

## CLIENT PRIVACY NOTICE

### 1. INTRODUCTION

#### 1.1 We value your privacy

MUFG Lux Management Company S.A. (the "**Company**" or the "**Controller**") and its affiliates and service providers, as data processor on behalf of the Controller (the "**Processors**"), will collect, store, use, disclose or otherwise process personal information (i.e. any information relating to an identified or identifiable natural person) (the "**Personal Data**") of individuals (the "**Individuals**") linked to its customers (such as employees, managers, board members, signatories, ultimate beneficial owners, individual shareholders, etc.).

The Controller and the Processors will process Personal Data in accordance with Regulation (EU) 2016/679 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 (the "**General Data Protection Regulation**", "**GDPR**"), as amended or replaced from time to time, as well as any applicable law or regulation relating to the protection of personal data (together the "**Data Protection Law**").

The Controller and Processors collect and use Personal Data for the purposes of providing the customer services (the "**Services**"), managing customer relations and complaints, managing, testing, securing and optimising their systems and in compliance with legal or regulatory obligations (including tax reporting), based either on the necessity for the provision of the Services, legal obligations or their legitimate interests.

The Controller and Processors may also use personal data for marketing purposes (such as market research or in connection with investments), based on their legitimate interests or as required, based on consent.

Personal Data processed includes mainly identification details, including professional details, financial information necessary for the provision of the Services, legal reporting and KYC/AML related information and is kept for a period of up to ten (10) years after the end of the customer relationship.

Personal Data may be shared by the Controller and Processors with affiliates, service providers and third parties (including authorities), acting as controllers or processors, some of which are not located within the European Economic Area ("**EEA**"), in countries that may not provide the same level of personal data protection than the EEA. In such cases, appropriate safeguards are put in place.

The following Privacy Notice includes the details of the purposes of data processing, types of data processed, of individuals concerned, Processors used, disclosures made, transfers of data abroad and individual's rights in relation to their Personal Data as well as the contact details as to where further requests and complaints may be made.

This Client Privacy Notice as may be amended from time to time can be found on the following link: <http://www.lu.tr.mufg.jp/lmsa/>.

## 1.2 Electronic storage

The Controller and Processors may store and process, by electronic or other means, Personal Data of Individuals on computer systems.

## 2. COUNTERPARTIES

### 2.1 Controller

Personal Data provided or collected in connection with the contractual or business arrangements between the Client and the Company may be processed by the Company as data controller (i.e. the “**Controller**”).

Further entities may process Personal Data of data subjects as data controllers in the course of the performance of the Services by the Company, such as local and foreign authorities, courts, governmental or regulatory bodies, including tax authorities.

### 2.2 Processors

Mitsubishi UFJ Investor Services & Banking (Luxembourg) S.A. (the “**Bank**”) processes Personal Data of Individuals as a Processor on behalf of the Controller. The Bank's Privacy Notice with further details as to the Bank's role as Processor can be found at: <http://www.lu.tr.mufg.jp/about/privacynotices.html>.

Further entities (also Processors) may process Personal Data of Individuals on behalf of the Controller or the Bank, in particular their affiliates and own service providers such as auditors, legal, financial or technical advisers.

The Processors act as data processor on behalf of the Controller and, in certain circumstances, as data controller, in particular for managing, testing, securing and optimising their systems and compliance with their own legal obligations in accordance with applicable laws and regulations (such as anti-money laundering identification) and/or order of competent jurisdiction.

## 3. DATA SUBJECTS

The Controller and the Processors process Personal Data of Individuals connected to the Client, such as employees, managers, board members, signatories, ultimate beneficial owners, individual shareholders, etc.

## 4. PERSONAL DATA PROCESSED

Personal Data on Individuals processed by the Controller and Processors includes the following categories, without limitation:

- Personal identification data, including electronic identification data and identification data issued by public authorities (e.g. passport or national ID)
- Bank and financial data, such as account numbers
- Tax information
- Personal details such as gender, age, date and place of birth, etc.

- Education
- Professional and employment details such as employer, position, professional contact details
- Judicial data, criminal records, criminal offences or convictions and similar
- Political status
- Images and sound
- Any other Personal Data that is necessary to the Controller and the Processors for the purposes described in this Privacy Notice.

