

**AMAGIS  
CAPITAL  
MANAGEMENT  
LTD**

**Data Protection Notice**

**JUNE 2018**





*This notice sets how the AMAGIS Capital Management Ltd (the “Company”) processes personal data and sets out the rights of Data Subjects pursuant to the Data Protection Act, Chapter 440 of the Laws of Malta, Regulation 2016/679 (the “GDPR”), European Commission Decisions, binding EU and national guidance, and all national implementing legislation (the “Data Protection Legislation”).*

**Please ensure that you notify any third-parties whose Personal Data you provide to the Company (e.g. authorised representatives, beneficial owners) about the existence and content of this Data Protection Notice.**

Where not otherwise defined, the definitions in this notice on data protection will have the same meaning as in the Offering Memorandum of the Company.

## **PERSONAL DATA**

“Personal Data” is any information relating to a living person who can be identified directly from that data, or indirectly with other information (the “Data Subject”).

The Company may hold some or all the following types of Personal Data in relation to Data Subjects, their officers, employees, and/or beneficial owners:

- name;
- address and/or contact details (telephone and email);
- date and place of birth;
- gender;
- tax number;
- bank details;
- photographic ID;
- proof of address; and
- Passport number,

as furnished by Data Subject when completing the subscription form or as subsequently provided to keep that information up to date or otherwise requested by the Company or its Data Processors.

The Company may also obtain further Personal Data by way of politically exposed person checks, sanction checks, negative news checks, and screening checks carried out on Data Subjects. The Company is obliged to verify the Personal Data and carry out the ongoing monitoring.

Any Personal Data that we obtain from employees of our clients is collected as follows:

- (1) Voluntarily via correspondence by phone, email or otherwise (e.g. the employee’s company telephone number or email address). This includes information provided at the time the account is being established, as well as information provided during our subsequent relationship with you (including where you engage in correspondence with the Company by phone, email, or otherwise);



- (2) As part of due diligence documentation received during the initial account set up process. This process includes information required as part of the “Know Your Customer” process including the prevention of money laundering.

## **PURPOSE OF PROCESSING AND LEGAL BASIS FOR PROCESSING PERSONAL DATA**

In the course of its business, the Company and/or its data processors will collect, record, store, adapt, transfer and otherwise process Personal Data. The Company is a Data Controller and will process any Personal Data provided by or in respect of investors in accordance with Data Protection Legislation.

Where processing is carried out on behalf of the Company, the Company shall engage each Data Processor where such Data Processor implements appropriate technical and organisational security measures in a manner that such processing meets the requirements of Data Protection Legislation and ensures the protection of the rights of investors. The Company will enter into a written contract with the Data Processor which will set out the data processor's specific mandatory obligations laid down in Data Protection Legislation, including to process Personal Data only in accordance with the documented instructions from the Company.

Where Personal Data is provided, the Company, acting as a Data Controller may itself process that Personal Data or its service providers may process Personal Data as Data Processors for any one or more of the following purposes and on any one or more of the following legal basis (which are generally considered as being statutory, contractual or legitimate interest purposes):-

- (1) to operate the Company, including managing and administering an investment in the Company on an on-going basis which enables the Company, its Data Processors or a third-party to whom Personal Data is disclosed, to satisfy their contractual duties and obligations relating to the Data Subject's Personal Data and any processing necessary for the preparation of the contract with the Data Subject;
- (2) to comply with any applicable legal, tax or regulatory obligations on the Company, its Data Processors or a third-party to whom Personal Data is disclosed, for example, under relevant corporate legislative acts, anti-money laundering and counter-terrorism rules and tax rules in respect of fraud prevention;
- (3) for any other legitimate business interests' of the Company, its Data Processors or a third-party to whom Personal Data is disclosed, where such interests are not overridden by the interests of the investor, including for statistical analysis, market research purposes and to perform financial and/or regulatory reporting; or
- (4) for any other specific purposes where investors have given their specific consent

As part of the Company's business and ongoing monitoring, the Company may from time to time carry out certain decision making in relation to investors, including, for example, profiling of investors in the context of anti-money laundering reviews, and this may result in an investor being identified to the revenue authorities, law enforcement authorities and to other entities where required by law, and may ultimately, result in the Company terminating its relationship with the investor.

