

Privacy Statement and Policy

This document was last updated on 26th June 2019. The OrbyPay website is operated by Digital Capital Ltd.

This policy may be made available in a number of different languages; all versions are legally binding but in the event of any inconsistency between the English Language version and a translated version, the English Language version will prevail.

We reserve the right to amend this Policy at any time. When changes are made we will let you know on our website. You may check the OrbyPay website at any time for the most current version of this Policy. By continuing to use the service you consent to any such changes.

Contents

1. [Introduction](#)
2. [Privacy statement](#)
3. [Information we collect about you](#)
4. [How and why we use your personal data](#)
5. [Types of personal and no-personal data that we may process](#)
6. [Disclosure of collected personal information](#)
7. [Automated decision making](#)
8. [Timescales](#)
9. [Retaining collected personal information](#)
10. [Retaining collected personal information](#)
11. [Use of "cookies"](#)
12. [Contacting Us](#)
13. [Complaints to ICO](#)

1. Introduction

The OrbyPay.com website (www.orbypay.com) and services are provided by Digital Capital Ltd ("Digital", "Us", "Our" or "We") a UK based Electronic Money Institution authorised (reference number 900710) by the UK's Financial Conduct Authority (FCA). Digital Capital Ltd. is registered as a Data Controller with the UK Information Commissioner's Office (registration number ZA268803). This policy describes how Digital Capital collects, protects and uses your personal information.

2. Privacy statement

We take the protection of your privacy very seriously, we promise to collect, store use, disclose or transfer (i.e. process) your data safely and securely when you use the OrbyPay app or website. This Privacy Statement applies to all personal data and non-personal collected and used by Us. In addition to data that you give us directly, we may also collect data on your visits to our website.

This policy:

- Contains information on the personal information We collect about you.
- Describes how We process your personal and non-personal information.
- Tells You about persons with whom your personal information might be shared.
- Tells you about your rights and how to exercise them.
- Is intended to help you to make informed decisions when applying, accessing or using OrbyPay Services and Our website or App.

It applies:

- To features and services of the website or App provided to you when you apply, access or use any OrbyPay Services,

- To your use of any software, including Our website and app, used by you to access or use OrbyPay services.
- To communications between you and Us by using email and other electronic messages, including SMS, telephone, Our website, and other communications.

Our privacy promise:

Transparency – We will always tell you what data we’re collecting about you and how we use it. We will only share your data with trusted partners to provide you with a service and We will never sell your data.

Security – We are committed to following industry best practices to ensure that your data is stored safely and securely. We protect the confidentiality, integrity and availability of the information we collect about you.

Control – We will always give you control over information that you receive from Us. We will only use your data if you give your consent or if we need to use your data to deliver products or services to you. You can choose the types of messages you receive and whether you want to stop receiving information from us altogether, in this case please be aware that we may not be able to continue to provide services. If you choose not to give us personal information, please be aware that it may delay or prevent us meeting our obligations in providing you with a service. We may cancel the provision of OrbyPay services to you.

We recommend that You download or print a copy of this policy and store it for Your records and future reference. If You want a copy of this policy or any other legal documents appearing on the website, You should send an e-mail to support@orbypay.com with Your request and the words "Policy documents" in the subject line of Your e-mail message.

3. Information we collect about you

We may collect information about you from a number of sources

Personal information you give to Us:

Personal and contact information may include; your name, address, email address, telephone number(s), title, date of birth and gender. We may collect this information

- When you apply for OrbyPay services, for example when you open an eWallet account, update the information held on that account or apply for an OrbyPay payment card.
- Copies of any documents used to prove your identity.
- When you upload and/or store information with Us while using OrbyPay services, for example in your OrbyPay eWallet account pages.
- When you are accessing or using Our website or App.
- In communications between You and Us by using email and other electronic messages, including SMS, telephone, website/portal, and other communications.
- In customer surveys.

Information We collect when you are accessing or using OrbyPay Services:

This may include financial information (including your bank account details) and other information regarding the amount, frequency, type, location, origin and recipients of transactions:

- Transaction data from Your OrbyPay eWallet account, including information about the recipients to whom You sent money.

