Privacy Policy

Last updated: September 2026

fpmarkets

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1. Introduction

1.1 This Privacy Policy ("Policy") sets out management and collection of personal and sensitive information. It applies to FP Markets Limited (referred to as 'FP Markets', 'Company', 'we', 'our', 'us'), and extends to and covers all operations and functions of FP Markets.

1.2 All third parties (including clients, suppliers, sub-contractors, or agents) that have access to or use personal information collected and held by FP Markets must abide by this Privacy Policy.

1.3 By accessing our Company website including contacting us through any of our communication channels, you are deemed to have read, understood and accepted the terms of this Policy and how we process any information you provide to us. You are further deemed to agree to the use of this Policy, including any subsequent amendments, to govern how we deal with your personal data and your rights therein during our relationship and after its termination.

2. Who we are

2.1 FP Markets Limited is a company registered in the Republic of Kenya under company number PVT-Y2ULRJLG. Our Registered address is at Rivaan Centre, Mezzanine Floor, Muguga Green, Westlands, P.O Box 2008- 00606 Sarit, Nairobi. We are licensed and regulated by the Capital Markets Authority under Licence number 193.

2.2 FP Markets is cognizant of the requirements of the Law and guidelines on Privacy and data protection, both locally and globally.

3. Scope of the Privacy Policy

3.1 This Policy is made pursuant to all applicable Laws, Regulations and Guidelines relating to Data Protection in Kenya, specifically the Data Protection Act, 2019(as amended from time to time).

4. Principles of data protection

4.1 In processing personal data, FP Markets adheres to the following principles.

Personal data is:

- processed in accordance with the right to privacy of the data subject;
- processed lawfully, fairly and in a transparent manner in relation to the data subject;
- collected for explicit, specified and legitimate purposes and not further processed in a manner incompatible with those purposes;
- adequate, relevant, limited to what is necessary in relation to the purposes for which it is processed;
- collected only where a valid explanation is provided whenever information relating to family or private affairs is required;
- accurate and, where necessary, kept up to date, with every reasonable step taken to ensure that inaccurate personal data is erased or rectified without delay;
- kept in a form which identifies the data subject for no longer than is necessary for the purposes for which it was collected;
- not transferred outside Kenya unless there is proof of adequate data protection safeguards or the data subject has consented; and
- processed in accordance with the rights of the data subject, and protected against unauthorised or unlawful processing, access, loss, destruction, use or disclosure, using appropriate technical and organisational measures.

5. Data we collect or receive about you

5.1 We collect and hold the following kinds of personal information about individuals:

- name;
- address (postal and residential);
- contact details;
- date of birth;
- employment details, profession and industry, and socio-demographic information such as education and nationality;
- bank account details, financial position, source of wealth and income;
- trading history and information about your trading experience, risk tolerance and risk profile;
- identification information (such as passport, utility bills or drivers' licences) required to be collected and verified in accordance with the Money Laundering Laws;
- credit information (if expressly authorised by the individual);
- technical data such as your IP address, login data, browser type and version, device and operating system information, and time zone and location settings when you use our website, app or platforms;

- usage data, being information about how you use our website, mobile app, products and services;
- marketing and communications preferences, including your choices about receiving marketing from us or third parties;
- information about you that is publicly available or available from open sources; and
- any other information that is relevant to the services that we provide.

5.2 To comply with Anti-Money Laundering (AML) and Counter-Terrorism Financing (CTF) regulatory requirements in Kenya, FP Markets must verify your identity when you open an account or add a signatory to an existing account. As part of this process, FP Markets is required to obtain, verify, and maintain records of official documentation, including:

- Passport, or National Identity Card
- Drivers Licence
- Utility bills such as electricity or water bill
- Formation documents in case of legal persons e.g. trust deed, partnership deed
- Source of wealth information
- Bankruptcy or credit check
- Other information deemed necessary to discharge functions and activities

6. How we collect personal information

6.1 We generally collect personal information directly from the individual. For example, when an individual submits an account application form online, visits our website, calls us or sends us correspondence we will collect personal information.

