EDMOND DE ROTHSCHILD (EUROPE)

PERSONAL DATA PROTECTION CHARTER



1. Introduction

This Personal Data Protection Charter applies to all personal data (the « **data** ») processed by Edmond de Rothschild (Europe), including its Belgian, Spanish, Italian and Portuguese branches (hereinafter "**EdRE**", "**we**" or "**us**"), acting as controller[1] towards the natural persons whose data it processes in the context of its activities. Such data may pertain to categories of natural persons, such as (whereby applicable and without being limited to) prospects, clients, representatives, board members, signatories, employees, officers, attorneys, contact persons, agents, service providers, promoters, initiators, controlling persons, (potential) investors and beneficial owners and (potential) investors' and beneficial owners' relatives (each being referred to as a « **data subject** »).

The purpose of this Charter is to ensure the compliance of EdRE with the 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 of such data (the « **GDPR** »).

2. Which data do we process?

The data, which we process, may come from various sources. Some data may be collected directly from the relevant data subject. Some data may also be collected, in compliance with the applicable laws and regulations, from other sources such as the data subject's employer or the entity on behalf of or for which the data subject is acting, the clients, the prospects, the counterparties, the partners, the contact persons, the (potential) investors, the (potential) beneficial owners, the attorneys, the service providers, the promoters, the initiators or the other entities of the Edmond de Rothschild Group (the « **EdR Group** »). We may also collect data in the context of meetings or communications (e.g. throughout the paper or electronic correspondence, during phone conversations or meetings) or when the data subject visits our website or uses our online services or applications. The collected data must be accurate, relevant and up to date. The concerned data subject is required to inform us of any changes concerning his/her data.

Some data may also come from publicly available sources (e.g. pursuit records, public registers, press, websites, social networks, global providers of financial, business and economic information such as Bloomberg, FACTIVA and World-Check databases) or from external companies (e.g. from investigation firms).

Certain categories of data may be processed by us, including but not limited to:

- **contact information:** such as the name and (private and professional) contact details, including the telephone number, fax number, e-mail address, postal address and/or other contact information; and/or
- **information in the context of legal and/or regulatory requirements or in the context of the relationship with us**: such as the contact details, identification data (including identity documents, gender, marital status, date/place of birth and country of residence), tax identification number and/or tax status, banking details (including the account number and the account balance), type of relationship, title or function, profession, curriculum vitae, knowledge, experience, skills, wealth, risk rating, invested amount and origin of the funds, record of transactions (including the transactional behaviour), potential convictions or sanctions, complaints, copies of invoices and/or any other data processed in accordance with the applicable legal and/or regulatory requirements or in the context of the relationship with us; and/or
- **information in the context of communication and/or meetings:** such as data provided in paper or electronic correspondence, telephone and video recordings, pictures and/or any other relevant data in the context of communication and/or meetings; and/or

[1] We draw the data subject's attention to the fact that EdRE may also, as the case may be, act as processor (or sub-processor) when it processes the data directly (or indirectly) on behalf of distinct controllers, but also as joint controller.

- **information in the context of the visit of our website and/or the use of our online applications/services:** such as the data provided in written or electronic forms (e.g. contact information, function or title, the name of the entity on behalf of or for which the data subject is acting), online identifier (address IP), data traffic records, login details and/or any data provided by communicating with us through our website or via social media.

3. Why do we process the data?

We process the data for the following purposes:

- **for the purpose of our legitimate interests**

  This may include the processing of data for:

  - risk management (in particular regulatory, legal, financial and reputational risks) ; and/or
  - fraud prevention purposes ; and/or
  - the on-boarding of new clients ; and/or
  - the provision of products and services ; and/or
  - benefiting from services ; and/or
  - entering into and/or managing relationships with prospects, clients, counterparties, service providers, entities of the EdR Group and/or other third parties ; and/or
  - improvement of our products and services ; and/or
  - marketing purposes (including the organisation of marketing events and management of the related invitations); and/or
  - preventing or facilitating the settlement of any claims, disputes or litigations ; and/or
  - the exercise or defence of our rights or the rights of other natural or legal persons ; and/or
  - disclosure to our processors in order to process the relevant data on our behalf. In this context, our processors must comply with the obligations relating to the protection of personal data, in particular those set out in article 28 of GDPR.