Failure to provide the required Personal Data for processing will result in the Company or its data processors being unable to permit, process, or release the investor's investment in the



Company and this may result in the Company terminating its relationship with the Data Subject.

## **OTHERS WHO MAY RECEIVE OR HAVE ACCESS TO PERSONAL DATA**

### **Group companies**

We may share your Personal Data with other companies within our group. They may use Personal Data in the ways set out in How we use your Personal Data.

### **Our suppliers and service providers.**

We may disclose Personal Data to our third-party service providers, agents, subcontractors and other organisations in order to enable them to provide services to us, or directly to you, on our behalf in satisfaction of the requirement of our agreement with you. Such third parties may include cloud service providers (such as hosting and email management), and providers of operational and administrative services.

When we use third party service providers, we only disclose to them such Personal Data as is necessary for them to provide the services necessary for us to meet our contractual requirements with you. We ensure that any agreement in place between us and such service provider ensures that your information is maintained confidential and not used for any other purposes other than as instructed.

### **Other ways we may share Personal Data**

We may transfer Personal Data if we are under a duty to disclose or share it in order to comply with any legal obligation, to detect or report a crime, to enforce or apply the terms of our contracts, or to protect the rights, property or safety of our visitors and clients. We will always take steps with the aim of ensuring that privacy rights continue to be protected.

## **RETENTION PERIOD**

The Company and its Data Processors will not keep Personal Data for longer than is necessary for the purpose(s) for which it was collected. In determining appropriate retention periods, the Company and its data processors shall have regard to the Data Protection Legislation and any other applicable legislative data protection provisions any statutory obligations to retain information, including anti-money laundering, counter-terrorism, tax legislation. The Company and its Data Processors, as applicable, will take all reasonable steps to destroy or erase the data from its/their systems when such data is no longer required.

## **SECURITY AND LINKS TO OTHER SITES**

The Company has put in place reasonable and appropriate controls to ensure that Personal Data we receive remains secure against accidental or unlawful destruction, loss, alteration, or unauthorised access. Unfortunately, the transmission of Personal Data via the internet is not completely secure. Although the Company will do our best to protect it, the Company cannot guarantee its security.



Should any sensitive Personal Data be obtained, such as that related to ethnic background, personal circumstance, political opinion, religion, trade union membership, or criminal record, the Company will apply additional security controls to protect that data.

This Notice only applies to the Company. The Company assumes no responsibility for the data protection policies and practices of other companies or third-parties including those to whom we may link on our website or to whom may link to us. The Company recommends that you check the data protection policy of each of these parties.

## MARKETING

The Company identifies prospective clients in a number of ways, including but not limited to the following:

- where an investment strategy may be of interest to existing clients;
- where a prospective client attends a conference, seminar or other event organised by the Company;
- using other publicly available means, including social media (e.g. LinkedIn).

The Company may send marketing material to prospective clients via email or other electronic means. We will only do so if you have not objected to receiving such marketing material replying to the email. We may also provide you with marketing material by post or with targeted advertising delivered online through social media and platforms operated by other companies.

## DATA SUBJECT RIGHTS

Data Subjects have the following legal rights in relation to their Personal Data:-

- right to request access to their Personal Data kept by Company;
- right to rectification or erasure of their Personal Data;
- right to restrict or object to processing of Personal Data;
- right to withdraw consent to processing; and
- right to data portability, subject to any restrictions imposed by Data Protection Legislation and any statutory obligations to retain information including any money laundering, counter-terrorism, tax legislation.

