

# Customer Data Sheet to Framework Agreement No. ....

natural person

Fills TMS Brokers

|                            |  |                              |  |
|----------------------------|--|------------------------------|--|
| <b>Cash Account Number</b> |  | <b>Identification Number</b> |  |
|----------------------------|--|------------------------------|--|

To be completed by the Client

|  |   |  |  |                         |
|--|---|--|--|-------------------------|
| Service type: <input type="checkbox"/> TMS Direct <input type="checkbox"/> TMS Connect   |   |  |  |                         |
| This document is an integral part of the Framework Agreement. Please, legibly fill that document and sign it.  |   |  |  |                         |
| First name and last name   |   |  |  |                         |
| Address of residence   | Street, house No./apartment No. number  |  |  |                         |
|  | Post code   |  | City                                       |                         |
|  | Country   |  | Region/Province                            |                         |
|  | District  |  | Commune                                    |                         |
| Address for correspondence (if different than the address of residence)  | Street, house No./apartment No.   |  | Post code                                  |                         |
|  | City  |  | Country                                    |                         |
| Type of identification document  | <input type="checkbox"/> ID Card<br><input type="checkbox"/> Passport<br><input type="checkbox"/> Residence card  |  | Series and number of the identity document |                         |
| Citizenship  |   |  | PESEL/Date of birth.*)                     |                         |
| Date of validity of ID document  |   |  |  | Place of birth (city)   |
| Place of birth (country)   |   |  | Date of birth                              |                         |
| Base currency of the account **)   | <input type="checkbox"/> PLN <input type="checkbox"/> EUR <input type="checkbox"/> USD <input type="checkbox"/> CHF <input type="checkbox"/> GBP  |  |  |                         |
| **) For the TMS Connect service - TMS Brokers keeps cash accounts in: PLN, USD, EUR;<br>For the TMS Direct service - TMS Brokers keeps cash accounts in: PLN, USD, EUR, CHF, GBP |   |  |  |                         |
| Client's bank account number (for withdrawals)   |   |  |  | Currency of the account |
|  |   |  |  |                         |
|  |   |  |  |                         |
| Client's telephone number  |   |  | E-Mail                                     |                         |
| Telephone Password (for remote identification)   |   |  |  |                         |
| I declare that I want to receive correspondence in the following way:  | <input type="checkbox"/> Via e-mail to the provided e-mail address (without additional fee)<br><input type="checkbox"/> By letter in printed form (the mode that may be associated in the cases indicated in the Table of Commissions and Fees with an additional fee to TMS Brokers) |  |  |                         |
| Purpose of the agreement   | <input type="checkbox"/> investing financial surplus <input type="checkbox"/> reducing exchange rate risk <input type="checkbox"/> increase in the value of assets  |  |  |                         |
| Source of origin of funds  | <input type="checkbox"/> contract of employment, for mandate, for other specific works, other similar <input type="checkbox"/> economic activity <input type="checkbox"/> lack of income  |  |  |                         |
|  | <input type="checkbox"/> freelance <input type="checkbox"/> renting, leasing or other income form real estate   |  |  |                         |
|  | <input type="checkbox"/> transactions on the financial market <input type="checkbox"/> inheritance, donation, random win <input type="checkbox"/> retirement or disability benefit  |  |  |                         |
| *) In the case of people without the PESEL, the PESEL column should be filled in with the date of birth of the Client.   |   |  |  |                         |

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Signature of the Client

**Tax residence statement – CRS**

|   |  |                             |
|---|--|-----------------------------|
| I have the following tax residence (not applicable to the USA):   |  |                             |
| Poland  | <input type="checkbox"/> Yes (if yes, please provide information regarding the Tax Office) | <input type="checkbox"/> No |
| Name, address and postal code of the Client's Tax Office  |  |                             |
|   |  |                             |
| Other countries of the tax residence (not applicable to the USA)  |  |                             |
| <input type="checkbox"/> Yes (if yes, please fill the table below) <span style="float: right;"><input type="checkbox"/> No</span> |  |                             |
| Country of tax residence  | Tax Identification Number in the country of tax residence – TIN*                           | Explain if there is no TIN  |
| 1)  |  |                             |
| 2)  |  |                             |

*\*) or its functional equivalent, or the numer used by the state of the residence for identification for tax purposes.*

I undertake to inform TMS Brokers about a change in circumstances that affects the Client's tax residence or causes that the information contained in the statement has become obsolete and submit a properly updated statement **within 30 days** from the day on which the change of circumstances took place. I am aware of criminal liability for making a false statement (Tax residence statement – CRS).

