

## Processing of Personal Data by BIL Manage Invest S.A.

BIL Manage Invest S.A. (“**BMI**”), as “**Data Controller**” (namely the entity that determines the purposes and the means of processing of personal data), collects and processes the personal data (namely any information relating to an identified or identifiable natural person, the “**Personal Data**”) of :

- Each of their clients, and
- Any person (including prospects, investors, directors, employees, intermediaries, etc.) whose Personal Data is to be collected and processed by BMI in the ambit of its mission.

The following applies to all of the above persons (the “**Data Subject**”).

This note on processing of Personal Data (i) describes BMI’s obligations as Data Controller and the rights of each Data Subject regarding the processing of their Personal Data, and (ii) provides the legally requisited information in this regard.

BMI processes Personal Data in accordance with the amended 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, and repealing Directive 95/46/EC (General Data Protection Regulation, hereinafter the “**Regulation**”).

### 1 Categories of Personal Data processed by BMI

The following categories of Personal Data, depending on the services for which the Data Subjects are registered, will be collected and used by BMI in the performance of its business operations:

- (i) personal identification data (e.g. name, address, phone numbers);
- (ii) personal details (e.g. gender, date of birth);
- (iii) official identification data (e.g. ID card number);
- (iv) electronic identification data (e.g. email address, IP address, electronic signature);
- (v) biometric identifiers (e.g. dynamic signature);
- (vi) bank and financial identification data (e.g. bank account numbers and credit card numbers);
- (vii) financial transactions;
- (viii) data relating to the Data Subject’s financial situation (e.g. income, wealth, assets, loans, expenses);
- (ix) insurance related data (e.g. insurance company, type of insurance, amounts insured); and
- (x) data relating to the person in question’s business affairs (e.g. identity of legal representatives and other business contacts);

## **2 Purposes of the processing of Personal Data**

The Data Subject's Personal Data will or may be processed by BMI, depending on the services for which the Data Subject is registered:

- (i) to the extent that such processing is necessary for the performance of the contracts between BMI and the Data Subject or in order to take steps at the request of the Data Subject prior to entering into a contract. In particular, the Personal Data will be processed for the implementation, administration and management of the contractual relationship and for the purpose of updating Data Subject information;
- (ii) to the extent that such processing is necessary to comply with a legal obligation to which BMI is deemed for regarding clients and prospects, including in particular regulations relating to (i) the management of complaints from Data Subjects, (ii) reporting obligations vis-à-vis the relevant Luxembourg and foreign authorities, (iii) good risk management by BMI, (iv) measures to combat money laundering and financing of terrorism (v) and KYC obligations;
- (iii) to the extent that this processing is necessary to comply with a legal obligation to which BMI is deemed for, including issuing invoices for services provided to Data Subjects;
- (iv) to the extent that this processing is necessary in BMI's legitimate interest in managing the relationship with prospects or constantly updating its services in line with the needs of its Data Subject, in particular in connection with offerings intended to supplement the services for which the Data Subject is already registered and, accordingly, in order to develop commercial, canvassing and marketing strategies relating to services promoted by BMI.

## **3 Third-party Personal Data**

A Data Subject who provides BMI with third-party Personal Data (in particular those of family members and representatives of his or her employer) must obtain permission from said third parties, and inform them that BMI processes Personal Data for the same purposes and in the same way as described in this letter on the processing of Personal Data.

## **4 Collection and processing of Personal Data**

BMI collects only such information as is necessary for the performance of its business operations and only within the framework of the service it provides to its Data Subject.

Personal Data are collected from Data Subject and from third parties (for example, depending on the services provided, from duly instructed lawyers and notaries, national authorities).

Any refusal to disclose Personal Data to BMI or refusal to allow BMI to process such data, while being left to the discretion of the Data Subject, may in some cases impede the continuation of relations with BMI, or preclude the provision of certain products or services by BMI.

## Persons with access to Personal Data and the objective of such access

A Data Subject's Personal Data may be transferred by BMI to the following categories of third parties:

- (i) other professional of the financial sector, including in particular Transfer Agent, Central Administration and Custodian bank;
- (ii) external service providers whose participation is necessary for the provision of services to Data Subject, in particular in the information technologies and communication sector.

