

# Daskapital

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## Privacy and Data Protection Policy



## 1. GENERAL PROVISIONS

- 1.1. The Privacy and Data Protection Policy aims to define and regulate the collection, storage, processing and disclosure of personal information obtained by Daskapital through its electronic platform, located at [www.daskapital.eu](http://www.daskapital.eu), or any other means of communication.
- 1.2. In this document you will find information on how Daskapital, the entity responsible for data processing, uses your personal data, as well as your rights as a User, so we suggest that you read it carefully. By visiting or registering on one of Daskapital's websites/platforms, you are also accepting this Privacy and Data Protection Policy. If you do not agree to this Privacy and Data Protection Policy, you should not use or visit Daskapital's websites/platforms, or share any data with Daskapital.
- 1.3. By using the Daskapital websites/platforms, you confirm that you have read, understood and explicitly agreed to the General Terms and Conditions and the Privacy and Data Protection Policy. If you have not read, understood or accepted the General Terms and Conditions or the Privacy and Data Protection Policy of the Daskapital websites/platforms, you should stop using them immediately. If you are representing a legal entity, by using Daskapital's websites/platforms you are declaring that the same legal entity you represent has read, understood and agreed to the General Conditions and Privacy and Data Protection Policy. Otherwise, you must stop using Daskapital's websites/platforms immediately.

## 2. DEFINITIONS

- 2.1. Unless otherwise specified, for the purposes of this document, the words and expressions listed below shall have the following meanings:
  - 2.1.1. **"Daskapital"**, means Das Kapital, Lda. private limited company, with the fiscal number 516 460 730, with share capital of 50.000.00 (fifty thousand euros) and headquartered at Rua do Pereiro, número 291, UI, 3720-593 Oliveira de Azeméis, Portugal, responsible for managing Daskapital websites/platforms, or other entities with which it is in a control or group relationship, such as Daskapital - Crowdfunding S.A. and Daskapital España S.L.; in certain contexts, the same as Daskapital Website or Platform;
  - 2.1.2. **"Platform"** means the information system based on the Internet and accessible to the public through the address [www.daskapital.eu](http://www.daskapital.eu), to be operated or managed by Daskapital which, operating in accordance with EU regulations and other applicable legislation, allows Promoters to present Collaborative Financing Projects and credit assignment proposals to obtain liquidity and funding from Investors;
  - 2.1.3. **"Investor"** means the entity(ies) (individuals or natural persons, SMEs, Companies, Sole Proprietorships, Associations, Public or Private Institutions, other Organizations or Legal Persons) who intend to make investments and who have created an account on the Daskapital Platform, having accepted its General Terms and Conditions and Privacy and Data Protection Policy;
  - 2.1.4. **"Law"** means the General Laws of the Portuguese Republic or Regulation (EU) 2020/1503 of the European Parliament and of the Council of October 7, 2020 on



European providers of crowdfunding services to entities;

- 2.1.5. **"Project"** means the business activity or activities for which a project promoter seeks funding through a collaborative financing offer;
- 2.1.6. **"Promoter"** means entity(ies) (SMEs, Companies, Sole Proprietorships, Associations, Public or Private Institutions, other Organizations or Legal Persons, and, in some cases, individuals or natural persons) seeking financing or liquidity from Investors and who have created an account on the Daskapital Platform, having accepted its General Terms and Conditions and Privacy Policy;
- 2.1.7. **"Beneficiary"**, the same as Promoter;
- 2.1.8. **"Personal Data"** means any information of any nature and regardless of its medium, including sound and image, which makes it possible to identify a natural person directly or indirectly, pursuant to and in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 ("General Data Protection Regulation" or "GDPR");
- 2.1.9. **"Privacy and Data Protection Policy or Policy"** means the Privacy and Data Protection Policy available at [www.daskapital.eu](http://www.daskapital.eu) and acceptance of which is required in order to use Daskapital's services;
- 2.1.10. **"General Conditions"** means the General Conditions of the Daskapital Platform, acceptance of which is required in order to use it;
- 2.1.11. **"Client" or "Customer"** means the universe of Promoters and Investors as defined above.
- 2.1.12. **"User"** means the same as Client and also any person who visits Daskapital's websites/Platforms or interacts with Daskapital through them;
- 2.1.13. **"Mangopay"** means Mangopay, S.A., a company registered under number B173459 in the Luxembourg Trade Register and authorized to receive, transfer and collect funds from Users in electronic currency and supervised by the Luxembourg Financial Sector Supervisory Commission (CSSF), with registered office at 110 route d'Arlon L-1150 Luxembourg and whose website is: [www.cssf.lu](http://www.cssf.lu);
- 2.1.14. **"Payment institution"** means a payment institution legally authorized to provide payment services for the activities carried out by Daskapital;
- 2.1.15. **"Account"** means a Customer's account created on Daskapital for the purposes of crowdfunding;
- 2.1.16. **"Payment Account"** means a Customer's account created with the Payment Institution;
- 2.1.17. **"Agreements"** means the loan agreements, service agreements, credit assignment agreements, general agreements, special conditions and other legal agreements entered into within the scope of Daskapital's operations and which govern the agreements between Beneficiaries and Investors and between the latter and Daskapital;
- 2.2. Other definitions used in this document shall be understood in accordance with the Laws of the Portuguese Republic.



