or activities.
- 5.3 4XHub's functions or activities include:
- (a) Provide general financial product advice for the following classes of financial products:
 - (i) deposit and payment products limited to:
 - (A) non-cash payment products; and
 - (ii) foreign exchange contracts;
 - (b) Deal in a financial product by:
 - (i) issuing, applying for, acquiring, varying or disposing of a financial product in respect of the following classes of financial products:
 - (A) deposit and payment products limited to:
 - (1) non-cash payment products; and
 - (B) foreign exchange contracts and
 - (ii) applying for, acquiring, varying, or disposing of a financial product on behalf of another person in respect of the following classes of financial products:
 - (A) deposit and payment products limited to:
 - (1) non-cash payment products; and
 - (B) foreign exchange contracts and
 - (c) make a market for the following financial products:
 - (i) foreign exchange contracts;

to retail and wholesale clients.

6. SENSITIVE INFORMATION

- 6.1 4XHub does not collect sensitive information about an individual unless:
- (a) the individual consents to the collection of the information and the information is reasonably necessary for one or more of 4XHub's functions or activities (as described in section 5.3); or

- (b) the collection of the information is required or authorised by or under Malaysian law or a Court/Tribunal order.

7. MEANS OF COLLECTION

- 7.1 4XHub only collects personal information by lawful and fair means.
- 7.2 4XHub only collects personal information about an individual from the individual (rather than someone else) unless it is unreasonable or impracticable to do so or the individual has instructed 4XHub to liaise with someone else.
- 7.3 4XHub collects personal information from an individual when:
 - (a) 4XHub's Application Form is completed;
 - (b) a client provides the information to 4XHub's representatives over the telephone or via email; and
 - (c) a client provides the information to 4XHub on the website;

8. INFORMATION COLLECTED BY 4XHub

- 8.1 The information 4XHub collects may include the following:
 - (a) name;
 - (b) date of birth;
 - (c) postal or email address; or
 - (d) phone numbers;
 - (e) other information 4XHub considers necessary to their functions and activities.

9. PURPOSE OF COLLECTION

- 9.1 If an individual is acquiring or has acquired a product or service from 4XHub, the individual's personal information will be collected and held for the purposes of:
 - (a) checking whether an individual is eligible for 4XHub's product or service;
 - (b) providing the individual with 4XHub's product or service;
 - (c) managing and administering 4XHub's product or service;
 - (d) protecting against fraud, crime or other activity which may cause harm in relation to 4XHub's products or services;
 - (e) complying with legislative and regulatory requirements in any jurisdiction; and
 - (f) to assist 4XHub in the running of its business;

- 9.2 4XHub may also collect personal information for the purposes of letting an individual know about products or services that might better serve their needs or other opportunities in which they may be interested. Please refer to Section G for further information.

SECTION D – COLLECTION OF PERSONAL INFORMATION (UNSOLICITED PERSONAL INFORMATION)

10. DEALING WITH UNSOLICITED PERSONAL INFORMATION

10.1 If 4XHub:

- (a) receives personal information about an individual; and
- (b) the information is not solicited by 4XHub

4XHub must, within a reasonable period after receiving the information, determine whether it was permitted to collect the information under Section C above.

10.2 4XHub may use or disclose the personal information for the purposes of making the determination under paragraph 10.1.

10.3 If 4XHub:

- (a) determines that it could not have collected the personal information; and
- (b) the information is not contained in a Commonwealth record,

4XHub must as soon as practicable, destroy the information or ensure that the information is de-identified, only if it is lawful and reasonable to do so.

SECTION E – NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION

11. NOTIFICATION OF COLLECTION

11.1 This section 11 applies to:

- (a) solicited information; and
- (b) unsolicited information to which section 10 does not apply.