- Data on eMoney transfers, including information about the person who is sending eMoney to Your OrbyPay account.
- Data on requests to purchase eMoney or redeem eMoney from or to Your OrbyPay account.
- Usage of your OrbyPay account on the Website. This includes the information you use to identify yourself when you connect to the OrbyPay services online and how you use those services. We may gather this information from devices you use to connect to those services, such as computers and Mobile Devices, and by using cookies and other internet tracking software.

The extent of personal information required about recipients or persons who transfer eMoney to you may vary depending on the type of transaction, eMoney transfer, and other services you are using to send or request eMoney.

Information provided by third parties that We work with:

This may include:

- Government authorities, agencies or commissions, regulators and law enforcement bodies worldwide.
- Card associations and card authorisation and authentication service providers.
- Identity verification and authentication providers.
- Credit reference agencies.
- Fraud prevention agencies.
- Organisations that introduced you to Us.
- Organisations that We have an agreement to cooperate with, including banks, other electronic money issuers and payment service providers.
- Our business partners, sub-contractors and other organisations providing services to Us and Our customers.
- Merchants with whom you have a business relationship.

4. How and why we use your personal data

We will be using/processing your personal data for one or more of the reasons below:

- To satisfy or fulfil a contractual requirement with you (based on the Terms of Use acknowledged by you on opening an OrbyPay account).
- When We have a legal obligation to do so (where the processing of your personal information is necessary for us to comply with applicable law).
- When you consent to it.
- When it is in our legitimate interests to do so. This applies where we have a legitimate business or commercial reason to use your personal (and non-personal) information. In these circumstances we will do so in such a way that it is not unfair to you or is not in your interest.

In the table below, we set out all the ways we use your personal data, and why. We have also identified what our legitimate interests are where appropriate.

How we use your personal and non-personal data	Why we use your personal and non-personal data
To provide OrbyPay services and manage our business needs.	

<ul style="list-style-type: none"> • To manage the business relationship between Us and you. • For providing advice & guidance about our services. • For the collection and recovery of funds owed to Us. • Responding to your complaints and resolving them. • To communicate with You and to tell You about changes to OrbyPay services. • To manage how We work with Our business partners and other organisations providing services to Us and Our customers. • To exercise Our rights and obligations set out in the Terms of Use and other contracts concluded between Us and you. • To run Our business in an efficient and proper way. This includes managing Our financial situation, corporate governance, and audit. 	<ul style="list-style-type: none"> • To fulfil our contractual obligations to you (Terms of Use) regarding the provision of the OrbyPay service. • Meeting our legal obligations by ensuring that we comply with applicable laws, including keeping up to date records, dealing with complaints etc. • Meeting our legitimate business interests by managing our everyday business needs. • We will not provide these services unless you have consented to Us providing them to you having read and acknowledged the Terms of Use.
<p>How we use your personal and non-personal data</p>	<p>Why we use your personal and non-personal data</p>
<p>To manage our relationship with you</p>	
<ul style="list-style-type: none"> • To provide OrbyPay services to you and Our customers. • To process or execute Transactions, eMoney transfers sent to you or by you, to process your requests to purchase eMoney or redeem eMoney from your OrbyPay account. • To manage Fees, charges and currency exchange rates due on our customer accounts. 	<ul style="list-style-type: none"> • To fulfil our contractual obligations to you (Terms of Use) regarding the provision of the OrbyPay service. • If you authorise Us to execute transactions on your behalf, you provide consent to us processing data for this service. • Meeting our legal obligations by ensuring that we comply with applicable laws, including keeping up to date records, dealing with complaints etc. • Meeting our legitimate business interests by managing our everyday business needs.
<p>How we use your personal and non-personal data</p>	<p>Why we use your personal and non-personal data</p>
<p>To manage financial crime (including money laundering, terrorist financing and fraud) and other risks which could impact on you and Our other customers and to protect OrbyPay services</p>	
<ul style="list-style-type: none"> • To obey any applicable legal and regulatory requirements. • To carry out Our identity and security validation and verification checks. • To authenticate your access to your OrbyPay account. • To detect, investigate, report and prevent financial crime, fraud and money-laundering. 	<ul style="list-style-type: none"> • To fulfil our contractual obligations to you (Terms of Use) regarding your use of the OrbyPay service. • Meeting our legal obligations including developing and improving how we deal with the threats of; financial crime, money laundering, terrorist financing. • Meeting our legitimate business interests by effectively managing the risk to OrbyPay

