



FIDUCENTER

FUND AND CORPORATE SERVICES

DATA PROTECTION POLICY

FIDUCENTER S.A., a "*société anonyme*" established under the laws of the Grand-Duchy of Luxembourg, having its registered office at L-1449 Luxembourg, 18 rue de l'Eau, registered with the Luxembourg Trade and Companies Register under number B62780 (hereinafter "**FIDUCENTER**") is committed to handling personal data in compliance with the applicable laws to the processing of personal data and, in particular, 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 (hereinafter the "**General Data Protection Regulation**" or the "**GDPR**") and national relevant legislations, in particular, the Luxembourg law of 1 August 2018 on the organization of the *Commission Nationale pour la Protection des Données* (the "**CNPD**") and on the general system of data protection as well as all other national laws or regulations implementing the GDPR that may be applicable, as the case may be (the "**Data Protection Laws**").

FIDUCENTER aims also at dealing promptly and efficiently with any concerns relating to its processing of personal data and/or non-compliance with the present data protection policy (the "**Data Protection Policy**").

1. SCOPE AND PURPOSE

1.1 FIDUCENTER needs to collect and process certain information about natural persons who can be identified from that information, whether directly or indirectly, and in particular by reference to one or more factors specific to their physical, physiological, mental, economic, cultural or social identity ("**Personal Data**"). These can include customers, suppliers, partners, business contacts, employees, and more.

All the data FIDUCENTER can collect through its relationships with third parties is listed in company's Data Register.

1.2 This Data Protection Policy defines how these Personal Data must:

- (i) be collected, processed, handled and stored to meet FIDUCENTER's data protection standards.
- (ii) be collected, processed, handled and stored to comply with the relevant Data Protection Laws.

1.3 This Data Protection Policy ensures FIDUCENTER:

- (i) complies with the relevant Data Protection Laws;
- (ii) protects the rights of data subjects; and



(iii) protects itself from data breach's risks.

1.4 This Data Protection Policy applies in addition to the provisions foreseen in others documents such as but not limited to :

- the confidentiality provisions that may be included in the employment agreement;
- the specific employee data protection policy, if any;
- any other document dealing with the protection of Personal Data.

2. SCOPE OF THE DATA PROTECTION POLICY

The Data Protection Policy applies to all members, employees and former employees of FIDUCENTER, including the trainees and interim staff ("**Employee(s)**") and, overall, all Personal Data held by FIDUCENTER relating to identifiable individuals.

3. RESPONSIBILITIES

3.1 Everyone who works for FIDUCENTER could be faced to, and have to handle with, Personal Data. Consequently, everyone who works for FIDUCENTER shall contribute to ensure data is collected, stored and handled appropriately.

3.2 Each Employee that handles Personal Data must ensure that it is handled and processed in line with this Data Protection Policy and data protection principles:

- the only people able to access Personal Data covered by this Data Protection Policy should be those who need it for their work;
- Personal Data should not be shared informally;
- internal training to all Employees will be implemented to help them to understand their responsibilities when handling data;
- Employees shall keep all data secure i.e. use of strong passwords, no disclosure of Personal Data to unauthorized people internally or externally;
- regular review and update of Personal Data and deletion when no longer required;
- Employees should request help from their manager if they are not sure about any aspect of data protection.

3.3 In addition, each Employee that handles Personal Data:

- shall report data breaches he/she has knowledge of immediately after becoming aware of it, as mentioned in Section 6 hereinafter;
- shall, in case of relationship with a data processor, (i) regularly review the contracts concluded with such data processor he/she is aware of and (ii) inform his/her manager in case of data protection provision missing in the contracts concluded with such data processor, as mentioned in Section 7 hereinafter.



3.4 In case of violations of the Data Protection Policy by an Employee, FIDUCENTER should take all disciplinary appropriate measures, including a dismissal for gross misconduct, without any prejudice to any legal action in order to claim the damages caused by the Data Protection Policy violations.

4. PROCESSING PRINCIPLES

4.1 The Data Protection Laws lay down legal obligations for FIDUCENTER on how collecting, handling and storing Personal Data.

4.2 The rules apply whether data is stored electronically, on paper or on other materials. Personal Data must be collected and used fairly, stored safely and not disclosed unlawfully.