11.2 4XHub must notify the individual of the following matters in the Privacy Statement:

- (a) 4XHub's identity and contact details;
- (b) if 4XHub collects the personal information from a third party or the individual is not aware that 4XHub has collected the personal information, the fact that 4XHub so collects, or has collected the information and the circumstances of that collection;
- (c) if the collection of the personal information is required or authorised by or under a Malaysian law or a Court/Tribunal order, the fact that the collection is so required or authorised (including the details of the law or court);

- (d) the purposes for which 4XHub collects the personal information;
- (e) the main consequences (if any) for the individual if the information is not collected by 4XHub;
- (f) any other entities to which 4XHub usually discloses personal information of the kind collected by 4XHub;
- (g) that 4XHub's Privacy Statement and this Privacy Policy contains information about how the individual may access the personal information about the individual that is held by 4XHub and seek correction of such information;
- (h) that 4XHub's Privacy Statement contains information about how the individual may complain about a breach of the PDPA and how 4XHub will deal with such a complaint;
- (i) whether 4XHub discloses the personal information to overseas recipients; and
- (j) if 4XHub discloses the personal information to overseas recipients – the countries in which such recipients are located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

SECTION F – USE OR DISCLOSURE OF PERSONAL INFORMATION

12. USE OR DISCLOSURE

12.1 Where 4XHub holds personal information about an individual that was collected for a particular purpose (“**the primary purpose**”), 4XHub must not use or disclose the information for another purpose (“**the secondary purpose**”) unless:

- (a) the individual has consented to the use or disclosure of the information; or
- (b) the individual would reasonably expect 4XHub to use or disclose the information for the secondary purpose and the secondary purpose is:
 - (i) directly related to the primary purpose (if the information is sensitive information);
or
 - (ii) related to the primary purpose (if the information is *not* sensitive information);
- (c) the use or disclosure of the information is required or authorised by or under an Malaysian law or a Court/Tribunal order; or
- (d) 4XHub reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

12.2 Where 4XHub uses or discloses personal information in accordance with section 12.1(d), 4XHub keeps a copy of this disclosure (e.g.: the email or letter used to do so).

12.3 This section 12 does not apply to:

- (a) personal information for the purposes of direct marketing; or

(b) government related identifiers.

12.4 If 4XHub collects personal information from a related body corporate, this section 12 applies as if 4XHub's primary purpose for the collection was the primary purpose for which the related body corporate collected the information.

13. WHO DOES 4XHub DISCLOSE PERSONAL INFORMATION TO?

13.1 4XHub may disclose personal information collected from clients and prospective clients to the following:

- (a) organisations involved in providing, managing or administering 4XHub's product or service such as third-party suppliers, e.g., printers, posting services, and our advisers;
- (b) organisations involved in maintaining, reviewing and developing 4XHub's business systems, procedures and infrastructure, including testing or upgrading 4XHub's computer systems;
- (c) organisations involved in a corporate re-organisation;
- (d) organisations involved in the payments system, including financial institutions, merchants and payment organisations;
- (e) organisations involved in product planning and development;
- (f) other organisations, who jointly with 4XHub's, provide its products or services;
- (g) authorised representatives who provide 4XHub's products or services on its behalf;
- (h) the individual's representatives, including legal advisers;
- (i) debt collectors;
- (j) 4XHub's financial advisers, legal advisers or auditors;
- (k) fraud bureaus or other organisations to identify, investigate or prevent fraud or other misconduct;
- (l) external dispute resolution schemes; or
- (m) regulatory bodies, government agencies and law enforcement bodies in any jurisdiction.

SECTION G – DIRECT MARKETING

14. DIRECT MARKETING

14.1 4XHub must not use or disclose the personal information it holds about an individual for the purpose of direct marketing.

15. EXCEPTION – PERSONAL INFORMATION OTHER THAN SENSITIVE INFORMATION

15.1 4XHub may use or disclose personal information (other than sensitive information) about an individual for the purposes of direct marketing if:

- (a) 4XHub collected the information from the individual; and the individual would reasonably expect 4XHub to use or disclose the information for that purpose; or
- (b) 4XHub has collected the information from a third party; and either:
 - (i) 4XHub has obtained the individual's consent to the use or disclose the information for the purpose of direct marketing; or
 - (ii) it is impracticable for 4XHub to obtain the individual's consent; and
- (c) 4XHub provides a simple way for the individual to opt out of receiving direct marketing communications from 4XHub;
- (d) in each direct marketing communication with the individual 4XHub:
 - (i) includes a prominent statement that the individual may opt out of receiving direct marketing; or
 - (ii) directs the individual's attention to the fact that the individual may opt out of receiving direct marketing; and
- (e) the individual has not made a request to opt out of receiving direct marketing.