<ul style="list-style-type: none"> • To detect and prevent any abuse of OrbyPay services, keeping them safe and secure for Our customers. • To manage risk for Us, Our customers and Our business. 	<p>users of the services being used to facilitate financial crime. Managing Our everyday business needs.</p>
How we use your personal and non-personal data	Why we use your personal and non-personal data
To administer OrbyPay services and Our website	
<ul style="list-style-type: none"> • To allow Our customers to participate in interactive features of OrbyPay services and the Website. • To administer OrbyPay services and accounts. • To administer the website and to improve its performance. • To analyse Our customer behaviour and preferences, to analyse trends and to manage the load on Our servers. 	<ul style="list-style-type: none"> • To fulfil our contractual obligations by being efficient about how We fulfil Our legal and contractual duties. • Meeting our legitimate business interests by developing new, and improving existing, products and services. • Managing Our everyday business needs.
How we use your personal and non-personal data	Why we use your personal and non-personal data
To develop and improve Our business	
<ul style="list-style-type: none"> • To develop, manage and enhance Our brand and Services, and the Website. • To develop new ways to meet Our customers' needs and to grow Our business. • To test new products and services. • To conduct market analysis and strategic planning. • To study how Our customers use OrbyPay services and other services connected with OrbyPay services. • To measure and understand the effectiveness of advertising of OrbyPay Services. 	<ul style="list-style-type: none"> • Being efficient about how We fulfil Our legal and contractual duties. • Keeping Our records up to date. • Meeting our legitimate business interests by developing new products and services, and what We charge for them. • Defining types of customers for new products or services. • Managing our everyday business needs.
How we use your personal and non-personal data	Why we use your personal and non-personal data
Marketing purposes	
<ul style="list-style-type: none"> • To develop and carry out marketing activities. • To establish Our customer eligibility to receive special features, promotions, products and services. 	<ul style="list-style-type: none"> • To fulfil our contractual obligations to you (Terms of Use) regarding the provision of the OrbyPay service. • If you authorise Us to include you in marketing activities, you provide consent to us processing data for this service. We will seek your consent when We intend to inform

<ul style="list-style-type: none"> To deliver relevant advertising to Our customers. 	<p>you about special features, promotions, products and services.</p>
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5. Types of personal and non-personal data that we may process.

We may process different types of personal and non-personal information that you provide us with. We may gather the following types of personal and non-personal information:

Data type	Personal information that could be included in the data type
Financial data	<ul style="list-style-type: none"> Financial information. Payment instrument details (credit/debit card details, pre-paid and virtual card details, bank and/or card issuer details, bank account details). Transaction details – information relating to funds paid in to and from your OrbyPay account and details relating to transactions carried out on your OrbyPay prepaid or virtual card(s).
Your contact and identity verification information	<ul style="list-style-type: none"> First name. Last name. Date of birth. Nationality. Country of residence. E-mail address. Address (residence, postal address), including copies of proof of address. Phone number (landline/mobile phone number). Details of any documentary proof of identity produced by you (e.g. passport, driving license, national identity card). Bank account details Photograph.
Transaction data - Details about Transactions, eMoney transfers sent to Our customers, information on Our customer requests to purchase eMoney or redeem eMoney from their accounts.	<ul style="list-style-type: none"> Type, amount and time of a Transaction, eMoney transfer, purchase of eMoney or redemption of eMoney. Transaction details (which may include; geographical location, IP address and country, recipient's e-mail address, phone number and bank (or other) account details). Transaction details (which may include; geographical location, IP address and country, payer's e-mail address, phone number and bank (or other) account details). Additional commercial information and identification information. Fingerprint of the device used to access OrbyPay account. Any other information You provide to request and authorise a transaction.
Social relationships	<ul style="list-style-type: none"> With your consent and at your direction we may collect information about your family members, friends and other relationships in order to make your transactions easier to undertake.
Contractual data	<ul style="list-style-type: none"> Financial data – see above. Contact and identity verification data – see above. Transaction data – see above.