6.2 Sometimes we may collect personal information about the individual from a third party. When we are provided with personal information from a third party, we will take reasonable steps to ensure that the individual is or has been made aware of the matters set out in this Privacy Policy.

6.3 We may also collect credit information about an individual from credit reporting bodies to assist us in assessing an individual's application to open an account.

6.4 FP Markets will not collect sensitive information unless the individual has consented or an exemption under the applicable laws and regulations including the laws and regulations on Anti-Money Laundering and Combating of Terrorism. These exceptions include; if the collection is required or authorised by law or is necessary to take appropriate action in relation to suspected unlawful activity or serious misconduct.

6.5 If the personal information we request is not provided by an individual, we may not be able to provide the individual with the benefit of our services or meet their needs appropriately.

7. How we may use your personal information

7.1 FP Markets may use and disclose personal information for the primary purposes for which it is collected, for reasonably expected secondary purposes which are related to the primary purpose and in other circumstances authorized by the Anti-Money Laundering Laws and other applicable laws and regulations.

7.2 FP Markets will use your personal information for any of the following purposes:

- planning, performing, managing and administering your (or a third Party's to whom you are related) contractual business relationship with us, e.g. providing support services or providing you with other services or things you may have requested;
- maintaining and protecting the security of our products, services and websites or other systems, preventing and detecting security threats, fraud or other criminal or malicious activities;
- ensuring compliance with our legal and regulatory obligations. This may include sales record keeping obligations for tax or other purposes and sending required notices or other disclosures, compliance screening or recording obligations (e.g. prevention of money laundering crimes and terrorism). In this context we may be required to conduct automated checks of your contact data or other information you provide about your identity against applicable sanctioned-party lists and to contact you to confirm your identity in case of a potential match, to record interaction with you which may be relevant for antitrust purposes and to report to or support investigations by competent supervisory, law enforcement or other public authorities;
- solving disputes, enforcing our contractual agreements and to establish, exercise or defend legal claims;
- where you have expressly given us your consent or otherwise legally permitted, we may process your personal data also for the following purposes: communicating with you through the channels you have approved to keep you up to date on the latest announcements, special offers and other information about FP Markets' products, technologies and services (including marketing-related newsletters) as well as events and projects which we are pursuing.

7.3 We engage other people to perform services for us, which may involve that person handling personal information we hold. In these situations, we prohibit that person from using personal information about the individual except for the specific purpose for which we supply it. We prohibit that person from using the individual's information for the purposes of direct marketing their products or services.

7.4 FP Markets will attempt to destroy or de-identify sensitive information wherever possible. We also undertake to take reasonable steps to destroy or de-identify all personal information about an individual when it is no longer needed.

8. Legal basis for processing

8.1 We may process your personal data on one or more of the following lawful bases, depending on the specific purpose for which we are using your data:

- to enter into or perform our agreement with you;
- to comply with our legal and regulatory obligations;
- for our legitimate interests, provided that such interests are not overridden by your fundamental rights and freedoms; or
- your consent, where none of the above bases apply.

8.2 Where our use of your personal information does not fall under one of the bases above, we will ask for your consent. Such consent is given freely and you may withdraw it at any time by contacting us using the details set out in this Policy. We may process your personal data without your knowledge or consent where this is required or permitted by law.

9. Personal data management

9.1 FP Markets manages personal data through its full lifecycle, from collection to secure disposal. This includes: identifying and classifying the personal data we hold (section 5); collecting it fairly and for legitimate purposes (section 6); using and disclosing it only for the purposes described in this Policy (sections 7, 8 and 17); keeping it accurate, complete and up to date (section 27); storing and retaining it securely and only for as long as necessary (sections 13 and 30); and securely destroying or anonymising it once it is no longer required (section 30).

9.2 Personal data is organised and stored in a manner that allows FP Markets to locate, retrieve, correct or delete it promptly in order to respond to data subject requests and regulatory enquiries within the timeframes set out in this Policy.

10. Roles and responsibilities for data management

10.1 The Board and senior management of FP Markets are ultimately accountable for compliance with this Policy and applicable data protection law, and for ensuring adequate resources are allocated to data protection compliance.