**FATCA statement**

I declare that:  I am not a US taxpayer\*\*  I am a US taxpayer\*\*  
 US Tax Identification Number (TIN) (to be completed if the Client indicated is a US taxpayer):

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**\*\* Definition of the US taxpayer** – should be interpreted in accordance with the provision of the Internal Revenue Code according to which the US taxpayer is a natural person who meets at least one of the conditions listed below:

1. has US citizenship (also in case of simultaneous possession of another citizenship);
2. obtained the right of permanent residence in the USA for any period in a given year (Green Card);
3. made the choice of an American residence for tax purposes after meeting the conditions provided in the US regulations;
4. stayed in the USA for at least 31 days during the tax year and the same time the total number of days in which the person was in the USA;
5. during the current year and 2 previous calendar years is at least 183 days (setting the total numbers of stay, the multiplier 1 for the number of days in the current years is used, 1/3 for the days of stay in the previous year and 1/6 for the days of stay two years back, which means that: 1 day in the current year = 1 day for the total number of days; 3 days in the previous year = 1 day for the total number of days; 6 days stay two years back = 1 day for the total number of days).

I undertake to update the statement regarding the status of the Client as a US taxpayer in the event of a change in circumstances causing, that the previous declaration has become obsolete and. If necessary, to provide additional documents to verify the credibility of this statement.  
 I am aware of criminal liability for making a false statement (FATCA statement).

1. **The Administrator of your personal data is Dom Maklerski TMS Brokers S.A.** with its seat in Warsaw, ul. Złota 59, 00-120 Warsaw, NIP 526-275-91-31, for which the District Court for the capital city of Warsaw in Warsaw, XII Commercial Department of the National Court Register maintains registration files under the number KRS 204776, share capital PLN 3 537 560 (paid in full). The Data Protection Officer appointed by the Administrator can be contacted by an e-mail: odo@tms.pl or by telephone No.: +48 22 27 66 200.
2. **Your personal data will be processed in order** to conclude and execute the Framework Agreement concluded with the Administrator as well as fulfill the statutory duties of the Administrator resulting from having the status of an entity conducting brokerage activities, in particular obligations under the Act of March 1, 2018 on countering money laundering and financing of terrorism (hereinafter: the "Act"). Your personal data will also be processed in order to implement the legitimate interests of the Administrator, such as making necessary settlements and pursuing claims arising from the concluded Framework Agreement or direct marketing of the Administrator. In addition, they will be processed to provide information and education services. Data processing for purposes other than the above may take place: (i) based on obtaining additional consent, (ii) on the basis of applicable law, or (iii) when it is consistent with the purpose for which the personal data was originally collected (art. 6 par. 4 GDPR).
3. **The legal basis for the processing of your personal data is:**
  - a. to the extent that data processing is necessary for the implementation of the Framework Agreement and taking action before its conclusion and providing an information and educational service - art. 6 par. 1 letter b of EP and Council Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter: "GDPR");
  - b. to the extent that the data processing is necessary for the Administrator to perform legal obligations incumbent on him as an entity performing brokerage activities, in particular consisting in informing the financial supervisory authorities and financial information authorities about the services and transactions performed, verification and identification Client's identity and ongoing monitoring of its business relations and development of analyzes - art. 6 par. 1 letter c of GDPR in conjunction with the provisions of the Act, in particular with art. 34, 35, art. 36 and art. 37 of this Act;
  - c. to the extent that data processing is necessary to achieve the objectives arising from the legitimate interests of the Administrator, such as making the necessary settlements and pursuing claims under the concluded Framework Agreement or direct marketing of the Administrator - art. 6 par. 1 letter f of GDPR.
4. You have the right to access your personal data, the right to rectify it, delete it, and the right to limit data processing. To the extent that the processing is necessary for the implementation of the Framework Agreement to which you are party or to take action on your request prior to its conclusion and providing an information and educational service (Article 6 (1) (b) of the GDPR) you also have the right to transfer data. If you believe that your data is being processed contrary to legal requirements, you can file a complaint with the competent supervisory authority with the President of the Office for Personal Data Protection in Poland.
5. Providing data is voluntary, but necessary for the conclusion of the Framework Agreement, the use of a brokerage service and providing an information and educational service. Failure to provide the data indicated in the Customer Data Sheet will result in the refusal to conclude the Framework Agreement.
6. Your personal data can be transferred to the following categories of entities: banks, entities offering quick payments, companies from the capital group to which the Administrator belongs, couriers, postal operators, supervisory authorities, financial information authorities, entities managing investment funds, suppliers of tools, software and platforms for servicing transactions and financial operations performed in the course of implementing the Framework Agreement, as well as for sending commercial information by means of electronic communication, legal counsels and entities providing servers and storing data.
7. In the case of transferring personal data to third countries, i.e. to recipients established outside the European Economic Area or Switzerland, in countries that according to the European Commission do not provide sufficient data protection (third countries that do not provide an adequate level of protection), the Administrator transfers them using mechanisms in accordance with applicable law, which include, among others (i) EU "Standard Contractual Clauses", (ii) obtaining a certificate of compliance with the Privacy Shield by a third party (if it is based in the United States), (iii) when the data is transferred to a third country against which the European Commission has found on the basis of a decision that the third country concerned meets an adequate level of protection.