## **5. SOURCE OF PERSONAL DATA**

Personal Data is collected directly from the Individuals, from the Client or may be collected through publicly accessible sources including company and trade registers in relevant jurisdictions or other third party data sources such as European, national or foreign authorities (e.g. sanctions lists) or screening databases such as Thomson Reuters World-Check.

## **6. PURPOSES OF DATA PROCESSING**

Personal Data may be processed for the purposes of:

- (a) Providing client services such as
  - (i) Account opening
  - (ii) Transaction management
  - (iii) Payment of director's fees
  - (iv) Delivery of physical certificates
  - (v) Verification of transfer agent registers
  - (vi) Payment of fund invoices
  - (vii) Providing domiciliation and corporate services
  - (viii) Contract notes
  - (ix) Client reporting
  - (x) Authorized signature collection and control
  - (xi) Cash transfers
  - (xii) Shareholder notices
  - (xiii) Shareholder meetings
  - (xiv) Proxy voting

- (xv) Corporate actions
- (xvi) Dividend distribution
- (b) Managing client communications, relations and complaints
- (c) Strategic marketing (such as market research or in connection with investments)
- (d) In-house legal advice and litigation management
- (e) Managing, testing, securing and optimising the Company's systems and infrastructure, through measures such as:
  - (i) Managing IT assets
  - (ii) Controlling building access
  - (iii) Video surveillance
  - (iv) Maintaining and using document archiving systems
  - (v) Managing access rights
  - (vi) Testing system and applications
  - (vii) Monitoring email systems
  - (viii) Managing technical incidents and providing user support
  - (ix) Maintaining and using incident and threat management systems
  - (x) Ensuring business continuity and disaster recovery
  - (xi) Applying whistleblowing processes

Personal Data may also be processed to comply with legal or regulatory obligations including, but not limited to

- (i) legal obligations under applicable fund law;
- (ii) internal and external audits;
- (iii) prevention of terrorism financing law;
- (iv) anti-money laundering law (such as carrying out customer due diligence);
- (v) prevention and detection of crime;
- (vi) tax law (such as reporting under the FATCA and the CRS Law (as applicable)).

## 7. PROCESSING GROUNDS

The Controller and Processors may collect, use, store, retain, transfer and/or otherwise process Personal Data:

- (a) as a result of the entering into a business and/or customer relationship between the Company and the Client, where necessary to perform the Services, to enter into contact and communicate in general and/or;
- (b) to comply with a domestic legal or regulatory obligation of the Controller or the Processors and/or;
- (c) for the purposes of the legitimate interests pursued by the Controller or by the Processors, which mainly consist in
  - (i) the performance of the Services, to enter into contact and communicate in general in the event where the Personal Data is not directly provided by the Individuals;
  - (ii) the management, testing, securing and optimising of their systems and infrastructure;
  - (iii) the management of client communications, relations and complaints;
  - (iv) marketing, invitation to events, newsletters and similar communications;
  - (v) strategic marketing (such as market research or in connection with investments), unless consent is required;
  - (vi) the provision of in-house legal advice and management of contentious proceedings;
  - (vii) compliance with foreign laws and regulations and/or any order of a foreign court, government, supervisory, regulatory or tax authority.
- (d) pursuant to the Individuals' consent, for strategic marketing purposes, where the legitimate interests pursued by the Controller or by the Processors do not suffice. In such case, Individuals may withdraw their consent for the future at any moment using the contact details in clause 13 below.

## 8. RECIPIENTS OF PERSONAL DATA

Personal Data may be disclosed to and/or transferred to by the Controller and Processors to their affiliates and service providers, as well as any court, governmental or regulatory bodies including tax authorities (i.e. the “**Authorised Recipients**”).

The Authorised Recipients may act as data processor on behalf of the Controller or, in certain circumstances, as data controller for pursuing their own purposes.

The Client acknowledge that the Authorised Recipients, including the Processors, may be located outside of the EEA in countries which are not subject to an adequacy decision of the European Commission and which do not offer the same level of data protection as in the EEA or where data protection laws might not exist.