	<ul style="list-style-type: none"> Data used to access the OrbyPay services and website – information about login details (username, password, other authentication data and other security credentials collected).
Location	<ul style="list-style-type: none"> Geographic location, including real-time access location-based information. IP address and country. Fingerprint of the device used to access your OrbyPay account.
Behavioural and Technical (collected by cookies. Please see Our Cookie Policy) – including information about how you use the OrbyPay services and website	<ul style="list-style-type: none"> IP address and country. Information about login details (login user name, password, authentication data and other security credentials (e.g. secure identification, security questions and answers). Access time of the website. website response times. Length of visits of certain pages of the website. The internet browser type, version, time zone setting, plug in types and versions, operating system and platform. Fingerprint of the device used to access your OrbyPay account.
Communications	<ul style="list-style-type: none"> Your comments and opinions disclosed in Your communications, for example, content of a complaint or question submitted to Us.
Open data and Public Records	<ul style="list-style-type: none"> Information that is openly available on the internet or in public records e.g. comments and opinions made on social network sites about OrbyPay services.
Usage data	<ul style="list-style-type: none"> Information that We receive from Our business partners, sub-contractors and other organisations providing services to You (e.g. financial and transaction data).
Consents	Any permissions, consents or preferences that You give Us (e.g. consent to receive offers for special features, promotions, products and services from Us, consent to collect real-time location-based information).

6. Disclosure of collected personal information

We may share your personal information and non-personal information with third parties as described below:

Partner organisations and service providers that We use to provide OrbyPay services. Meeting Our obligations arising out of the Terms of Use. To manage risks, to help detect and to prevent financial crime, fraud and money-laundering. To help us to manage availability and connectivity of the website and OrbyPay services. To collect funds that you owe to Us. To help Us to conduct the marketing of OrbyPay services and to explore new ways of doing business.

- Government authorities, regulators and law enforcement bodies.
- Card authorisation and authentication service providers.
- Credit reference agencies (Credit reference agencies).
- Debt collection agencies.
- Fraud prevention agencies and identity verification agencies.
- Organisations that introduced you to Us.

- Organisations that We introduced to you
- Organisations with whom We have agreement to corporate with, including banks, other electronic money issuers and payment service providers, account information service providers and payment initiation service providers.
- Our business partners, sub-contractors and other organisations providing services to Us and Our customers.
- Organisations or persons that you ask Us to share Your personal information with – including Business Entities, individuals and other OrbyPay users to who you have asked Us to execute a Transaction or from which you receive a transfer of eMoney or other funds.
- Service providers that manage Our marketing programmes.
- Merchants.

7. Automated decision making

We sometimes use systems to make automated decisions based on personal information We have or We are allowed to collect from others about You. This helps Us to make sure Our decisions are quick, fair, efficient and correct based on what We know. These include the following automated decisions:

- Opening an OrbyPay account. When you apply to open an account with Us, We undertake identity and security validation and verification checks based on the personal information you provide. This may include checking of age, residence and nationality. We do this to make sure that the information you have provided is correct, to confirm your identity and to detect and prevent financial crime, fraud and money-laundering.
- Detecting fraud. We use your personal information to detect if your account is being used to commit financial crime, fraud or money-laundering or is used in a manner that violates the Terms of Use.
- Applying Fees. We may decide what fees should be charged for some services on the basis of what We know.

You have certain rights with regard to automated decisions. You have the right:

- To ask Us not to make decisions on your account based on automated means alone.
- To object to an automated decision and ask that an individual reviews it.

8. Transfer of personal information to other countries

In some circumstances to enable us to deliver OrbyPay services we may need to transfer and store personal information outside the EEA. We will only send Your personal information outside the EEA to:

- Follow your instructions.
- Fulfil Our legal duties.
- Work with any agents, subcontractors, and service providers who We use to help Us to provide OrbyPay services and to ensure performance of Our obligations under the Terms of Use.

If We do transfer your personal information outside the EEA, We will make sure that it is protected in the same way as if it was used in the EEA.

We will take reasonable steps to ensure that your personal information is treated securely and is processed in accordance with this Privacy Policy.

If We transfer Your personal information outside the EEA, We will make sure that one of the following safeguards is put in place:

- Personal information will only be transferred to a non-EEA country with privacy laws that give the same protection as the EEA.

- A contract arrangement whereby the recipient is obliged to protect personal information to the same standards as required in the EEA.
- Personal information will only be transferred to organisations that are part of Privacy Shield (a framework that sets privacy standards for information sent between the US and EU countries).