10.2 The Data Protection Officer (DPO) is responsible for: monitoring compliance with this Policy and the Data Protection Act, 2019; advising the Company and its employees on their data protection obligations; coordinating data protection impact assessments and audits (section 33); acting as the primary point of contact for data subjects and the Office of the Data Protection Commissioner; and coordinating the Company's response to data breaches (section 31).

10.3 Heads of department and line managers are responsible for ensuring that personal data handled within their functions is processed in accordance with this Policy, and for escalating any concerns, incidents or requests to the DPO.

10.4 All employees, contractors and agents who have access to personal information are responsible for handling it in accordance with this Policy, completing required training (section 32), and promptly reporting any actual or suspected breach to the DPO or compliance officer.

11. Sensitive information

11.1 Sensitive information about you is collected only if you have consented to it, or if we are required or authorised by law.

11.2 Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the individual agrees otherwise, or permitted by law.

12. Anonymity and pseudonymity

12.1 As a general rule, FP Markets does not give individuals the option of dealing with them anonymously, or under a pseudonym, as FP Markets is required to identify all trading clients under the Money Laundering Laws and Regulations. In addition, it is impracticable for FP Markets to deal with individuals who have not identified themselves or use a pseudonym.

12.2 A data subject may make a request to deal anonymously or under pseudonym pursuant to Regulation 20 of the Data Protection (General) Regulations 2021. However, such a request shall only be allowed if we deem it practical to do so and if we are not required by law to identify the data subject.

13. Security of personal information

13.1 FP Markets is cognizant of how important the security of personal information is to our clients. We will at all times seek to ensure that the personal information we collect and hold is protected from inference, misuse or loss, unauthorised access, modification or disclosure. FP Markets' employees must respect the confidentiality of the personal information we collect. We

hold all of your personal information in secure computer storage facilities and in paper-based files. In relation to our computer storage facilities, we apply the following guidelines:

- passwords are routinely checked;
- we change employees' access capabilities when they are assigned to a new position;
- employees have restricted access to certain sections of the system;
- the system automatically logs and reviews all external unauthorised access attempts;
- the system automatically limits the amount of personal information appearing on any one screen;
- unauthorised employees are barred from updating and editing personal information;
- all personal computers which contain personal information are secured, physically and electronically;
- data is encrypted during transmission over external networks; and
- print reporting of data containing personal information is limited.

14. Recording and monitoring of communications

14.1 We may record, monitor and process telephone conversations, electronic communications (including email, chat and social media messages) and, where relevant, notes of in-person meetings, whether initiated by us or by you, in connection with the services we provide and our business relationship with you. Such recordings and records are our property and may be used as evidence of our communications for the purpose of complying with our regulatory obligations. Telephone conversations may be recorded without a prior warning tone or other notice.

14.2 We may conduct monitoring of communications and systems using various methods, including automated monitoring tools, random or systematic monitoring, and data tracking, aggregation and analysis tools used to detect behavioural patterns or interactions (including for predictive analysis), for example in connection with investigations, regulatory requests, or fraud, money laundering and terrorism-financing prevention.

14.3 You may request copies of records of your communications with us, which will be provided in the same language used to provide services to you.

15. About whom do we collect personal information?

15.1 The personal information we may collect and hold includes (but is not limited to) personal information about the following individuals:

- clients;
- potential clients;
- introducing brokers, affiliates and money managers;
- service providers or suppliers;

- prospective employees, employees and contractors; and
- other third parties with whom we come into contact.

15.2 If necessary, we will also collect information about individuals such as:

- trustees;
- partners of legal partnerships;
- company directors and officeholders;
- agents nominated by the individual; and
- other third parties dealing with us on a 'one-off' basis.

16. Why we collect and hold personal information

16.1 We may collect and hold the information about an individual for the following purposes:

- to consider and assess an individual's application to open a trading account;
- assist FP Markets in establishing and managing the individual's trading account;
- to notify individuals of margin calls;
- to provide an individual with information about our services, market trends or special offers;
- to protect our business and other clients from fraudulent or unlawful activity;
- to conduct our business and perform other management and administration tasks;
- to consider any concerns or complaints an individual may have;
- to manage any legal actions involving FP Markets;
- to comply with relevant laws, regulations and other legal obligations; and
- to help us improve the products and services offered to our clients, and to enhance our overall business.

