

DATA PRIVACY NOTICE

EFFECTIVE AS FROM 25 MAY 2018

1. INTRODUCTION

The General Data Protection Regulation¹ (the “GDPR”) aims at increasing the protection of natural persons, whatever their nationality or residence, in relation to the processing of their personal data.

This privacy notice contains general information on what personal data we collect about you (referred to hereafter also as “client”), how we will use that information, who we will share it with and what rights you have.

2. WHAT INFORMATION WE HOLD ABOUT YOU

Banque Havilland S.A. (the “Bank” or “we”) will collect your information in line with relevant regulations and law.

Personal data are defined in the GDPR as “any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

Information that you provide to us including:

- personal details (e.g., name, date of birth, gender, passport information or other identification information);
- contact details (e.g., address, email address, landline number and/or mobile number);
- financial information (e.g., regular net income, regular annual spending, source of income, composition of wealth);
- tax domicile and other tax-related documents and information;
- your knowledge of and experience in investment matters; and
- other information about you that you give us by filling in forms or by communicating with us, whether face-to-face, by phone, email, online, or otherwise.

In some cases, we collect your information from other sources including:

- people appointed to act on your behalf, and
- publically available sources, such as commercial or companies registers.

Where the personal data we collect from you is needed to meet our legal or regulatory obligations or to enter into an agreement with you, if we cannot collect this personal data, there is a possibility that we may be unable to provide you with the services and/or to perform all of our obligations under our agreement with you.

3. THE LEGAL BASIS AND PURPOSES

The Bank complies with its obligations under the GDPR by processing your personal data with the appropriate technical and organisational measures. Processing includes the collection, recording, organisation, structuring, transmission, storage, destruction and erasure of your personal data.

The processing of your personal data aims at fulfilling the Bank’s contractual obligations towards you, in particular in relation to (i) banking services (including services in relation to your accounts, credit card and payment services, foreign exchange services and financing services, the latter including an assessment of your solvency on a continuous basis, e-banking services), (ii) investment services (including services in relation to discretionary asset management, investment advisory, access to the Bank’s investment fund platform and custody services), (iii) wealth structuring services, (iv) institutional banking services related in particular to investment vehicles, including, but not limited to, depository, custodian, distribution, domiciliation, paying agent, and transfer and registrar agent services, and (v) client reporting services.

The processing also aims at complying with any legal, regulatory and record keeping obligations to which the Bank is subject, in particular with regard to applicable commercial law, the fight against money laundering and the financing of terrorism, tax reporting², regulatory reporting on client’s investments (MiFIR)³, compliance with requests from or requirements of regulatory

¹ Regulation [EU] 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement as such data, and repealing Directive 95/46/EC (effective date: 25 May 2018).

² Especially in application of Council Directive 2011/16/EU on administrative cooperation in the field of taxation as amended by Council Directive 2014/107/EU and implemented by the Luxembourg law of 18 December 2015 on the OECD’s standard for automatic exchange of financial account information in tax matters, and in application of the Luxembourg law of 24 July 2015 on FATCA (Foreign Account Tax Compliance Act), or any other regime for the automatic exchange of information to which the Bank may be subject from time to time.

³ Application of Regulation [EU] 600/2014 on markets in financial instruments and amending Regulation [EU] 648/2012.

and enforcement authorities. Further, to perform questionnaires in relation to the protection of investors MiFID II⁴, complaint management, data subject request processing, personal data breach or incident management, for recording telephone conversation under CSSF regulation requirements, and to archive account documents, forms and other correspondence for legal purposes (digital and paper).

Personal Data may also be processed by the Bank for the purposes of the legitimate interests pursued by the Bank or by a third party, for instance, for the prevention of non-payment, fraud and other criminal activity, for the management of debt collection and litigation, producing statistics, payment verification, implementing any changes in the Bank's corporate structure or ownership, managing risks, accounting and audit purposes, as well as for performing monitoring on the Bank's premises (through CCTV cameras, maintenance of a register of visitors), for safety and security aspects (persons and assets).