  The provision of data for this purpose may be a requirement necessary for us to enter into a relationship, or to continue the relationship, with the relevant client or prospect, service provider, counterparty, EdR Group entity or other third party. In this case, the data subject is obliged to provide the relevant data;

and/or

- **for the execution of a contract to which the data subject is party or in order to take steps at the data subject's request prior to entering into a contract**

  This may include the form or contract signed, or to be signed, by the relevant data subject for specific purposes, including but not limited to, being contacted by us, entering into a relationship with us or being authorised to use our online services or applications (e.g. EdR Link or EdR Private e-banking). The provision of data for this purpose has a (pre)contractual nature. In this case, the data subject is obliged to provide the relevant data;

and/or

- **for the compliance with legal and/or regulatory obligations to which we are subject**

  This includes compliance with legal and/or regulatory obligations such as:

  - accounting, banking and financial; and/or
  - anti-money laundering and fight against terrorism financing; and/or
  - identification and reporting, for example under the foreign account tax compliance act ("**FATCA**") and other comparable exchange tax information mechanisms, such as the common reporting standard ("**CRS**"); and/or

- compliance with, the requests emanating from, and the requirements of, local or foreign authorities.

The provision of data for this purpose has a statutory/regulatory nature. In this case, the data subject is obliged to provide the relevant data;

and/or

- **for any other specific purposes to which the data subject has consented.**

Not providing data for the above mentioned purposes may result (to the extent applicable) in the impossibility for us (i) to enter into a relationship with the relevant client or prospect, service provider, counterparty, EdR Group entity or other third party, and/or (ii) to accept a payment or to execute a payment instruction or a transaction, and/or (iii) to provide our products or services, and/or (iv) to authorise the use of our online services or applications, and/or (v) to continue our relationship with the relevant client or prospect, service provider, counterparty, EdR Group entity or other third party.

4. Automated individual decision- making

No automated individual decision-making is conducted by us, meaning that the data subject is not subject to decisions based solely on automated processing which produce legal effects concerning him or her or similarly significantly affect him or her.

5. Recording of telephone conversations and video surveillance

- **Telephone conversations**

For the purpose of serving as evidence of commercial transactions and/or any other commercial communications and then preventing or facilitating the settlement of any disputes or litigations, the data subject's telephone conversations with and/or instructions given to us may be recorded in accordance with the applicable laws and regulations. These recordings shall not be disclosed to any third parties, unless we are compelled or entitled to do so under the applicable laws and/or regulations, in order to achieve the purpose previously mentioned in this paragraph.

- **Video surveillance**

In some jurisdictions, we may use a video surveillance system in and around our offices for security reasons and we may therefore record videos in which the data subject may appear. For additional details concerning this specific processing activity, the data subject is invited to consult the relevant information notice on video surveillance. This notice (if applicable) is available upon request by contacting us directly at the addresses specified at the end of the present Charter.

6. With whom could we share the data?

We may transfer and communicate the data to recipients, such as (to the extent applicable):

- other entities of the EdR Group (including branches and subsidiaries of the EdR Group) and in particular our mother company Edmond de Rothschild (Suisse) S.A. ; and/or
- our counterparties, nominees, contractors, sub-contractors, attorneys or service providers and/or those of our clients ; and/or

- our correspondents, the third party custodians or other third party financial institutions, the Central Securities Depositories[2], the Central Clearing Counterparties[3], any entities or investment vehicles in which our client invests (even through our nominee services) and their own service providers ; and/or
- companies carrying out investigations on our behalf ; and/or
- our external auditors, lawyers , notaries and/or those of our clients ; and/or
- any natural person or entity having an interest in, or involved in, our relationship with the relevant client, prospect, service provider, counterparty, EdR Group entity or other third party ; and/or
- external agencies or providers involved in the organisation of marketing events ; and/or
- any judicial, market, tax, law enforcement, regulatory or other administrative authorities and/or government agencies.

These recipients may process the data as processors (when processing the data on our behalf) or as controllers (when processing the data on their own behalf). These recipients may also in turn transfer the data to their own processors and/or to distinct controllers.

7. For how long do we retain the data?

We will retain the data for as long as necessary for the above mentioned purposes for which it is processed.

In general, we will store the data for a period of ten (10) years after the end of our relationship with the relevant client.

However, the data storage periods may be shorter or longer, in compliance with the applicable laws and/or regulations, in particular (i) with regard to the telephone and/or video recordings, (ii) in order to enable us to comply with our legal and/or regulatory obligations, (iii) to manage claims and/or litigations, (iv) to exercise or defend our rights or those of any other person and/or (v) to meet authorities' requests.

Further details on specific retention periods for certain processing operations, such as telephone and/or video recordings, can be obtained on request by contacting us directly at the addresses given at the end of this Charter.