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 Signature of the Client

8. **Your personal data will be stored for the duration of the Framework Agreement, as well as after its termination**, in accordance with art. 49 of the Act, for a period of 5 years, starting from the first day of the year following the year in which the economic relations with the client were concluded or in which occasional transactions were carried out or until the limitation period for claims arising from legal provisions.. Data included in the results of the assessments of economic relations referred to in art. 34 par. 3 of the Act shall be processed for a period of 5 years, starting from the first day of the year following the year of their execution. The above data retention periods may be extended on the terms specified in art. 49 par. 3 of the Act. To the extent that the data processing is based on the legitimate interest of the Administrator, the data will be processed for the time necessary for its implementation, but no longer than until the opposition is considered justified by your special situation, and where the legitimate interest is marketing direct Administrator - until you express your objection.
9. To the extent that the data is processed for the purposes of direct marketing of the Administrator, you have the right to object to the processing of data which does not require justification. If the processing is based on other legitimate interests of the Administrator, exercising your right of objection requires justifying your special situation.
10. If you fill in questionnaires regarding financial situation and readiness to investment risk, the Administrator may apply to you profiling consisting in grouping of clients according to financial standing, readiness for investment risk and knowledge about financial instruments. The Administrator will not, however, apply to you automated decision-making. Also, when analyzing transactions, profiling may occur in terms of meeting the requirements of counteracting money laundering and financing of terrorism, which is not automated decision-making.

I hereby declare the completeness and compliance with the actual and legal status of the data contained in the Customer Data Sheet and I undertake to update them in writing immediately after the changes occur. I hereby declare that I have read the information contained in: Best Execution Policy of Dom Maklerski TMS Brokers S.A., Information Sheet about TMS Brokers, Description of Financial Instruments and Risks, Key Information Documents and accept their content. At the same time, I declare that before the conclusion of the Framework Agreement they have been made available to me, I have read and accept the content of the following documents:

**For the TMS Direct service:**

- Terms of use governing the provision of services for the execution of orders by Dom Maklerski TMS Brokers S.A. in the TMS Direct and TMS MiniDirect transaction system, maintenance of cash accounts and registers, and foreign exchange,
- Table of Commission and Fees,
- Financial Instruments Specification.

**For the TMS Connect service:**

- Terms of use governing the provision of services for the execution of orders by Dom Maklerski TMS Brokers S.A. in the MT5 transaction system, maintenance of cash accounts and registers, and foreign exchange,
- Table of Commission and Fees TMS Connect,
- Financial Instruments Specification TMS Connect,
- Table of Swap Points,
- Rollover Table.

**Politically Exposed Person (PEP) statement**

Prejudiced about criminal liability for providing data inconsistent with the actual state (Article 233 of the Polish Criminal Code "*Who, giving evidence to serve as evidence in court proceedings or other proceedings carried out under the Act, testifies untruth or conceals the truth, is subject to the penalty of prison sentence for 6 months up to 8 years*"), I am aware of criminal liability for making a false statement and hereby declare that:

**I am not considered Politically Exposed Person\***

**I am considered Politically Exposed Person\***

Hereby I declare to amend this statement in case of any change in circumstances of mym PEP status without undue delay.

\* Politically Exposed Person means a natural person who is or who has been entrusted with prominent public functions and includes the following:

- a) heads of State, heads of government, ministers and deputy or assistant ministers;
- b) members of parliament or of similar legislative body;
- c) members of the governing bodies of political parties;
- d) members of supreme courts, of constitutional courts or of other high-level judicial bodies, the decisions of which are not subject to further appeal, except in exceptional circumstances;
- e) members of courts of auditors or of the boards of central banks;
- f) ambassadors, charges d'affairs and high-ranking officers in the armed forces;
- g) members of the administrative, management or supervisory bodies of State-owned enterprises, including directors of state-owned enterprises and members of management boards and supervisory boards of companies with Treasury shareholding, in which more than half of shares or stocks belong to the State Treasury or other state legal persons;
- h) directors, deputy directors and members of the board or equivalent function of an international organisation;
- i) general directors in offices of supreme and central state bodies, general directors of voivodship offices and heads of regional offices of governmental special administration bodies;
- j) the spouse, or a person considered to be equivalent to a spouse, of a Politically Exposed Person; the children and their spouses, or person considered to be a equivalent to a spouse, of a Politically Exposed Person, the parents of a Politically Exposed Person;
- k) close associates of Politically Exposed Persons which means a natural persons who are known to have joint beneficial ownership of legal entities or legal arrangements, or any other close business relations, with a Politically Exposed Person, or a natural persons who have sole beneficial ownership of a legal entity or legal arrangement which is known to have been set up for the de facto benefit of a Politically Exposed Person.

who have exercised or exercised these public functions within one year from the date of cessation of fulfilling the conditions set out in this point.

I hereby agree to execute orders by TMS Brokers outside the system of trading in financial instruments in accordance with the relevant provisions indicated in the Best Execution Policy of Dom Maklerski TMS Brokers S.A.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
(The above signature will be treated by DM TMS Brokers S.A. as the signature of the Client)