17. Who we disclose personal information to (data sharing)

17.1 We may disclose personal information to:

- a related entity of FP Markets;
- an agent, contractor or service provider we engage to carry out our functions and activities, such as our lawyers, accountants, debt collectors or marketing agencies;
- organisation involved in a transfer or sale of all or part of our assets or business;
- organisations involved in managing payments, including payment merchants and other financial institutions such as banks; regulatory bodies, government agencies, law enforcement bodies and courts; liquidity providers; trade repositories;
- the individual's introducing broker, co-account holder or other authorised agent; and

- anyone else to whom the individual authorises us to disclose it or is required by law.

17.2 As a general principle, you will provide us with your personal data entirely voluntarily; there are generally no detrimental effects on you if you choose not to consent or to provide personal data. However, there are circumstances in which FP Markets cannot take action without certain of your personal data, for example, because this personal data is required to process your orders, provide you with access to a web offering or newsletter or to carry out a legally required compliance screening. In these cases, it will unfortunately not be possible for FP Markets to provide you with what you request without the relevant personal data.

17.3 Any third party that we share your personal data with is required to keep it secure and to use it only to perform the service concerned, and to securely dispose of it once it is no longer required for that purpose.

18. Vendor management

18.1 Before engaging a vendor, service provider or other third party to process personal data on our behalf, FP Markets carries out reasonable due diligence on that party's data protection and security practices.

18.2 Where a vendor processes personal data on our behalf, we put in place a written agreement requiring the vendor to: process personal data only on our documented instructions and for the agreed purpose; implement appropriate technical and organisational security measures; maintain confidentiality; not engage a sub-processor without our approval; assist us in responding to data subject requests and regulatory obligations; promptly notify us of any actual or suspected data breach; and delete or return personal data at the end of the engagement, unless retention is required by law.

18.3 FP Markets monitors vendor compliance with these requirements on an ongoing and risk-based basis, and may audit or request evidence of a vendor's compliance.

19. Commercial use of personal/sensitive personal data

19.1 FP Markets does not sell, rent or trade your personal or sensitive personal data to third parties for their own independent commercial or marketing purposes.

19.2 Where we use personal data for our own marketing or business development purposes, we do so only on the basis of your consent or another lawful basis described in section 8, and in accordance with section 7.2.

19.3 Sensitive personal data is not used for commercial purposes except with the data subject's explicit consent or as otherwise permitted by law, in accordance with section 11.

20. International transfer of personal data

20.1 Your personal data may be stored and processed in any country where we or our service providers have facilities, in accordance with applicable data protection laws and regulations.

20.2 Whenever we transfer your personal data outside Kenya, we will ensure a comparable degree of protection by implementing at least one of the following safeguards:

- we will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data;
- in the absence of an adequate level of protection, we will transfer your personal data provided one of the legal safeguards is in place or with your consent; or
- Your personal data may be transferred to another country or territory on the basis of necessity, where such a transfer is necessary for any of the purposes outlined under section 48(c) of the Data Protection Act, 2019.

21. Your rights regarding your personal information

21.1 You have the right to access your personal information held by us.

21.2 Individuals may gain access to the personal information that we hold about them by contacting the FP Markets Data Protection Officer. We will provide access within 30 working days of the individual's request. If we refuse to provide the information, we will provide reasons for the refusal. An individual's request for access to his or her personal information will be dealt with by allowing the individual to look at his or her personal information at the offices of FP Markets, or by providing copies of the information requested. We will require identity verification and specification of the information required. An administrative fee for search and photocopying costs may be charged for providing access.