By submitting personal information to Us, You agree to such transfer, storing and processing as stated above.

9. Retaining collected personal information

We will retain your personal information for as long as you are Our customer and for at least the period necessary for Us to comply with Our legal obligations and Our business purposes.

Closing your OrbyPay account does not mean that We will immediately delete your personal information held by Us. We will keep your personal information for at least 5 (five) years or longer for one of these reasons:

- Where there is an ongoing investigation into fraud, money laundering or other related purposes.
- To respond to any question or complaint.
- To show that We treated You fairly.
- To maintain records required by the applicable law.
- For Our legitimate interests.

10. Your rights

You have certain rights in connection with Our processing of your personal information. To exercise your rights (see below), please contact Us.

- The 'right of access'. You have the right to find out if we are using or storing your personal data. This is called the right of access, you can exercise this right by asking for a copy of the data – this is known as making a 'subject access request' (see 'Contacting us' for further information). If you want to make such a request it may make help Us to respond more quickly if you identify the specific data that you want. We will require that you prove your identity before We disclose any information. We may charge a fee for making this information available.
- The 'right to rectification'. You have the right to challenge the accuracy or any data held about you by Us. If you believe your data is incomplete or inaccurate you can ask Us to complete it by adding more details or to correct it. If you want to make such a request you should state clearly what you believe is inaccurate or incomplete, explain how you would like Us to correct it and, where available, provide evidence of the inaccuracies. We will take reasonable steps to check its accuracy and correct it.
- The right to 'erasure'. You have the right to ask Us to delete data about you that it holds. In some circumstances we may be able to do this. In some circumstances, even if you do object to Our use of your personal information, We may still process it if it is required for legal or regulatory reasons. If We decide that We are not able to erase your data, We will respond to you and explain why We believe that We do not have to erase it. In these circumstances we will let you know about your right to complain to the UK's Information Commissioner's Office. We have one calendar month to respond to a request for erasure.
- The right to 'object to the use of your data'. In some circumstances you can object to Us processing your data, you should initially ask Us why we are processing your data, in some circumstances you can then object to this use. You do have an absolute right to object to us using your data for direct marketing – trying to sell you things.
- The right to 'restriction'. You have the right to limit the way in which We use your personal data if you are concerned about the accuracy of the data or how it is being used. In this situation We would not use or share Your personal information while it is restricted, except if We need to use it to meet legal obligations or exercise our legal rights.

- The right to 'data portability'. You have the right to get your personal information from Us in a way that is accessible and 'machine-readable' You have the right to receive personal information that is held electronically and that you have provided to the organisation with your consent or due to a contract that you have with Us. This may include data that We have gathered from monitoring your activities when you have used a device to access our service. You can also ask Us to pass on your personal information in this format to other organisations, and, if technically feasible, We will do so.

11. Use of "cookies"

We use cookies to distinguish you from other customers that use OrbyPay Services or from other individuals visiting the Website. To find out more about how We use cookies please see Our [Cookie Policy](#).

12. Contacting Us

On request We will provide you with information about whether we hold any of your personal data. You may ask us to review, delete or update your personal information to ensure it is accurate, by contacting us. We aim to respond to your request for access within 30 days. If You have any questions about this Policy (in particular if you;

- Have any questions in relation to your personal information or your rights under the applicable laws, or
- Want to exercise your rights regarding your personal information that we hold).

or if you have questions regarding any of your dealings with us, you can contact Our Customer Support Service:

- via e-mail at support@orbypay.com, if your question is about this Privacy policy and/or exercising any of the rights described at Section 10 please write "Data Privacy" in the subject line,
- via the "Contact" page on the Website (<https://www.orbypay.com/>),
- by calling Our Customer Support Team on +44 (0) 203 290 4224.

Our Customer Support Service is available Monday to Friday between 09:00 and 17:30 GMT for any questions You may have. If You call the Customer Support Service, please leave a message including:

- Your account number;
- if You are an individual – Your name;
- if You are a legal person - Your company name and Your authorised representative's name and surname;
- Your full telephone number, including country code;
- a brief message about Your question or complaint.

13. Complaints

If you have concerns with this policy or the way in which OrbyPay deals with data privacy matters you have the right to complain to the UK's Information Commissioner's office. Find out how to report a concern at <https://ico.org.uk/make-a-complaints/>