## **9. INTERNATIONAL DATA TRANSFERS**

The Controller undertakes not to transfer the Personal Data to any third parties other than the Authorised Recipients, except as disclosed to the Client from time to time or if required or permitted by applicable laws and regulations, including Data Protection Law, or by any order from a court, governmental, supervisory or regulatory body, including tax authorities.

By entering into a relationship with the Company, the Client acknowledges that Personal Data may be processed for the purposes described above and in particular, that the transfer and disclosure of Personal Data may take place to countries which do not have equivalent data protection laws to those of the EEA, including the Data Protection Law, or that are not subject to an adequacy decision of the European Commission.

These countries include the countries listed on the website of EU Commission. The Controller may transfer Personal Data to the Authorised Recipients (i) on the basis of appropriate safeguards according to Data Protection Law, such as standard contractual clauses, binding corporate rules, an approved code of conduct, or an approved certification mechanism or, (ii) for the performance of the Services or for the implementation of pre-contractual measures taken at the Company's request or, (iii) for the Processors to perform their services rendered in connection with the Services or, (iv) for important reasons of public interest or, (v) for the establishment, exercise or defence of legal claims or, (vi) where the transfer is made from a register which is legally intended to provide information to the public or, (vii) for the purposes of compelling legitimate interests pursued by the Controller or the Processors, to the extent permitted by Data Protection Law.

## **10. MANDATORY DATA PROCESSING**

Answering questions and requests with respect to certain Individuals' identification, FATCA and/or CRS is mandatory. The Client acknowledges and accepts that failure to provide relevant personal data requested by the Controller or Processors in the course of their relationship with the Client may prevent them from such relationship and may be reported to the relevant Luxembourg authorities.

Clients acknowledge that the Controller or Processors may report any relevant information in relation to their transactions with the Company to the Luxembourg tax authorities (*Administration des Contributions Directes*) which will exchange this information on an automatic basis with the competent authorities in the United States or other permitted jurisdictions as agreed in the FATCA, CRS or similar legislation, at OECD and EU levels or equivalent Luxembourg legislation.

## **11. DATA SUBJECT RIGHTS**

Each Individual may request (i) access to, rectification, or deletion of, any incorrect Personal Data concerning him/her, (ii) a restriction of processing of Personal Data concerning him/her and, (iii) to receive Personal Data concerning him/her or to transmit those Personal Data to another controller in accordance with Data Protection Law and (iv) to obtain a copy of or access to the appropriate or suitable safeguards which have been implemented for transferring the Personal Data outside of the EEA, in the manner and subject to the limitations prescribed in accordance with Data Protection Law. In particular, Individuals may at any time object, on request and free of charge, to the processing of Personal Data concerning them for any processing carried out on the basis of the legitimate interests of the Controller or Processors.

## **12. CONTACT DETAILS AND SUPERVISORY AUTHORITY**

For any information related to the processing of their Personal Data by the Controller or the Processors under this Privacy Notice, Individuals can contact MUGL Lux Management Company S.A. via post mail to the attention of the "data protection team" at 287-289, Route d'Arlon, L-1150 Luxembourg, Grand-Duchy of Luxembourg, or via email at: [dataprotection\\_mugl@lu.tr.mugl.jp](mailto:dataprotection_mugl@lu.tr.mugl.jp).

In case an Individual wants to formulate a complaint in terms of the data processing under this Privacy Notice, such complaint should also be addressed to the above contact details. Should the Controller not be able to resolve such complaint and in any event, the Individual may address a complaint to the supervisory authority, the *Commission Nationale pour la Protection des Données* ("CNPD"). Further details on the complaint process can be found at <https://cnpd.public.lu/en/particuliers/faire-valoir.html>

## **13. RETENTION PERIODS**

Personal Data is held until the Client ceases to be a client of the Company and a subsequent period of ten (10) years thereafter where necessary to comply with applicable laws and regulations or to establish, exercise or defend actual or potential legal claims, subject to the applicable statutes of limitation, unless a longer period is required by applicable laws and regulations. In any case, Personal data will not be held for longer than necessary with regard to the purposes described in this Privacy Notice, subject always to applicable legal minimum retention periods.