21.3 Other rights available to you include the following, each subject to the applicable laws governing data protection in Kenya:

- Right to be informed – you have the right to be informed of the use to which your personal data is to be put.
- Right of rectification – you have the right to correct data that we hold about you that is inaccurate or incomplete.
- Right to delete/erasure – in certain circumstances you can ask for the data we hold about you to be erased from our records.
- Right of portability – in certain circumstances, and at a cost, you can ask us to provide you with a copy of your personal data in a commonly used electronic format.
- Right to restrict processing – in certain circumstances, you can ask us to restrict our use of your personal data.

- Right to object to automated decision-making – in certain circumstances, you can ask us not to make automated decisions about you based on your personal data which produce significant legal effects concerning you.
- Right not to be subject to discrimination for exercising any of the above rights.

21.4 We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data or exercise any of your other rights. This is a security measure to ensure that your personal data is not disclosed to any person other than you. We may contact you to ask for information in relation to your request to speed up our response.

21.5 If you have opted out of receiving marketing communications, we will hold your details on our suppression list so that we know you do not wish to receive such communications.

22. The vulnerable group / exercise of rights by others

22.1 FP Markets does not knowingly open trading accounts for, or otherwise treat as clients, individuals who are minors under Kenyan law. Where we hold personal data relating to a minor incidentally (for example, as a beneficiary or dependant disclosed by a client), we apply additional care in handling that data and limit its use to the purpose for which it was disclosed.

22.2 The rights set out in section 21 may be exercised on behalf of a data subject by a parent or legal guardian (in the case of a minor), a legally appointed representative (in the case of a data subject who lacks capacity), or the personal representative of a deceased data subject, provided that the person exercising the right satisfactorily verifies their authority to act on the data subject's behalf.

22.3 FP Markets will take reasonable additional care when processing personal data of vulnerable individuals, including the elderly and persons with disabilities, and will make reasonable accommodations to enable such individuals to exercise their rights under this Policy.

23. Access to your credit report

23.1 You have the right to request for a copy of the credit report we have obtained about you from a credit reporting agency. However, we might not retain the copy of the credit report after use hence it is best to get in touch with the credit report agency for an updated version of the report.

23.2 In case of inaccuracies in the report, you have the right to have the same corrected.

23.3 We are obligated to inform you if we decline your application wholly or partly because of the adverse information in your credit report.

24. Cookies

24.1 Once a client visits our website, campaign and advertising cookies will be placed on a client's device so that we can track the client, measure advertising outcome along with recording client interest. We also use cookies to help ensure our website and platforms work effectively, to support fraud prevention and security, and to support your trading activities. Cookies used by us and/or our partners do not collect personal information such as name, email, address or phone number.

24.2 We may enlist outside organisations to help us manage the website and to collect and analyse statistical data. These outside organisations may install and use their own cookies on our behalf.

24.3 Clients can disable cookies from their browser, however we encourage them to keep cookies enabled for a better site experience and to receive targeted materials from us.

25. Your consent and changes to this policy

25.1 This Policy is subject to amendment from time to time. If an amendment is done, you will be notified of this change through our website and the amended copy of the Policy be posted on our website.

25.2 If and when the reason for processing your personal information changes, we will inform you as soon as possible and seek your consent subsequently.

26. Use of your personal information submitted to other websites

26.1 Except otherwise stated, this Policy only addresses the use and disclosure of personal information that we receive about you or collect from you.

26.2 If you disclose your personal information to others (e.g. websites that we link to), different rules may apply to their use or disclosure of the data you disclose to them. We are not responsible for the privacy policies and practices of other websites, even if you accessed the third-party website using links from our website.

26.3 We recommend that you check the policy of each website you visit and contact the owner or operator of that website if you have concerns or questions.

27. Electronic Verification Terms and Conditions

To comply with applicable Anti-Money Laundering (AML) and Counter-Terrorism Financing legal standards, FP Markets is required to verify your identity before granting access to our financial products and services.

To complete this process efficiently, we may use electronic verification tools and external data sources to validate your identity automatically. If electronic verification cannot be completed, you may be asked to provide standard documentation, such as a government-issued photo ID and recent proof of address.

28. Electronic verification process

In order to verify your identity electronically, we will ask you for your details (such as your name, address, date of birth) and details of your identification documents. This information will be passed on to external organisations in order to electronically match your information with information on their databases. These organisations will assess and advise us whether all or some of the information you provided matches their records.