### 3. INFORMATION TO BE COLLECTED

- 3.1. The User will make the following information directly available to Daskapital for use in the development of its activity:
- 3.1.1. If Natural Person: i) complete identification data; ii) tax identification number; iii) e-mail; iv) access password; v) telephone contact; vi) address; vii) bank details; viii) information about its activity with Daskapital; ix) any relevant information for compliance with legal, administrative or regulatory provisions, namely for the purposes of preventing money laundering and terrorist financing; x) banking and financial information and other personal and non-personal information contained in the documents/proofs sent and the interactions maintained; xi) communications with Daskapital; xii) other elements provided for in the General Conditions and Privacy and Data Protection Policy;
- 3.1.2. If Legal Person: i) corporate name; ii) identification of the legal representatives; iii) legal person number, fiscal number or VAT number; iv) e-mail address of the legal person and legal representatives; v) access password; vi) telephone contact; vii) address; viii) bank details; ix) any relevant information for compliance with legal, administrative or regulatory provisions, namely for the purposes of preventing money laundering and terrorist financing; x) information about its activity with Daskapital; xi) banking, financial and corporate information and other personal and non-personal information contained in the documents/proofs sent; xii) communications with Daskapital (verbal or written); xiii) other elements provided for in the General Conditions and Privacy and Data Protection Policy.
- 3.2. Any incorrect information, or information entered for malicious purposes, may be stored and used by Daskapital for criminal purposes, and may be freely communicated to the competent authorities in order to investigate potentially existing illicit acts. Daskapital will keep the User's data for as long as necessary in order to comply with the legal and regulatory obligations to which it is subject, in particular for the purposes of controlling and preventing money laundering and terrorist financing.

### 4. USE AND EXERCISE OF RIGHTS

- 4.1. Use of the Daskapital Platform is intended solely and exclusively for persons of legal age, and is prohibited to any person with personality restrictions, including, but not limited to, interdicted persons, as well as those who, due to their habitual prodigality or abuse of alcoholic beverages or narcotics, are incapable of properly managing their assets.
- 4.2. The personal data provided through the Daskapital Platform is intended to be used by Daskapital and/or partner companies, involved in the development, management, and operationalization of the Platform, and associated procedures by Daskapital and/or by entities integrated on a consolidated basis, including feasibility analysis and financial studies, payments, communications, promotional campaigns.
- 4.3. Daskapital will, within the limits of the law, store, process, communicate, intercommunicate and transmit the User's personal data, for the general operation of the Platform, in feasibility analysis and financial studies, for the development of promotional campaigns, as well as for compliance with all applicable legal and regulatory provisions,



and may assign and transmit these elements to entities that are in a control or group relationship with Daskapital or subcontracted for this purpose.

- 4.4. The User expressly allows Daskapital to communicate and interconnect personal data and other data originating in the operations carried out, to third parties, necessary for the payment operations ordered, in the analysis of feasibility and financial studies, compliance with legal and regulatory provisions, issuing invoices, making payments and promotional campaigns. Among other information providers and communication tools, Daskapital uses or may use the services of the following information and communication providers in its activity: Google, AWS, Mailchimp, SendGrid, SendinBlue, CTT, LinkedIn, Facebook, Instagram or other providers with an identical data processing and protection profile and conduct.
- 4.5. Daskapital will make any and all necessary communications with the Bank of Portugal and the CMVM or any other regulatory body regarding information about the User. The User also authorizes Daskapital, in the event of default or non-compliance, to communicate such facts to entities or any companies that are authorized to process personal data and exchange information on credit risks. The User understands and accepts that the information requested of them, both for their registration on the Platform and for entering into and completing Contracts, is asymmetrical and different depending on whether they are a natural person or a legal person.
- 4.6. By using the Platform, the User hereby acknowledges and consents to the use and disclosure, on the platform or outside it by any means of communication, of the following information, necessary for the development of the activity, disclosure, promotion and monitoring of its process with Daskapital, namely and if applicable: i) company name or full identification; ii) identification of the manager(s)/legal representative(s); iii) legal person number; iv) date of incorporation; v) area of activity; vi) simplified business information; vii) additional banking, financial and corporate information; viii) questions relating to the purpose of the financing; ix) payment history and use of the platform; x) information contained in the company's proof of registration; xi) all the information pertaining any credits to be assigned/sold, namely all invoice details.
- 4.7. Daskapital will process the personal data provided in order to carry out its activity for the following purposes: i) filling in Contracts; ii) managing individual Daskapital accounts; iii) managing and recovering loans; iv) validating identity; v) preventing and detecting fraud and money laundering and terrorist financing activities; vi) legally obligatory communications with judicial, administrative and public entities; vii) developing promotional actions; viii) communicating to partner entities or with which it is in a control or group relationship.
- 4.8. Daskapital cannot be held responsible for the improper use of the information made available on the Platform by users of the Platform, nor for the improper behavior or conduct of users of the Platform. Users must keep their personal data up to date at all times and update their personal data with Daskapital. The User will be solely and exclusively responsible for any erroneous, false or in any way incorrect information provided. Daskapital assumes that the data provided was entered by the User or that its collection was authorized by the User.



