

Effective 25 May 2018

Kleinwort Hambros

Privacy Notice – Trust and Fiduciary Services



SOCIETE GENERALE GROUP

BUILDING TEAM SPIRIT
TOGETHER

Contents

1. Introduction	1
(a) What this Privacy Notice covers	1
(b) Explanation of terms used in this Privacy Notice	1
(c) Examples of “Personal Data” and “Special Category Personal Data”	1
2. Information and Data Security	2
3. Types of Personal Data collected	2
4. How we collect your Personal Data	3
5. Sources of Personal Data	4
6. How we use Personal Data	4
(a) Situations in which we will use your Personal Data	5
(b) Special Category Personal Data	6
(c) Information about criminal convictions	7
(d) If you fail to provide Personal Data	8
(e) Change of purpose	8
7. Automated decision-making	8
8. Disclosure of Personal Data by us	9
(a) Recipients of Personal Data	9
(b) Marketing	10
9. Overseas transfers	10
10. Cookies	10
11. Consent	11
12. Monitoring and recording communications	11
13. Retention of Personal Data	11
(a) Client records	11
(b) Communication records	12
(c) Records of prospective clients	12
14. Your rights and duties	12
(a) Your duty to inform us of changes	12
(b) Your rights in connection with Personal Data	12
(c) No fee usually required	14
(d) What we may need from you	15
(e) Queries relating to other Kleinwort Hambros/Societe Generale Group Entities	15
15. Changes to this Privacy Notice	15

1. Introduction

(a) What this Privacy Notice covers

We gather, store and process personal data in accordance with Data Protection Legislation¹. This Privacy Notice provides an overview of how we do this in the context of our trust and fiduciary services.

In this Privacy Notice “we” or “Kleinwort Hambros” refers (as applicable) to:

- SG Kleinwort Hambros Trust Company (UK) Limited;
- SG Hambros Trust Company Limited; or
- SG Kleinwort Hambros Trust Company (CI) Limited,

and such other companies in the Kleinwort Hambros Group who assist in providing trust and fiduciary services.

This Privacy Notice applies to all clients and prospective clients of Kleinwort Hambros and any person whose Personal Data we hold which has been provided to us in the course of providing our services (“you”).

This Privacy Notice covers Personal Data that is held electronically and also applies to well-structured paper-based filing systems.

(b) Explanation of terms used in this Privacy Notice

Managed Entity means any company, foundation, partnership, estate, trust, association (whether incorporated or unincorporated) or other person or entity in respect of which we provide our services.

Personal Data means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

Special Category Personal Data means information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data.

(c) Examples of “Personal Data” and “Special Category Personal Data”

- **Personal Data:** Your name, address, telephone number, date of birth.
- **Special Category Personal Data:** Details of health conditions, political opinions, religious beliefs.

¹ Data Protection Legislation refers to the following laws, as applicable to the relevant Kleinwort Hambros Group company: the General Data Protection Regulation 2016/679, the UK Data Protection Act 2018, the Data Protection (Jersey) Law 2018 and the Data Protection (Bailiwick of Guernsey) Law 2017 as amended, repealed or replaced from time to time.

2. Information and Data Security

It is our policy to protect your right to privacy. We will take all reasonable steps to ensure that adequate technical and operational security measures, confidentiality obligations and compliance procedures are in place to prevent inappropriate access to, disclosure, alteration or deletion of, Personal Data. We operate information security policies and guidelines to better safeguard electronic data and information, which may include Personal Data.

In addition, we limit access to your Personal Data to those employees, agents and contractors who have a business need to know. Our agents and contractors will only process your Personal Data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

3. Types of Personal Data collected

In the course of providing trust and fiduciary services to you, we may process Personal Data and Special Category Personal Data. This typically includes the following information relating to you:

Information received from you

- Personal contact details such as name, title, addresses, telephone numbers and personal email addresses.
- Date of birth and place of birth.
- Gender.
- Marital status, dependants (name and age) and relations.
- Copies of identification documents, such as passports and driving licences.
- National Insurance number, social security number or other national/tax identifier.
- Nationality, tax residence and country of residence.
- Employment details, income and source of wealth.
- Details of investments and assets owned and liabilities.
- Personal details of any agent or attorney.
- Billing information, such as credit or debit card details.

3. Types of Personal Data collected continued

Information received from third parties

- Publicly available information on business and personal associates and assets owned.
- Information from retiring trustees, such as the personal details listed above.

Information specific to our trust and fiduciary services

We collect and store certain information generated by your use of our services, which includes:

- accounts; and
- reports.

Special Category Personal Data

- Political opinions or religious beliefs available from public sources of information, such as if you are on the board of a religious foundation.

Other

- Information about criminal convictions and offences, which would include publicly available information and suspicious activity reports.

4. How we collect your Personal Data

We collect your Personal Data:

- when you seek, or are provided with, information on our services;
- when you apply for our services; and/or
- throughout your relationship with us.