16. EXCEPTION – SENSITIVE INFORMATION

16.1 4XHub may use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

17. REQUESTS TO STOP DIRECT MARKETING

17.1 Where 4XHub uses or discloses personal information about an individual for the purposes of direct marketing by 4XHub or facilitating direct marketing by another organisation, the individual may request:

- (a) that 4XHub no longer provide them with direct marketing communications;
- (b) that 4XHub does not use or disclose the individual's personal information for the purpose of facilitating direct marketing by another organisation;
- (c) that 4XHub provides the source of the personal information.

17.2 Where 4XHub receives a request from an individual under section 17.1, 4XHub:

- (a) gives effect to the request under section 17.1(a) or 17.1(b) within a reasonable period after the request is made and free of charge; and
- (b) notifies the individual of the source of the information, if the individual requests it, unless it is impracticable or unreasonable to do so.

SECTION H – CROSS BORDER DISCLOSURE OF PERSONAL INFORMATION

18. DISCLOSING PERSONAL INFORMATION TO CROSS BORDER RECIPIENTS

18.1 Where 4XHub discloses personal information about an individual to a recipient who is not in Malaysia and who is not 4XHub or the individual, 4XHub must ensure that the overseas recipient does not breach the PDPA.

18.2 The countries we may disclose an individual's personal information to include:

- (a) United States;
- (b) Malaysia; and
- (c) Australia.

18.3 Section 18.1 does not apply where:

- (a) 4XHub reasonably believes that:
 - (i) information is subject to a law or binding scheme that has the effect of protecting the information in a way that is at least substantially like the way in which the PDPA protect the information; and
 - (ii) there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or
- (b) both of the following apply:
 - (i) 4XHub has informed the individual that if they consent to the disclosure of information 4XHub will not take reasonable steps to ensure the overseas recipient does not breach the PDPA; and
 - (ii) after being so informed, the individual consents to disclosure;
- (c) the disclosure of the information is required or authorised by or under an Malaysian law or a Court/Tribunal order.

SECTION I – INTEGRITY OF PERSONAL INFORMATION

19. QUALITY OF PERSONAL INFORMATION

19.1 4XHub ensures that the personal information it collects and the personal information it uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

20. SECURITY OF PERSONAL INFORMATION

20.1 4XHub ensures that it protects any personal information it holds from misuse, interference, loss, unauthorised access, modification, and disclosure.

20.2 4XHub takes reasonable steps to destroy or de-identify any personal information it holds where:

- (a) 4XHub no longer needs the personal information for any purpose for which the information may be used or disclosed by 4XHub;
- (b) the information is not contained in a Commonwealth record;
- (c) 4XHub is not required to retain that information under an Malaysian law, or a Court/Tribunal order.

21. STORAGE OF PERSONAL INFORMATION

21.1 4XHub stores personal information in different ways, including:

- (a) hard copy on site at 4XHub's head office; and
- (b) electronically secure data centres which are located in Malaysia and owned by either 4XHub or external service providers;

21.2 To ensure 4XHub protects any personal information it holds from misuse, interference, loss, unauthorised access, modification and disclosure, 4XHub implements the following procedure/system:

- (a) access to information systems is controlled through identity and access management;
- (b) employees are bound by internal information securities policies and are required to keep information secure;
- (c) all employees are required to complete training about information security; and
- (d) 4XHub regularly monitors and reviews its compliance with internal policies and industry best practice;

SECTION J – ACCESS TO, AND CORRECTION OF, PERSONAL INFORMATION

22. ACCESS

- 22.1 4XHub must give an individual access to the personal information it holds about the individual if so, requested by the individual.
- 22.2 4XHub must respond to any request for access to personal information within a reasonable period after the request is made.
- 22.3 4XHub must give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so and must take such steps as are reasonable in the circumstances to give access in a way that meets the needs of 4XHub and the individual.
- 22.4 4XHub must not charge an individual for making a request and does not impose excessive charges for the individual to access their personal information.