- 4.9. The data provided is subject to confidentiality, and the User is guaranteed the right to information, access, rectification, erasure, restriction of processing, portability or objection under the terms of the law, upon written request to Daskapital. In particular, the User may, at any time, request the rectification of data that is not up-to-date, correct or complete, as well as exercise any of their aforementioned rights by emailing [compliance@daskapital.eu](mailto:compliance@daskapital.eu). The User should bear in mind that certain personal data may be kept for a longer period of time in order to comply with legal obligations on the part of Daskapital.
- 4.10. With regard to the processing of data for which consent is a condition of lawfulness, the User has the right to withdraw their consent at any time, without compromising the lawfulness of the processing carried out on the basis of the consent previously given. Users have the right to request the portability of their personal data.
- 4.11. Daskapital may collect computer information about the Platform User for statistical purposes, monitoring and improving the Platform's activity. Daskapital uses statistical and customer segmentation techniques for risk analysis, using for this purpose the data collected directly from the User or the data resulting from the relationships established between Users and Daskapital. The use of profiling techniques does not, however, imply automatic decision-making by Daskapital. The use of *profiling* techniques is intended to respond to legal and regulatory obligations to which payment institutions and crowdfunding entities are bound, particularly in the context of preventing money laundering and terrorist financing.
- 4.12. The User has the right to lodge a complaint with the CNPD - National Data Protection Commission ([www.cnpd.pt](http://www.cnpd.pt)).

## 5. SECURITY

- 5.1. The security of its Users is one of Daskapital's main concerns in the development and operation of the Platform, which has been built in such a way as to provide comprehensive protection for all its Users. Periodic audits are also carried out to guarantee the total security of Users. In the event of a personal data breach, Daskapital will notify the competent supervisory authority - the National Data Protection Commission ([www.cnpd.pt](http://www.cnpd.pt)), within the mandatory legal period after becoming aware of it, and will document the facts relating to the breach, its effects and the remedial measures adopted.
- 5.2. Daskapital follows a strict fraud prevention policy, which is based on recognizing the ownership of its users' data and the appropriateness of their behavior when using the platform. This includes
  - 5.2.1. Verification of user identity through KYC and KYB analysis. Service subcontracted to the payment service provider Mangopay.
  - 5.2.2. Behavioral adequacy by analyzing the use of the platform, the financing projects submitted and verifying the correct use of the funds granted.
- 5.3. Personal data, documents and usage history are stored on third-party servers recognized for their security practices. Daskapital's data is also stored with a view to creating security backups and redundancy in order to guarantee usage history and traceability.



## 6. COOKIE POLICY

- 6.1. Daskapital uses cookies to collect information about its Users in order to monitor Platform activity and improve its operation. Cookies are small text files containing relevant information that the accessing device (computer, mobile phone/smartphone or tablet) loads via its browser whenever the Platform is accessed. The placement of cookies will not only help the Platform to recognize the User's device the next time they visit it, providing a better and faster browsing experience, but will also often be essential for its operation. Cookies on Daskapital websites are used for various purposes, including:
  - 6.1.1. Authentication: storing a unique identifier that allows recognition of an individual session;
  - 6.1.2. Preferences: saving preferences to improve the experience on future visits;
  - 6.1.3. Remarketing: identifying previous visits to the Platform in order to display relevant advertisements of interest to the User on third-party websites;
  - 6.1.4. Usage statistics: allowing the collection of anonymous statistical data on the use of the Platform, in order to analyze and improve the service provided.
- 6.2. The Platform User may, at any time, restrict the acceptance of cookies by changing their browser settings. Unfortunately, by modifying the cookie settings, the User may be affecting their ability to access the Platform, its content, or all the tools it makes available to them. If you want to change the configuration or disable cookies in your browser, you will need to change your browser preferences and settings. Select the browser you are using for more information:
  - a) Opera™
  - b) Android™
  - c) Google Chrome™
  - d) Internet Explorer™
  - e) Mozilla Firefox™
  - f) Safari™
- 6.3. Limiting the use of cookies may hinder your browsing experience or even prevent the Platform from functioning properly.
- 6.4. We may update our website's Cookies Policy in the light of new legal or regulatory requirements, so we recommend that you review this policy each time you access our website in order to be properly informed about how and why we use Cookies.