4. WHO WE MIGHT SHARE YOUR INFORMATION WITH

The Bank undertakes not to communicate personal data to any third parties other than:

- entities in the Banque Havilland group (for the purpose of identification of the client and/or enhancing measures in order to prevent and detect money laundering and terrorist financing activities and/or for the purpose of consolidated supervision);
- sub-contractors acting under its authority and duly authorised by law (in the context of the services provided to the client);
- third-party service providers and external asset managers as may be authorised by the client;

solely out of necessity and in a reasonable manner in the execution of services which the Bank shall provide to the client.

To meet its legal and regulatory obligations, personal data may, where appropriate, also be transferred by the Bank, to the extent permitted by applicable law, to public organisations, administrative or legal authorities and supervisory bodies.

5. INTERNATIONAL TRANSFERS OF PERSONAL DATA

Personal data included in transfers of funds or securities are processed by the Bank and other specialised companies. Such processing may be operated through centres located outside Luxembourg, in accordance with the relevant country's local laws. As a result, foreign authorities including authorities in countries outside the European Union / European Economic Area, such as the United States, can request access to data held in such operating centres for certain purposes. Any client, requesting the Bank to carry out a payment or any other transaction is informed that any data necessary for the correct execution of the transaction may be handled outside the European Union / European Economic Area. It may be stored and

processed where data protection laws may provide a lower standard of protection to individuals.

Where personal data may be transferred to a third party located in a jurisdiction that the European Commission regards as not having adequate levels of protections for personal data, the Bank will put in place appropriate safeguards (such as contractual commitments), in accordance with applicable legal requirements, to ensure that your data is adequately protected.

6. HOW LONG DO WE KEEP YOUR DATA

We will only retain personal data for as long as necessary to fulfil the purpose for which it was collected or to comply with legal, regulatory or internal policy requirements. To help us do this, we apply criteria to determine the appropriate periods for retaining your personal data depending on its purpose, such as proper account maintenance, facilitating client relationship management, and responding to legal claims or regulatory requests.

7. YOUR RIGHTS

According to the Article 13 of the GDPR, unless subject to an exemption (Article 13 (4) of the GDPR) or restriction (Article 23 of the GDPR), you, as a natural person, have the following rights with respect to your personal data:

- **Right to access:** You have the right to access, free of charge and at reasonable intervals, your personal data, the details of their processing, the retention period, the existence of automated decision-making and the recipients of your personal data (if applicable).
- **Right to rectification:** You have the right to rectification of inaccurate personal data without undue delay. You also have the right to have incomplete personal data completed, including by means of providing a supplementary statement.
- **Right to erasure:** You have the right to seek erasure of your personal data when the processing of this data is no longer necessary for the purposes described above, or when you have withdrawn your consent to a specific processing (to the extent that consent justifies this processing), when the processing is not or no longer lawful for any reasons, when the erasure is necessary to comply with applicable law or when you object to the processing either in the absence of any overriding legitimate ground for such processing, or under other certain conditions.
- **Right to restriction of processing:** You have the right to seek from the Bank the restriction of processing of your personal data, for instance when you contest the accuracy of the data or when the processing is no longer compliant with applicable law and you have objected to the erasure of the data. Such restriction will result in your personal data being – with the exception of storage – only processed in specific cases (including processing with your consent, or for the establishment, exercise or defence of the Bank's legal claims).

⁴ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU.

- **Right to data portability:** You have the right to receive your personal data in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller, provided and to the extent that the legitimacy of the processing lies on contractual performance and is carried out by automated means.
- **Right to object:** You have the right to object at any time to the processing of your personal data, on grounds relating to your particular situation, where the processing of your data is based on the legitimate interests pursued by the Bank or by a third party, or under other certain conditions.
- **Right to lodge a complaint:** You have the right to lodge a complaint with the Commission nationale pour la protection des données (CNPD).

To exercise all relevant rights, queries or complaints please contact the Bank's Data Protection Officer:

Email: LUdataprotection@banquehavilland.com, or

Telephone: [+352] 46.31.31.333 (recorded line / voice box), or

Banque Havilland S.A.
Attn.: Data Protection Officer
35a, avenue J.F. Kennedy
L-1855 Luxembourg

You will be provided with information on action taken by the Bank within one month of receipt of the request (and proof of your identity) by the Bank. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. In such cases, you will be informed.