

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

natural person exercising an economic activity

Fills TMS Brokers

Cash Account Number	Identification Number
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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, last name and name (of the activity)	
Address of residence	Street, house No./apartment No.
	Post code
	Country
	District
Address for correspondence (if different than the address of residence)	Street, house No./apartment No.
	City
Address of the main place of business	Street, house No./apartment No.
	City
Type of identification document	<input type="checkbox"/> ID Card <input type="checkbox"/> Passport <input type="checkbox"/> Residence card
Citizenship	PESEL/Date of birth.*)
LEI number	Number in the classification of activities <sup>1</sup>
Date of validity of ID document	Place of birth (city)
Place of birth (country)	Date of birth
REGON (if applicable)	
Registration authority	NIP
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
<small>**) For the TMS Connect service - TMS Brokers keeps cash accounts in: PLN, USD, EUR; For TMS Direct service - TMS Brokers keeps cash accounts in: PLN, USD, EUR, CHF, GBP</small>	
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) <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
Code of business activity (if applicable)	Code of business activity (if applicable)
*) In the case of people without the PESEL, the PESEL column should be filled in with the date of birth of the Client.	
*) In the case of people without a Personal ID No., the Personal ID No. column should be filled in with the date of birth of the Client.	

\_\_\_\_\_  
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)		<input type="checkbox"/> No
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.

**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.

**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 counteracting money laundering and financing of terrorism (Journal of Laws 2018 item 723), (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 the case of your voluntary and optional consent, personal data will also be processed for marketing purposes consisting in providing you with information about services provided by the Administrator, price lists, promotions and other information and promotional events via messages sent to your e-mail address or number telephone and during telephone conversations with you.

**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 - 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;
- d. to the extent that the data processing will be based on your voluntary and optional consent to receive marketing messages also to your e-mail address and telephone number - art. 6 par. 1 letter a of GDPR in conjunction with from art. 10 of the Act of 18.07.2002 on the provision of electronic services and art. 172 of the Act of 16.07.2004 - Telecommunications Law.

**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 (Article 6 (1) (b) of the GDPR) or processing is based on your voluntary agreement and optional consent to receive marketing messages (Article 6 (1) (a) and (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. To the extent that data processing is based on a voluntary and optional consent to receive marketing messages, you have the right to withdraw it at any time.** This will, however, not affect the lawfulness of the processing which has been carried out on the basis of consent before its withdrawal.

**6. Providing data is voluntary, but necessary for the conclusion of the Framework Agreement and the use of a brokerage service.** Failure to provide the data indicated in the Customer Data Sheet will result in the refusal to conclude the Framework Agreement. Expressing your voluntary and optional consent to receive marketing communications is not a prerequisite for concluding or implementing the Framework Agreement.

**7. Your personal data will 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 and entities providing servers and storing data.

**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. 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.

<hr style="width: 80%; margin: 0 auto;"/> Signature of the Client
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To the extent that data processing is based on your voluntary and optional consent to receive marketing communications, the data will be processed until you withdraw your consent to receive these messages or terminate marketing activities carried out on its basis. 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.

I agree to receive from TMS Brokers S.A. newsletters, text messages, mails and marketing information about the services provided by this company and about the company itself, including promotions, promotional events and other marketing campaigns. I can withdraw this consent at any time.

I agree to provide me with marketing information through the Dom Maklerski TMS Brokers S.A. about the services provided by this company and about the company itself, including promotions, promotional events and other marketing campaigns, including voice calls made to my phone number. I can withdraw this consent at any time.

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 my 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:

- heads of State, heads of government, ministers and deputy or assistant ministers;
- members of parliament or of similar legislative body;
- members of the governing bodies of political parties;
- 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;
- members of courts of auditors or of the boards of central banks;
- ambassadors, charges d'affaires and high-ranking officers in the armed forces;
- 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;
- directors, deputy directors and members of the board or equivalent function of an international organisation;
- 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;
- 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 equivalent to a spouse, of a Politically Exposed Person, the parents of a Politically Exposed Person;
- 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)

<sup>1</sup> 1 = Agriculture, forestry and fishing; 2 = Mining and quarrying; 3 = Industrial processing; 4 = Production and supply of electricity, gas, steam and air for air conditioning systems; 5 = Water supply, sewage and waste management as well as remediation related activities; 6 = Construction; 7 = Wholesale and retail trade, repair of motor vehicles and motorcycles; 8 = Transport and storage management; 9 = Accommodation and food service activities; 10 = Information and communication; 11 = Financial and insurance activities; 12 = Activities related to real estate market services; 13 = Professional, scientific and technical activities; 14 = Activities in the field of administration services and support activities; 15 = Public administration and national defense; obligatory social insurance; 16 = Education; 17 = Healthcare and social services; 18 = Activities related to culture, entertainment and recreation; 19 = Other service activities; 20 = Households employing employees; households producing goods and providing services for their own needs; 21 = Extra-territorial organizations and teams.