## 7. THIRD-PARTY WEBSITES

- 7.1. The Platform may include hyperlinks and/or links to other websites, which may contain useful information or tools for Users. The User must bear in mind that Daskapital has no influence or control over the content and management of these third party websites, and that the Privacy and Data Protection Policy of these websites will apply to them. If you visit other websites from the Daskapital Platform, you should always read and take into



account the provisions of their privacy policies. Daskapital is not responsible for the Privacy and Data Protection Policy or content on third party websites.

## 8. CHANGES TO THE PRIVACY AND DATA PROTECTION POLICY

- 8.1. The Privacy and Data Protection Policy and guaranteeing the confidentiality of Users' personal data is a priority for Daskapital. Use of the Daskapital Platform and interaction with Daskapital within the scope of its activity presupposes acceptance of this Privacy and Data Protection Policy. The Daskapital team reserves the right to change this Privacy and Data Protection Policy without notice and to notify its Users accordingly.

## 9. CANCELLATION/SUSPENSION OF SERVICE

- 9.1. The User acknowledges that the management and maintenance of the Platform is based on complex technical means, in which failures and anomalies may arise, adjustments and repairs may be necessary, and therefore Daskapital cannot guarantee the operation of the Platform at all times, and cannot be held liable for damages, losses, loss of profits or any damages arising from any of these situations. Nor can Daskapital be held responsible for any problems, temporary or permanent failures, as well as any improper and illegal violations of the Daskapital Platform's security systems, resulting from the actions of third parties or the User, which may result in the improper disclosure of users' personal information.
- 9.2. The User shall be solely and exclusively responsible for the connection and security conditions of their internet connection. The Daskapital Platform may be temporarily suspended for the purposes of maintenance, technical impositions or reformulations, which impose its suspension or if its non-suspension jeopardizes the security of the Platform.
- 9.3. Users may request the cancellation of their subscription/registration at any time by sending an e-mail to [support@daskapital.eu](mailto:support@daskapital.eu).
- 9.4. Cancellation or suspension of the Platform may result from well-founded fears that the Platform's security protocols have been breached, or are at risk of being breached, that the technical conditions for maintaining the services provided do not exist, or that the Platform's security standards have been called into question.
- 9.5. The User is responsible for their internet connection and their communication devices, and Daskapital cannot be held responsible for any malfunction, operability and/or compatibility with the Platform. The User is also responsible for their data transmission, passwords, antivirus, anti-spyware, and Daskapital is not responsible for any misuse or abuse of such elements by the User.

## 10. FINAL PROVISIONS

- 10.1. If any provision included in this Privacy and Data Protection Policy is deemed invalid or unenforceable, this shall not affect the validity or enforceability of the remaining provisions.
- 10.2. The User acknowledges that all documents and orders that are delivered and signed





electronically in the personal area or sent by email through their previously registered address correspond to their free and conscious will.

- 10.3. Communications between the Daskapital Platform and the User will be carried out via email and/or through notifications in the User's personal area or communications in public areas of the Platform.
- 10.4. The data stored on the Daskapital Platform will be conclusive with regard to the facts and issues on which they are kept, in particular with regard to the identification of Users, in the context of disputes, and more generally, the identification of the parties (Investors and Promoters) to the contracts, the number of contracts concluded and their characteristics.
- 10.5. This Privacy and Data Protection Policy, written in Portuguese, and the relations between Daskapital and Users in this regard are subject to Portuguese law.
- 10.6. For further information or clarification regarding this Privacy and Data Protection Policy, the User may contact Daskapital at [compliance@daskapital.eu](mailto:compliance@daskapital.eu).
- 10.7. We also recommend consulting our frequently asked questions.
- 10.8. Users may also contact Daskapital by post, by sending a registered letter to Daskapital, Rua Alfredo Allen, nr. 455/461, Sala 2.04, 4200-135 Porto, Portugal, with their request for clarification or complaint.

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