These recipients of Personal Data may act as Data Controllers or processors and must comply with the legal and/or contractual obligations regarding the protection of Personal Data, including applicable professional secrecy or confidentiality obligations.

BMI may also transfer Personal Data, if it is required to do so pursuant to a legal or regulatory obligation or if required to do so by a public authority within the limits defined in law.

In accordance with legal and regulatory obligations concerning the automatic exchange of information with participating countries, BMI or its delegate for this purpose may have to disclose some Personal Data relating to the Data Subject's tax residence status to the Luxembourg tax authorities. The Luxembourg tax authorities may disclose the data communicated by BMI to each competent foreign tax authority in accordance with applicable legal and regulatory requirements.

In certain jurisdictions, the legal and regulatory provisions applicable to transactions involving financial instruments and similar rights require disclosure of the identity of the (in)direct holders or the beneficial owners of these instruments and their positions in said instruments. Non-compliance with these obligations may result in the financial instruments being blocked (where applicable, with the effect that voting rights may not be exercised, dividends and other rights may not be received, the financial instruments may not be sold or otherwise disposed of) or in the imposition of any other penalties or restrictive measures provided for in the aforementioned provisions.

In the event of an investment in this type of financial instrument, Data Subject must comply with applicable legal and regulatory provisions. To this end, the Data Subject expressly acknowledges that BMI may have to disclose, at its discretion or upon proper request, the identity of the Data Subject and/or of the beneficial owner as well as their positions in said financial instruments.

Professional secrecy prevents BMI from acting as an intermediary for the collection and disclosure of the aforementioned information to third parties, except on the Data Subject's express instructions or if legally required to do so.

In principle, the Personal Data of Data Subject are stored by BMI in the Grand Duchy of Luxembourg. BMI will only transfer a Data Subject's Personal Data outside the European Economic Area ("EEA") if it is required to do so pursuant to a legal or regulatory obligation or by a duly empowered public authority or, more generally, within applicable legal limits. In such cases, BMI will satisfy itself that an adequacy decision has been adopted by the European Commission or, where applicable, that suitable guarantees are in place (for example: the adoption of standard data protection clauses, adherence to a code of conduct or certification).

**Data Subject's rights**

Every Data Subject has the right to access his or her Personal Data and to obtain a copy of them and, if such Personal Data are incomplete or incorrect, to have them rectified.

Data Subject also have the right to restrict the processing of their Personal Data, the right to object to their use and the right to have them erased by the Data Controller, under the conditions and within the limits specified in the Regulation and resulting in particular from BMI's legal and contractual obligations. In all cases, Data Subject may object to the processing of their Personal Data for direct marketing purposes, without giving any reason.

In accordance with the Regulation, Data Subject will also have the right to their Personal Data portability, namely the right to receive their Personal Data or to require such data to be communicated to another data controller in a structured, commonly used and machine-readable format.

The Data Subject may withdraw at any time the consent given by him or she where BMI should have required such consent beforehand for the processing of his or her Personal Data. The legality of the processing based on the consent granted before its withdrawal will not be affected.

In order to exercise the aforementioned rights, the Data Subject may submit a written, signed request, with proof of his or her identity, addressed to the BIL Group's Data Protection Officer, by email to [dpo@bil.com](mailto:dpo@bil.com), by post to Banque Internationale à Luxembourg – To the attention of the Data Protection Officer – 69, route d'Esch, L-2953 Luxembourg. If a Data Subject is not satisfied with the reply, he or she may lodge a complaint with the Luxembourg National Commission for Data Protection (<https://cnpd.public.lu/en/particuliers/faire-valoir/formulaire-plainte.html>).

**Period of retention of Personal Data**

Personal Data will be stored by BMI for no longer than is necessary for the purposes for which the Personal Data are processed by BMI and in accordance with its legal obligations.

Any personal data relating to clients will be stored for a 10-year period upon termination of the contractual relationship with BMI.

As of personal data processing activities carried out for complying with legal obligation, the personal data will be erased 10 years upon termination of the contractual relationship with the client.

The prospects' personal data will be erased from BMI's information systems and archives 2 years after the last interaction, except for personal data relating to legal obligations (such as AML/KYC obligations) which will be erased 10 years after the last interaction.