

## Privacy Statement – May 2020

Equinox AIFM S.A. (the "**Company**", "**we**", "**us**", "**our**") is required by Data Protection Legislation (as defined below) to provide individuals with certain information about how their personal information are handled.

This Privacy Statement explains what personal information we collect or you (any Data Subject in relation with the Company, see below) may provide to us, how we process it and with whom we share it. This Privacy Statement also sets out your rights and who you can contact for more information.

In this Privacy Statement:

- your personal information is also referred to as "**Personal Data**";
- "**You**" refers to each Data Subject to whom this notice is addressed, who may be a Client or prospective Client of ours, a visitor to the Company's website, an employee, director, officer or representative of another organization with which we have a business relationship, or any other Data Subject whom we may be in relation with;
- we may also sometimes collectively refer to handling, collecting, protecting and storing your personal data as "**processing**" such personal data; and
- the term "**Data Protection Legislation**" means the EU General Data Protection Regulation 2016/679 (the GDPR) and the law of 1st August 2018 on the organization of the National Commission for Data Protection and the general regime on data protection, as may be amended or replaced.

### 1. Categories of Personal Data processed

As data controller, we may collect, record and use information that personally identifies you in physical and electronic form and will hold, use and otherwise process the data in accordance with Data Protection Legislation and as set out in this Privacy Statement. The Personal Data we process depends on the context of your interactions with the Company.

The Personal Data we collect and process may include, but is not limited to, the following:

- information obtained from identification documentation (including your name, email address, telephone number, address (including city, postcode and country), nationality and national identity numbers (where applicable));
- your professional title and occupation;
- your age, date of birth and marital status;
- financial information, tax status, bank account details, evidence of ownership of financial assets, and details of transaction as well as details related to regulatory disclosures (gifts and entertainment);
- personal identifiers such as your social security number, national insurance number or tax file number;
- other information you provide in the course of your dealings with us or which we require you to provide so that we can provide you with products and services.

Further to the categories of Personal Data mentioned above, the Company guarantees that, except to the limited extent that may be necessary in the context of employment, we neither request nor collect special categories of Personal Data (i.e., personal information specifying criminal offences/convictions, medical or health conditions, biometric or genetic data, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or information specifying the sex life of the individual).

### 2. How we collect Personal Data

This Privacy Statement applies to Personal Data, which is information that we collect from you and other third parties that specifically identifies you as an individual. We may collect your Personal Data

in various manners.

### **3. Ways of collecting your Personal Data**

The Personal Data we collect comes from:

- Information that we automatically collect when you use our Website: when you use our Website, we automatically collect, through Cookies, the following information:
  - Recalling if you visited the Website before. If you are a first-time user, you might see different content compared to a regular user.
  - Remembering your preferences and settings, including marketing preferences
  - Remembering your specific preferences, such as if you filled in a survey, so you are not asked to do it again.
  - Gathering anonymous statistics about users (only high-level information like country, repeated visits...).
  
- Personal Data that we collect when you do business with the Company and/or when you enter into a contractual relationship with the Company: we may collect and process your Personal Data when you conduct business and/or enter into a contract with us (identification and contact details).
  - Application forms or other materials you or your authorized representative submits to us;
  - Your or your authorized representative's interactions with the Company, transactions and use of our products and services;
  - Your or your authorized representative's business dealings with the Company, including via email, telephone or as stated in contracts with you;
  - Depending on the products or services you or your authorized representative requires, third parties (including for credit and money laundering checks, among other things); and
  - Recording and monitoring tools that we use for compliance or security purposes (e.g. monitoring emails, etc.).
  
- Personal Data we obtain from other sources: we also may periodically obtain both personal and non-personal information about you from our affiliates, business partners or other third-party sources where they are legally permitted to share such information with us, and add it to the information we already hold about you, such as, but not limited to:
  - Updated business address information;
  - Identification data;
  - Financial information;
  - Contractual information;
  - Testing information.
  
- Personal Data that we collect when you apply online for employment: you may submit Personal Data to be considered for employment at the Company, which we use such solely for consideration of your candidacy for employment, to communicate with you and to generate related correspondence, including offer letters and employment contracts. Such data may also be used, subject to applicable local laws, to conduct necessary background checks for compliance and other employment related purposes (including the assessment of your profile in view of the conclusion of a potential employment contract, to the extent permitted by applicable laws and regulations).

You are not obliged to provide us with your Personal Data where it is requested. However, please note that we may be unable to provide certain products and services or proceed with your business relationship with the Company if you do not do so.

### **4. Purpose for collection, use and processing of Personal Data**

For processing to be lawful under the Data Protection Legislation, a lawful basis needs to be identified before processing Personal Data.

We use or may use your Personal Data for the following purposes (or as otherwise described at the point of collection) in line with the lawful basis provided under the Data Protection Legislation:

- To provide you with the Product or Service you have requested, including facilitating, recording, managing and administrating your holding of shares in the funds, having transactions processed, as well as any related administration on an on-going basis;
  - Processing is necessary for the performance of a contract with the Data Subject and/or for the legitimate interests of the Company.
- To provide you with information, access to resources or other Products or Services that you have requested from us on behalf of your organization;
  - Processing is necessary for the performance of a contract with the Data Subject and/or for the legitimate interests of the Company.
- To send you client service-related communications (marketing);
  - Processing is necessary for the purposes of the legitimate interests pursued by the Company.
- To deal with communications that you send to the Company and responding to your queries, requests and complaints;
  - Processing is necessary for the performance of a contract to which the Data Subject is party or in order to take steps at the request of the Data Subject prior to entering into a contract; and/or
  - Processing is necessary for compliance with a legal obligation.
- To carry out anti-money laundering checks and related actions which are necessary to comply with legal obligations, in relation to, the prevention of fraud, money laundering, terrorist financing, bribery, corruption, tax evasion and to prevent the provision of financial and other services to persons who may be subject to economic or trade sanctions, on an on-going basis;
  - Processing is necessary for compliance with a legal obligation.
- To fulfil our legal obligations namely in respect to our social, accounting and corporate obligations;
  - Processing is necessary for compliance with a legal obligation.
- To consider your candidacy for employment, to communicate with you and to generate related correspondence, including offer letters and employment contracts.
  - Processing is necessary for the purposes of the legitimate interests pursued by the Company.
- To manage the infrastructure and business operations of the Company and to comply with internal policies and procedures;
  - Processing is necessary for the purposes of the legitimate interests pursued by the Company or by a third party.
- To comply with any applicable rules, laws and regulations or to assist in law enforcement and investigations by relevant authorities;
  - Processing is necessary for compliance with a legal obligation.
- To ensure the good functioning of the website;
  - Processing is necessary for the purposes of the legitimate interests pursued by the Company or by a third party.

## 5. With whom we share your Personal Data with

We may share your personal information with the following categories of recipients who may receive it and process it for the purposes outlined in this Privacy Statement:

- representatives, agents, custodians, intermediaries and/or other third party product providers appointed by you;
- third party agents and contractors for the purposes of them providing services both to us and to you (for example, professional advisers and IT and communications providers). We will ensure that these third parties will be subject to appropriate data protection obligations;

- any depository, stock exchange, clearing or settlement system, counterparties, dealers and others where disclosure of your personal information is reasonably required for the purpose of effecting, managing or reporting transactions on your behalf or establishing a relationship with a view to such transactions;
- any regulatory, supervisory or governmental authorities to the extent we are required by law or regulation to do so, or in other limited circumstances (for example if required by a court order or regulatory authority, or if we believe that such action is necessary to prevent fraud) or to establish, exercise or defend our legal rights; and
- tax authorities.

The Company does not undertake marketing activities for third parties, nor does it provide information to third parties for their own marketing purposes.

## **6. Transferring data**

Where we transfer your personal data to another country, it will be protected and transferred in a manner consistent with the Data Protection Legislation.

## **7. What your rights are as Data Subject**

In the circumstances where we collect, use or store your personal information, as outlined in this Privacy Statement, you may have the following rights free of charge:

- to be informed about the processing of your Personal Data (i.e. for what purposes, what types, to what recipients it is disclosed, storage periods, any third party sources from which it was obtained, confirmation of whether we undertake automated decision-making, including profiling, and the logic, significance and envisaged consequences);
- to request access to or a copy of any Personal Data which we hold about you;
- to request rectification of your Personal Data, if you consider that it is inaccurate or incomplete;
- to ask us to delete your Personal Data, if you consider that we do not have the right to hold it (please note that there may be circumstances where you ask us to erase your personal information but we are required or entitled to retain it);
- to withdraw your consent to our processing of your Personal Data (please note that we may still be entitled to process your Personal Data if we have another legitimate reason for doing so. For example, we may need to retain your personal data to comply with legal or regulatory obligations or to satisfy our internal audit requirements);
- to restrict processing of your Personal Data;
- where applicable, to request data portability (moving some of your personal data elsewhere) in certain circumstances;
- to object to your Personal Data being processed in certain circumstances;
- the right to lodge a complaint with the Commission Nationale pour la Protection des Données (the "CNPD") if you think that any of your rights have been infringed by us, at the following address: 1, Avenue du Rock'n'Roll, L-4361 Esch-sur-Alzette, Grand-Duchy of Luxembourg; or with any competent data protection supervisory authority in their EU Member State of residence.

Any request for access to or a copy of your personal data must be in writing and we will endeavor to respond within a reasonable period and in any event within one month in compliance with the Data Protection Legislation. We will comply with our legal obligations as regards your rights as a data subject. We will correct any incorrect or incomplete information of which we are made aware and will stop processing your personal data, or erase it, where there is no legal reason for us to continue to hold or use that information.

We aim to ensure that the information we hold about you is accurate at all times. To assist us in ensuring that your information is up to date, do let us know if any of your personal details change.

## **8. How long we keep your Personal Data**

We will only keep the information we collect about you for as long as required for us to comply with any legal obligations to which we are subject being the longest of the following periods:

- as long as is necessary for the relevant activity or as long as is set out in any relevant agreement you enter into with us;
- the length of time it is reasonable to keep records to demonstrate compliance with professional or legal obligations;
- any retention period that is required by law; or
- the end of the period in which litigation or investigations might arise in respect of your relationship with us.

This will involve us regularly reviewing our files to check that information is accurate, up-to-date and still required.

#### **9. How we protect your Personal Data**

We ensure that there are appropriate technical, physical, electronic, and administrative safeguards in place to protect your personal information from unauthorized access. The Company has controls and mechanisms in place designed to detect, respond and recover in case of any adverse events that may arise.

#### **10. Changes to the Privacy Statement**

This Privacy Statement may be amended from time to time without notice, in which case the date of this Privacy Statement will be revised.

If our Privacy Statement changes in any way, we will place an updated version on the Company's website. Regularly reviewing the Privacy Statement on the Company's website ensures that you are always aware of what information we collect, how we use it and under what circumstances, if any, we will share it with other parties.

#### **11. How to contact us**

Questions, comments and requests regarding this Privacy Statement should be addressed by email or by post at the registered address of the Company Equinox AIFM.

You may also use these contact details if you wish to make a complaint relating to your privacy.