29. Identifiers

29.1 We will not use identifiers assigned by the Kenyan Government, such as a National Identification number or KRA Pin for our own file recording purposes. FP Markets endeavours to avoid data-matching.

30. Data retention

30.1 Personal information is retained for as long as:

- the client and/or the data subject has consented to it; and
- The personal information is necessary to provide you with our services or fulfil the purpose for which it was collected including satisfying regulatory, reporting, accounting and other legal requirements.

30.2 FP Markets will consider various aspects in deciding on the retention period for personal information. They include:

- Sensitivity of the information
- Amount
- Nature of the information
- Purpose of collection and processing, and whether the purpose can be achieved through alternative means
- Potential risk or harm arising from unauthorised use or disclosure
- Applicable laws and requirements

30.3 A client may request for erasure of personal information.

30.4 We may, in some circumstances, decide to anonymize your personal information to ensure that such data is no longer associated with you. Such anonymized data can be used by us for research and statistical purposes without any further notice to you.

30.5 We may retain your personal data for longer than the periods described above where we are unable to delete it for legal, regulatory or technical reasons.

31. Data breach management

31.1 FP Markets maintains procedures to detect, investigate, contain and respond to actual or suspected breaches of personal data.

31.2 Should the Company experience a security breach affecting personal data, it is required, by law, to notify the Office of the Data Protection Commissioner within 72 hours of becoming aware of the breach, where feasible, and to notify the affected data subject(s), unless the identity of such data subject(s) cannot be established.

31.3 Employees and contractors must immediately report any known or suspected breach of personal data to the DPO or compliance officer. The DPO will assess the breach, coordinate the Company's response, and maintain a record of all breaches, including their effects and the remedial action taken.

32. Training and awareness

32.1 All new employees are provided with timely and appropriate access to this Policy as part of their induction.

32.2 All employees are provided with opportunities to attend privacy training, which covers FP Markets' obligations under this Policy and the Data Protection Act, 2019. Employees who handle sensitive or high volumes of personal data receive role-specific training.

32.3 FP Markets maintains records of training completed, and refresher training is provided periodically and whenever there is a material change to this Policy or applicable law.

33. Data protection impact assessments and audits

33.1 FP Markets carries out a data protection impact assessment (DPIA) before introducing a new product, service, system or process that is likely to result in high risk to the rights and freedoms of data subjects, including large-scale processing of sensitive personal data or systematic monitoring.

33.2 A DPIA will identify and assess the risks to data subjects, and the measures to mitigate those risks, and will be reviewed and approved by the DPO before the relevant processing begins.

33.3 FP Markets conducts periodic internal audits, and may commission independent external audits, of its compliance with this Policy and applicable data protection law. Findings and recommendations are reported to senior management and tracked to completion.

34. Non-compliance and disciplinary actions

34.1 Ignorance of the FP Markets' Privacy Policy will not be an acceptable excuse for non-compliance. Employees or other relevant third parties that do not comply with FP Markets' Privacy Policy may be subject to disciplinary action.

35. Policy implementation monitoring

35.1 The DPO is responsible for monitoring the implementation of, and compliance with, this Policy on an ongoing basis, including through periodic reviews, spot checks and the audits referred to in section 33.

35.2 This Policy is reviewed at least annually, and whenever there is a material change in FP Markets' operations, systems or in applicable data protection law, to ensure it remains accurate and effective.

35.3 Instances of non-compliance identified through monitoring are addressed through corrective action and, where appropriate, the disciplinary process referred to in section 34.

36. Duty to notify us of changes

36.1 FP Markets Limited is committed to ensuring that the personal information it collects, holds, uses and discloses is relevant, accurate, complete and up-to-date. We encourage individuals whose personal information has changed to contact us for updating any personal information we hold about them.

36.2 If the information provided is deemed incomplete or inaccurate, we may not be able to provide you with the products or services that you require.

37. Further information

37.1 If you have any complaints and/or comments on how we are handling your personal information, please contact us through email: supportke@fpmarkets.com