4.3 Consequently, processing of Personal Data shall follow the following principles:

- Fair and lawful processing of Personal Data: FIDUCENTER collects and process Personal Data in a fair and lawful manner, meaning:
 - a. lawful and fair: processing of Personal Data shall be based on a valid legal basis according to Data Protection Laws and may not be used in ways that have unjustified or disproportional adverse effects on a data subject and/or could be unlawful;
 - b. transparent: FIDUCENTER must be transparent with data subjects about its processing activities;
- Purpose limitation: Personal Data must be obtained only for determined, specified and lawful purposes and used only in ways a data subject would reasonably expect it to be used. Personal Data must also only be processed in a manner compatible with the purposes for which it was collected;
- Data minimization: Personal Data must be adequate, relevant and not excessive in relation to the purposes for which they are collected and processed.
- Accuracy: Personal Data processed must be accurate and, if necessary, kept up to date. FIDUCENTER undertakes to carry out every effort to delete or rectify inaccurate or incomplete data.
- Storage limitation: Personal Data must not be stored for longer than is necessary for the purposes for which they are processed.
- Respect for the rights of data subjects: FIDUCENTER must respect and give effect to the rights of data subjects where it processes their Personal Data.



5. RIGHTS OF DATA SUBJECTS

Every data subject has the following rights that FIDUCENTER and all of its agents and Employees must respect. This includes:

- the right of access by the data subject The data subject shall have the right to obtain from FIDUCENTER confirmation as to whether or not personal data concerning him/her are being processed, and, where that is the case, access to his/her Personal Data and the following information:
 - (a) the purposes of the processing;
 - (b) the categories of Personal Data concerned;
 - (c) the recipients or categories of recipient to whom the Personal Data have been or will be disclosed, in particular recipients in third countries or international organizations;
 - (d) where possible, the envisaged period for which the Personal Data will be stored, or, if not possible, the criteria used to determine that period;
 - (e) the existence of the right to request from FIDUCENTER rectification or erasure of Personal Data or restriction of processing of Personal Data concerning the data subject or to object to such processing;
 - (f) where the Personal Data are not collected from the data subject, any available information as to their source;
 - (g) the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject
 - (h) In the event Personal Data are transferred to a third country or to an international organization, the data subject shall have the right to be informed of the appropriate safeguards implemented by FIDUCENTER to ensure the legality of such transfer.
- the right to rectification: The data subject shall have the right to obtain from FIDUCENTER without undue delay the rectification of inaccurate Personal Data concerning him/her or the right to have incomplete Personal Data completed.
- the right to erasure: The data subject shall have the right to obtain from FIDUCENTER the erasure of Personal Data concerning him/her without undue delay and FIDUCENTER shall have the obligation to erase Personal Data without undue delay where the data subjects invoke a valid ground as specified in the Data Protection Laws.
- the right to restriction of processing: The data subject shall have the right to obtain from FIDUCENTER restriction of processing where the data subjects invoke a valid ground as specified in the Data Protection Laws.
- the right to portability: The data subject shall have the right to receive the Personal Data concerning him/her, which he/she has provided to FIDUCENTER, in a structured, commonly used and machine-readable format and have the right to transmit those Personal Data to another controller without hindrance. The data subject may request to have the Personal



Data transmitted directly from FIDUCENTER to another data controller, where technically feasible.

- the right to object: The data subject shall have the right to object, on grounds relating to his/her particular situation, at any time to processing of Personal Data concerning him/her where the processing is based on the fact that:
 - a. such processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in FIDUCENTER;
 - b. such processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party;
 - c. Personal Data are processed for direct marketing purposes.
- the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him/her or similarly significantly affects him/her.
- the right to lodge a complaint with the supervisory authority: the data subject shall have the right to lodge a complaint with a supervisory authority, in particular the supervisory authority of his/her habitual residence, place of work or place of alleged infringement, if the data subject considers that the processing of Personal Data relating to him/her infringes the Data Protection Laws.

In Luxembourg, the relevant supervisory authority is the CNPD.

6. SECURITY

6.1 FIDUCENTER shall take all adequate technical and organizational measures with a view to protecting Personal Data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access.

6.2 In the event of an accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access to Personal Data, FIDUCENTER shall notify such data breach without undue delay and, where feasible, not later than 72 hours to the competent supervisory authority (i.e. the CNPD in Luxembourg), unless the Personal Data breach is unlikely to result in a **risk** to the rights and freedoms of natural persons.