5. Sources of Personal Data

We collect your Personal Data:

- directly from you, e.g. in application forms and through information provided during the onboarding process, including background and reference checks;
- when it is provided to us by a third party, e.g. providers of enhanced due diligence reports and retiring trustees; and
- when information is created as a result of generally providing trust and fiduciary services to you.

6. How we use Personal Data

We are a data controller which means that we are responsible for deciding how we hold and use Personal Data about you. We may use your Personal Data before, during and after our relationship with you.

We will only use your Personal Data when the law allows us to. Most commonly, we will use your Personal Data in the following circumstances:

1. where we need to perform the contract we have entered into with you;
2. where we need to comply with a legal obligation; and
3. where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your Personal Data in the following situations, which are likely to be rare:

1. where we need to protect your interests (or someone else's interests);
2. where it is needed in the public interest; and
3. where you have given your consent.

6. How we use Personal Data continued

(a) Situations in which we will use your Personal Data

We need all the categories of Personal Data described above primarily to allow us to:

- * perform our contract with you;
- ** enable us to comply with legal obligations; and
- *** pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests.

The situations in which we will process your Personal Data are listed below. We have indicated by asterisks from the above list the principal legal basis on which we are processing or will process your Personal Data, although please note that some of the grounds for processing will overlap and there may be several grounds which justify our use of your Personal Data. Where the legal basis of legitimate interests is applicable we explain what these are in square brackets.

- To confirm and verify your identity and, where applicable, conduct an appropriateness assessment. This may involve the use of other companies in the Societe Generale Group or third parties acting as our or their agents for screening against publicly available information (including law enforcement agency sanctions list(s)) or involve companies in the Societe Generale Group otherwise assessing your appropriateness. **
- To establish and manage the relationship we (or any other companies in the Societe Generale Group) have with you or the Managed Entity and to provide our services. *
- To monitor and analyse the conduct of your or the Managed Entity's accounts and relationship with us or with other companies in the Societe Generale Group to ensure compliance with our internal policies and/or procedures and to be able to monitor risks and report on them. **
- To carry out business operational and administrative activities, including record keeping and audits. *
- To carry out statistical and other analysis (including behavioural analysis). *** [In order to manage our business and provide the best services to you we need to understand and analyse their use by you.]
- To comply with any applicable laws and regulations and/or any voluntary code or industry best practice we reasonably decide to adopt. **

6. How we use Personal Data continued

- To comply with the request or requirement of any court, tribunal, mediator or arbitrator or any regulatory or governmental authority or taxation authority in any relevant jurisdiction. **
- As is reasonably necessary to trace you (for example, if the contact details you have provided to us are no longer correct) or the Managed Entity, trace debtors and enforce or seek to obtain settlement of amounts owing to us (or to other companies in the Societe Generale Group). *** [We need to be able to recover monies that you owe to us which may require additional processing of your Personal Data if, for example, you have moved house without telling us.]
- To carry out the detection, investigation and prevention of fraud, tax evasion, money laundering, bribery, corruption, terrorist financing and other crime or malpractice and oversee and report on such detection, investigation and prevention activities over such matters by us, other companies in the Societe Generale Group or other third parties. *** [In order to protect us and others from any crime or malpractice we need to be able to process your Personal Data. This may include conducting call backs to confirm instructions and automated and manual transaction monitoring to prevent fraud and identity theft].
- For use in connection with any legal proceedings or regulatory action (including prospective legal proceedings/regulatory action) and for obtaining legal advice or for establishing, exercising or defending legal rights. *** [In order to protect our position in relation to any legal proceedings or regulatory action we may need to analyse records including your Personal Data and share it with our professional advisors, third parties, the courts and regulators.]
- To give you information and marketing (by post, telephone, email or other medium using the contact details you have given us) about events, products and services offered by us (or by other companies in the Societe Generale Group) which we believe may be of interest to you. *** [It is in our interests to promote our services to you in order to grow our business. This is balanced against your interests and freedoms and we will always give you the option to stop receiving such communications.]

(b) Special Category Personal Data

Data processing may include the processing of Special Category Personal Data about you. Such Special Category Personal Data requires higher levels of protection. We need to have further justification for collecting, storing and using this type of

6. How we use Personal Data continued

Personal Data. We may process special categories of Personal Data in the following circumstances:

1. In limited circumstances, with your explicit written consent;
2. Where we need to carry out our legal obligations and in line with our data protection policy; and
3. Where it is needed in the public interest and in line with our data protection policy.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

The most common processing of Special Category Personal Data by us occurs where we record information from public sources about political opinions and religious beliefs that may be relevant to our assessment of your application or as part of our ongoing monitoring. For example, this might include information about you being on a board of a religious foundation or being a member of a political party.