**PLEASE NOTE THAT WHERE PROCESSING OF PERSONAL DATA IS BASED ON CONSENT, INVESTORS HAVE A RIGHT TO WITHDRAW THAT CONSENT AT ANY TIME.**

**PLEASE NOTE THAT INVESTORS HAVE A RIGHT TO OBJECT TO THE PROCESSING OF THEIR PERSONAL DATA WHERE THAT PROCESSING IS NECESSARY FOR THE PURPOSES OF THE LEGITIMATE INTERESTS PURSUED BY THE COMPANY (OR ANY OF ITS DATA PROCESSORS) OR THAT OF ANY THIRD PARTY. THE COMPANY SHALL STOP SUCH PROCESSING UNLESS IT CAN DEMONSTRATE COMPELLING LEGITIMATE GROUNDS FOR THE PROCESSING THAT OVERRIDE THE INVESTOR'S INTEREST AND RIGHTS.**

If you wish to raise a complaint on how we have handled your Personal Data, you can contact us in the first instance. Contact details are provided at the end of this notice. We hope that we can address any concerns you may have. You also have the right to lodge a complaint with a supervisory authority in the EU Member State of your habitual residence or place of work or



in the place of the alleged infringement if you consider that the processing of Personal Data relating to you carried out by the Data Controller or its Recipients or Sub-Recipients infringes the Data Protection Law.

## **RECIPIENTS AND TRANSFER OF PERSONAL DATA**

The Company and/or any of its data processors may disclose or transfer Personal Data which are undergoing processing or are intended for processing after transfer (the purposes of which are detailed above), whether within EU or elsewhere (including countries outside of the EEA) to the following recipients:-

- other delegates, duly appointed agents and other service providers of the Company (and any of their respective related, associated or affiliated companies or sub-delegates); and
- third parties including advisers, regulatory bodies, taxation authorities, auditors, technology providers for the purposes specified above.

## **INTERNATIONAL TRANSFER OF PERSONAL DATA**

The Company and/or any of its data processors will not transfer Personal Data to a country outside of the EEA (including for onward transfers from a third country to another third country) unless that country ensures an adequate level of data protection or where there are appropriate safeguards in place.

### *Adequate level of protection*

Where the European Commission has decided pursuant to Article 45 of the GDPR that a third country ensures an adequate level of protection, a transfer of Personal Data to such country shall not require specific authorisation from the Data Protection Commissioner. The European Commission has prepared a list of countries that are deemed to provide an adequate level of data protection which, to date, includes Andorra, Argentina, Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Switzerland and Uruguay. Further countries may be added to this list by the European Commission at any time.

### *Appropriate safeguards*

Where a third country has not been the subject of an adequate level of protection decision by the European Commission, the Company and/or any of its data processors will only transfer Personal Data to such third country where appropriate safeguards are put in place and where enforceable data rights and effective legal remedies for Data Subject are available. For any transfers of your Personal Data to third countries that have not been deemed by the European Commission to provide an adequate level of investor protection, the Company will ensure that appropriate safeguards are in place, which include one or more of the following:-

- (i) the recipient of the Personal Data has signed 'standard contractual clauses' pursuant to Article 46.2 of the GDPR and approved by the European Commission, obliging them to protect the personal data;



- (ii) If the recipient is located in the United States, that it is a certified member of the EU-US Privacy Shield (or such equivalent scheme approved by the appropriate regulatory bodies from time to time). The EU-US Privacy Shield framework is designed by the U.S. Department of Commerce and the European Commission to provide companies on both sides of the Atlantic with a mechanism to comply with data protection requirements when transferring personal data from the European Union to the United States in support of transatlantic commerce;
- (iii) the recipient of the Personal Data is subject to approved binding corporate rules safeguarding the investor pursuant to Article 47 of the GDPR; and/or
- (iv) reliance is placed on one of the derogations and safeguards pursuant to Article 49 of the GDPR.

Where the 'standard contractual clauses' safeguard mechanism is utilised a copy of the clauses will be obtainable from the contact below.

## **CHANGES TO THIS NOTICE**

We will review the content of this Notice from time to time and will post any amended versions to our website. Any changes will take effect seven (7) days after the date we post. We recommend that you regularly check for amendments and review this Notice whenever you visit our website. If you do not agree with any aspect of an updated Notice you should notify us of your specific concerns immediately or cease using our services.