8. International transfers of data

In principle, the data may be transferred to, hosted in or accessed from, a member State of the European Union.

However, the data may also be transferred to, hosted in or accessed from a country outside the European Union provided that the European Commission has acknowledged that such country ensures an adequate level of protection or one of the following conditions is met, in accordance with the applicable laws and regulations:

- the transfer is protected by appropriate safeguards ;
- the data subject has given his or her consent regarding the transfer ;
- the transfer is necessary for the performance of a contract between the data subject and us or the implementation of pre-contractual measures taken at the data subject's request ;

[2] "Central Securities Depositories" means any central securities depository, any securities settlement system, any clearing house and any book-entry securities system as designated for the purpose of Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems and any third-country securities settlement systems including (without limitation) Clearstream, Euroclear, the Depository Trust Company and CrestCo.

[3] "Central Clearing Counterparty" means any market clearance facility, settlement system, dematerialised book-entry system or similar facility, system or depository.

- the transfer is necessary for the conclusion or performance of a contract concluded, in the data subject's interest, between us and another natural or legal person ;
- the transfer is necessary for important reasons of public interest ;
- the transfer is necessary for the establishment, exercise or defence of legal claims ;
- the transfer is required by a court, a tribunal or an administrative authority of the third country, whose judgment or decision is recognized or enforceable ; or
- the transfer is not repetitive, concerns only a limited number of data subjects, is necessary for the purposes of our compelling legitimate interests (as notified to the data subject) which are not overridden by the interests or rights and freedoms of the data subject, and in this case, suitable safeguards with regard to the protection of the data have been taken.

You can obtain more information on these international transfers, including a copy of the appropriate or suitable safeguards mentioned above, by directly contacting us at the addresses indicated at the end of this Charter.

9. Data Security

EdRE implements appropriate technical and organizational measures depending on the nature of the personal data and the risks associated with its processing, to ensure the security, confidentiality and integrity of such data.

10. The data subject's rights

Under certain conditions set out by the applicable data protection laws and/or regulations, each data subject has the right:

- to access his/her data and to know, as the case may be, the source from which his/her data originates and whether such data came from publicly accessible sources ; and
- to ask for a rectification of his/her data in cases where such data is inaccurate and/or incomplete ; and
- to ask for a restriction of processing of his/her data ; and
- to object to the processing of his/her data ; and
- to ask for the erasure of his/her data ; and
- to data portability with respect to his/her data.

Further details regarding the above rights are provided for in Chapter III of GDPR and in particular articles 15 to 21 of GDPR.

The data subject is also entitled to withdraw at any time his or her consent regarding any specific processing to which he or she has consented, without affecting the lawfulness of processing based on consent before his or her withdrawal.

In addition to the rights listed above, should a data subject consider that we do not comply with the applicable data protection laws and/or regulations, or has concerns with regard to the protection of his or her data, the data subject is entitled to lodge a complaint with a supervisory authority (within the meaning of GDPR).

- In **Luxembourg**, the competent supervisory authority is the ***Commission nationale pour la protection des données (CNPD)*** (www.cnpd.public.lu) ;
- In **Belgium**, the competent supervisory authority is ***Autorité de protection des données (APD)*** (www.autoriteprotectiondonnees.be) ;
- In **Spain**, the competent supervisory authority is ***Agencia Española de Protección de Datos (AEPD)*** (www.aepd.es) ;
- in **Italy**, the competent supervisory authority is ***Il Garante per la protezione dei dati personali (Il Garante del privacy)*** (www.garanteprivacy.it) ;
- in **Portugal**, the competent supervisory authority is ***Comissão Nacional de Protecção de Dados (CNPD)*** (www.cnpd.pt).

11. Contacting us

For any queries concerning the processing of data described under this Charter or to exercise the above-mentioned rights, the data subject may contact us at the following postal address: 4, rue Robert Stumper, L-2557 Luxembourg, Grand Duchy of Luxembourg, to the attention of our data protection officer, or by e-mail to **dpo-eu@edr.com**.

For any questions or requests related to the processing of personal data carried out by the Italian branch of EdRE, the data subject may contact the data protection officer at the following postal address: Avvocato Adriano Vinci, Eddystone S.r.l., Via della Moscova 40/7, 20121 Milan, Italy, or by email to **_EDRItalia_Dpo@edr.com**.

12. Final provision

This Charter may be amended from time to time. The latest applicable version of this Charter is published on the website www.edmond-de-rothschild.com, in the Cookies & Personal Data section (located at the bottom of the website).