

PRIVACY POLICY

We value and respect your right to privacy, and to this end are committed to protecting your personal data provided to us directly or indirectly. This Privacy Policy sets out our commitment and explains in detail what information we may gather from your visit to our Platform and, why and how your personal data may be processed when you use our Services.

Any of the terms that are not defined in this Privacy Policy will have the meaning given to it in the Terms and Condition for use of the Services ("T&C").

1. **Purpose of the Privacy Policy:** The Privacy Policy intends to provide you with information on what data we collect, why we collect it and how you can update, manage, and delete your information.
2. **Collection of Data:** Your data is collected either directly from the you, or offline/online, including through the Platform. The data comprises of:
 - (i) **Personal Data:** We may ask for data relates to your identification that can be used to contact or identify you ("**Personal Data**"). Personal Data will include, among others, your name, profile picture, email address, phone number, payment card details, virtual currency accounts, royalties and fees, login data etc.
 - (ii) **Usage Data:** We may collect information about how you use the Platform, the Services and other offerings made available by us ("**Usage Data**"), including your computer's Internet Protocol address, browser type, browser version, the pages of our Service that you visit, the time and date of your visit, the time spent on those pages, unique device identifiers and other diagnostic data.
 - (iii) **Tracking Cookies Data:** We may use cookies and similar tracking technologies on our Platform to store your information/preferences. You can refuse to accept any cookies, but in such a case you may not be able to use certain portion of the Services or Platform.
3. **Use of Data:** We collect your data for provision of the Services, including for the NFT services, its operation, maintenance, improvement and to diagnose the problems, to provide customer care and other support services, to respond to your enquiries and requests relating to our Services. Our use of your data will be within the approved framework of law and will mainly include:
 - **Contract Performance:** We will use the data for the performance of a contract to which you are a party, including the provision of the Services, or other third-party contract you enter using the Platform.
 - **Legitimate Interests:** Where data is required to be disclosed for the purpose of law, or regulatory requirement, or legitimate interest of our/third party (prevent abuse of the Services and promotions).
 - **Consent:** Where you have given your consent by a statement or by a clear affirmative action, example, by use of the Services or otherwise under this Privacy Policy.
4. **Disclosure of Data:** For the provision of the Services and as set out under Clause 3, you understand and accept that we may disclose your Personal Data to:

- third party service providers for provision of the Services, including data storage, webhosting and server providers, debt collectors, professional advisors and payment systems operators,
- our employees, contractors and/or related entities,
- our existing or potential agents or business partners,
- sponsors or promoters of any competition we run,
- anyone to whom our business or assets are, or may be, transferred,
- credit reporting agencies, courts, tribunals and regulatory authorities, in the event you fail to pay for goods or services we have provided to you,
- courts, tribunals, regulatory authorities and law enforcement officers, as required by law, or in order to establish, exercise or defend our legal rights,
- third parties, including agents or sub-contractors, who assist us in providing information, products, services or direct marketing to you,
- third parties to collect and process data, such as Google Analytics or other relevant businesses,
- operate and maintain the security or integrity of the Services, including to prevent or stop an attack on our computer systems or networks,
- protect the rights, interests, or property of our or third parties,
- prevent or investigate possible wrongdoing in connection with the Services, or
- enforce our T&C.

5. **Data Transfer**

The Personal Data collected by us may be stored and processed in Singapore or in any other country where we or our affiliates, subsidiaries or service providers maintain facilities. If we decide to transfer your data to other countries, we will take all commercially reasonable steps required to ensure that the data is stored, processed, and used in accordance with the provisions of this Policy, and the requirements of applicable law wherever the data is located. Further, no transfer of your Personal Data will take place to an organization or a country unless there are adequate controls in place including the security of your data and other personal information.

Your consent to this Privacy Policy represents your agreement to the above-mentioned transfers.

6. **Sensitive Personal Information (“SPI”)**: SPI is Personal Data consisting of racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation. SPI may only be used and disclosed for purposes for which the SPI was collected, as permitted by the provider of the SPI and if required by law.
7. **Data Security**: Without prejudice to the inherent risk of sharing and accessing data over the internet, we will use appropriate security measures (organizational and technical) to prevent your Personal Data from being accidentally lost, used, damaged, or accessed in an unauthorised or unlawful way, altered, or disclosed. In addition, we will allow access to your Personal Data only to those employees, agents, contractors and other third parties who have a legitimate business need to know and are subject to a duty of confidentiality. Despite the fact that we have implemented appropriate security measures, we cannot guarantee that the Personal Data we collect will not be shared/disclosed in a way that is inconsistent with this Privacy Policy.

8. **Data Retention:** We will retain your Personal Data if you are using the Services, have an account with us or required for the purpose provided in this Privacy Policy. Further, we may retain Personal Data for an additional period permitted or required under applicable laws, for legal, tax, or regulatory reasons, or for legitimate and lawful business purposes.
9. **Your Rights:** This Privacy Policy grants you certain rights with respect to your Personal Data as set out below:
 - **Right to Consent:** By using our Services and/or providing your Personal Data, you agree to allow us to collect, hold, use, and disclose such data in accordance with this Privacy Policy. You have the right not to consent/provide us any such data, however, if you do so, we may not be able to provide you with the Services, or the products and/or services offered through the Platform.
 - **Anonymity:** We will allow you the option of not identifying yourself or using a pseudonym, where practicable.
 - **Access:** You have the right to request details of your Personal Data from us.
 - **Data Erasure.** You can request for deletion of your Personal Data. However, if such data is required for the provision of the Services, you may be required to delete your profile and/or may not be able to use our Services.
 - **Correction:** If you believe any Personal Data held by us is inaccurate, out of date, incomplete, irrelevant, or misleading, please contact us to correct such information, or update the same via your account, if allowed.
 - **Concerns and Queries:** If you have any concerns and queries on how we process, handle, and keep your Personal Data, please contact us with full details of your concerns and queries. We will take appropriate steps to address them.
 - **Unsubscribe:** To unsubscribe from our e-mail or to opt-out of any communications, please contact us at the address provided in this Privacy Policy or where available, use opt-out option.
10. **Links to Other Sites:** The Platform may contain links to other websites. Those websites are not governed by this Privacy Policy. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. Please read the Privacy Policy and Terms and Conditions of such websites before using such websites. We have no control over and shall not be responsible for the content, privacy policies or practices of any third-party sites or services.
11. **Changes to our Privacy Policy:** We reserve the right to update this Privacy Policy at any time and at our sole discretion. Any changes to or modifications of this Privacy Policy shall be in effect as of the "Last Updated Date" referred to at the top of this page. We will notify you of such change prominently either by posting a notice of such changes before they take effect, or by sending you a notification directly. The amended Privacy Policy is effective once we notify you of the change. We encourage you to periodically review this Privacy Policy.
12. **Minor:** As provided in our T&C, our Service is not intended for anyone under the age of 18 or minor under the law of the country where the Services are accessed ("**Minor**"). We do not intend to or knowingly collect any Personal Data related to a Minor. If you believe that Personal Data of any minor has been collected or provided to us, please contact us.
13. **Contact Details:** For queries on any aspect of this Privacy Policy or to provide any feedback please contact our office at: contact@gem.xyz