- The risk regarding the Personal Data is *a scenario which describes an event and its effect, which estimations are based on significance and probability* as describes by the European Data Protection Board.

6.3 When the Personal Data breach is likely to result in a high risk to the rights and freedoms of natural persons, FIDUCENTER shall communicate the Personal Data breach to the data subject(s) without undue delay.



6.4 For the purposes of this Section, each Employee of FIDUCENTER and other persons processing Personal Data on behalf of FIDUCENTER shall report data breaches he/she has knowledge of immediately after becoming aware of it to the manager at the following address gdp@fiducenter.lu

7. TRANSFER OF PERSONAL DATA TO DATA PROCESSOR

7.1 When transferring Personal Data to a data processor, FIDUCENTER shall ensure that said data processor provides sufficient guarantees to implement appropriate technical and organizational measures in such a manner that processing will meet the requirements of the Data Protection Laws and ensure the protection of the rights of the data subject.

7.2 Relations with said data processor shall be subject to a written and legally binding contract between FIDUCENTER and the data processor that sets out the subject-matter and duration of the processing, the nature and purpose of the processing, the type of Personal Data and categories of data subjects and the obligations and rights of FIDUCENTER.

7.3 Additionally, said contract shall stipulate that:

- the data processor shall only process Personal Data in accordance with FIDUCENTER documented instructions;
- the data processor ensures that persons authorized to process the Personal Data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality;
- the data processor must guarantee to put in place appropriate security measures to safeguard the Personal Data;
- the data processor shall only engage data processors authorized by FIDUCENTER who accepted to be subject to the same data protection obligations as set out in the contract between FIDUCENTER and the initial processor. Where a general authorization to engage another data processor has been granted by FIDUCENTER, the data processor shall inform FIDUCENTER of the identity of such processor and of any intended changes concerning the addition or replacement of a processor. FIDUCENTER shall have the opportunity to object to such a processor being engaged.
- the data processor shall assist FIDUCENTER for the fulfilment of its obligation to respond to requests for exercising the data subject's rights
- the data processor shall assist FIDUCENTER in ensuring compliance with its obligations to guarantee the security of the processing, to notify data breaches to the competent supervisory authority or data subjects, to carry out data protection impact assessment including by the prior consultation of the competent supervisory authority.
- the data processor shall either delete or return all Personal Data to FIDUCENTER after the end of the provision of services relating to processing, and deletes existing copies unless applicable laws requires storage of the Personal Data.



- the data processor shall make available to FIDUCENTER all information necessary to demonstrate compliance with the above mentioned obligations and allow for and contribute to audits, including inspections, conducted by FIDUCENTER or another auditor mandated by FIDUCENTER.

7.4. For the purposes of this Section, each Employee of FIDUCENTER and other persons processing Personal Data on behalf of FIDUCENTER shall (i) regularly review the contracts concluded with such data processor he/she is aware of, taken into account Section 7.3. and (ii) inform his/her manager in case of data protection provision missing in the contracts concluded with such data processor.

8. QUESTIONS, CONCERNS AND ENQUIRIES

8.1 If questions arise concerning the processing of Personal Data within FIDUCENTER, the application of this Data Protection Policy or if the data subject believes that his/her data is not processed in compliance with this Data Protection Policy or the Data Protection Laws, the question/concern could be referred to the manager at the following address: gdpr@fiducenter.lu, without prejudice for the data subject to exercise his/her right to lodge a complaint to the relevant supervisory authority (i.e. the CNPD in Luxembourg).

8.2 If an Employee receives a complaint from a data subject outside of FIDUCENTER, that complaint must be forwarded without undue delay to the manager at the following address : **gdpr@fiducenter.lu**

8.3 The manager will review the complaint on a confidential basis.

8.4 FIDUCENTER shall promptly initiate an investigation into any allegation of violation of this Data Protection Policy, which was made in good faith.

8.5 Employees are required to cooperate with internal investigations related to possible Data Protection Policy violations.

8.6 In order to allow FIDUCENTER to properly investigate a concern, allegations of non-compliance with or violation of this Data Protection Policy should include sufficient information concerning the incident or the violation.

8.7 FIDUCENTER will treat the identity of any individual making a complaint as confidential. However, in certain circumstances, FIDUCENTER may be obliged by law to disclose the information or the identity of the person submitting the complaint or allegation.