23. EXCEPTIONS

- 23.1 4XHub is not required to give an individual access to their personal information if:
- (a) 4XHub reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
 - (b) giving access would have an unreasonable impact on the privacy of other individuals; or
 - (c) the request for access is frivolous or vexatious; or
 - (d) the information relates to existing or anticipated legal proceedings between 4XHub and the individual, and would not be accessible by the process of discovery in those proceedings; or
 - (e) giving access would reveal intentions of 4XHub in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - (f) giving access would be unlawful; or
 - (g) denying access is required or authorised by or under an Malaysian law or a Court/Tribunal order; or
 - (h) 4XHub has reason to believe that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
 - (i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
 - (j) giving access would reveal evaluative information generated within 4XHub in connection with a commercially sensitive decision-making process.

25. REFUSAL TO GIVE ACCESS

25.1 If 4XHub refuses to give access in accordance with section 22 or to give access in the manner requested by the individual, 4XHub will give the individual a written notice that sets out:

- (a) the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

25.2 Where 4XHub refuses to give access under section 23.1(j) 4XHub may include an explanation of the commercially sensitive decision in its written notice of the reasons for denial.

SECTION K – CORRECTION OF PERSONAL INFORMATION

26. CORRECTION OF INFORMATION

26.1 4XHub must take reasonable steps to correct all personal information, having regard to the purpose for which the information is held where:

- (a) 4XHub is satisfied the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- (b) the individual requests 4XHub corrects the information.

27. REFUSAL TO CORRECT INFORMATION

27.1 If 4XHub refuses to correct personal information as requested by the individual, 4XHub will give the individual a written notice that sets out:

- (a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

28. REQUEST FROM A CLIENT TO ASSOCIATE A STATEMENT WITH THEIR INFORMATION

28.1 If:

- (a) 4XHub refuses to correct personal information as requested by the individual; and
- (b) the individual requests that 4XHub associate a statement noting that the information is inaccurate, out of date, incomplete, irrelevant or misleading, with the individual's information,

4XHub must take such steps as are reasonable in the circumstances to associate the statement (as described in section 28.1(b)) with the individual's personal information. The statement is associated with the information in such a way that will make the statement apparent to users of the information.

29. DEALING WITH REQUESTS

29.1 4XHub:

- (a) responds to requests under this Section L within a reasonable period after the request is made; and
- (b) does not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information.

SECTION L – MISCELLANEOUS

30. NOTIFIABLE DATA BREACHES SCHEME-

30.1 4XHub notifies the Ministry of Communications and Multimedia Commission (“**MCMC**”) by lodging a complaint soon as practicable.

30.2 4XHub shall promptly informs clients whose personal information has been compromised by the eligible data breach that a breach of their personal information has occurred.

31. POLICY BREACHES

31.1 Breaches of this Policy may lead to disciplinary action being taken against the relevant party, including dismissal in serious cases and may also result in prosecution under the law where that act is illegal. This may include re-assessment of bonus qualification, termination of employment and/or fines (in accordance with the PDPA).

31.2 Staff are trained internally on compliance and their regulatory obligation to 4XHub. They are encouraged to respond appropriately to and report all breaches of the law and other incidents of non-compliance, including 4XHub’s policies, and seek guidance if they are unsure.

31.3 Staff must report breaches of this Policy directly to the Board of Directors.

33. RETENTION OF FORMS

- 33.1 The Compliance Officer retains the completed forms for seven (7) years in accordance with 4XHub's Document Retention Policy. The completed forms are retained for future reference and review.
- 33.2 As part of their training, all staff are made aware of the need to practice thorough and up to date record keeping, not only as a way of meeting 4XHub's compliance obligations, but as a way of minimising risk.

34. POLICY REVIEW

- 34.1 4XHub's Privacy Policy is reviewed on at least an annual basis by the Compliance Officer of 4XHub, having regard to the changing circumstances of 4XHub. The Compliance Officer then reports to the Board of Directors on compliance with this Policy.

Issued by 4XHub Ltd

October 2022