(c) Information about criminal convictions

We may only use information relating to criminal convictions and offences where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

The most common processing of information about criminal convictions and offences by us occurs when we share it for the purposes of the prevention or detection of crime and anti-fraud purposes, including the making of suspicious activity reports to the appropriate crime agency. We also collect publicly available information on criminal convictions and offences as part of our assessment of your application and ongoing monitoring.

6. How we use Personal Data continued

(d) If you fail to provide Personal Data

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations (such as to complete our “know your client” checks).

(e) Change of purpose

We will only use your Personal Data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your Personal Data for an unrelated purpose, we will notify you in writing and update this Privacy Notice on our website at: www.kleinworthambros.com/en/important-information and we will explain the legal basis which allows us to do so.

Please note that we may process your Personal Data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

7. Automated decision-making

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing and update this Privacy Notice on our website at: www.kleinworthambros.com/en/important-information if this position changes.

8. Disclosure of Personal Data by us

(a) Recipients of Personal Data

We (and those parties to whom Personal Data is disclosed) may disclose Personal Data in the situations described above:

- to any other companies which are at the time of disclosure in the Societe Generale Group;
- to third parties who provide services to us or to other companies in the Societe Generale Group or that act as our (or such companies') agents (or prospective third party service providers or prospective agents). Such service providers and/or agents may also disclose such information to their service providers or agents. We, or the relevant member of the Societe Generale Group, will take all reasonable steps to ensure that the service provider or agent is subject to appropriate data processing requirements and that they impose such requirements on any of their service providers or agents;
- to third parties in connection with a reorganisation (including investment), amalgamation, merger or transfer or sale of all or part of our business, including to any insurers and professional advisors, and any third parties to whom we assign, transfer or charge our interest in any service provided to you or the Managed Entity;
- to any court, tribunal, mediator or arbitrator or any regulatory or governmental authority or taxation authority in any relevant jurisdiction;
- if we or any person to whom your information is disclosed have a right or duty to disclose it or are permitted (acting reasonably) or compelled by applicable laws and regulations;
- to debt collection agencies, law enforcement agencies and/or fraud prevention agencies;
- to our agents, auditors and professional advisors (and those agents, auditors and professional advisors of other companies in the Societe Generale Group) to enable them to process the information in the situations described above as a data processor on behalf of Kleinwort Hambros and/or as a data controller and to enable them to perform their obligations;

8. Disclosure of Personal Data by us continued

- to insurers and information providers; or
- otherwise if you consent to such disclosure.

(b) Marketing

We will not sell or transfer your Personal Data to any third party for that party to use for direct marketing purposes without your prior consent.

9. Overseas transfers

Processing will include transferring Personal Data to (a) other Kleinwort Hambros companies; (b) other companies in the Societe Generale Group; and (c) third parties who provide services to us or any other company in the Societe Generale Group or act as our (or their) agents in any country. Such recipients are located in the United Kingdom, France, Gibraltar and other countries in the European Economic Area (EEA). We may also transfer Personal Data to recipients in other countries outside of the EEA either on the basis of an adequacy decision by the European Commission (this is the case in respect of Jersey, Guernsey and Canada) or on the basis of a data transfer agreement using standard contractual clauses approved by the European Commission (this is the case in respect of India).

Transfers outside of the EEA will include (but not be limited to) Personal Data including Special Category Personal Data which is essential for the provision of our services and products and the operation of our and/or the Societe Generale Group's business. If we transfer your information outside the EEA in this way, we will take steps to ensure that your privacy rights continue to be protected in accordance with applicable laws and regulations and our policies and standards.

10. Cookies

In relation to our website, please refer to our Website Privacy and Cookies Policy which is available at www.kleinworthambros.com/en/important-information/website-privacy-and-cookies-policy/

11. Consent

We will seek your consent where we wish to invite you to certain events organised by Societe Generale. You have the right to withdraw your consent at any time and can do so by contacting us.

12. Monitoring and recording communications

Telephone conversations with us may be monitored and/ or recorded without use of a warning tone or message with a view to improving our service to you and to protect both you and us and to help establish facts.

All telephone recordings and other records will remain our property and may be used to help resolve any disagreements between you and us, and to enable us to comply with our obligations under applicable laws and regulations.

13. Retention of Personal Data

We will retain Personal Data for as long as necessary to fulfill the purpose for which it was collected or to comply with legal, regulatory, accounting, reporting or internal policy requirements. To determine the appropriate retention period for Personal Data, we consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorised use or disclosure of your Personal Data, the purposes for which we process your Personal Data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your Personal Data so that it can no longer be associated with you, in which case we may use such information without further notice to you.

(a) Client records

The majority of client records are kept for 7 years in the UK and 10 years in Jersey and Guernsey from the date of closure of the relationship. Certain records are kept for the same retention periods, but these run from the date of the record instead. Records in relation to pension transfers or pension opt-outs are kept indefinitely.

13. Retention of Personal Data continued

(b) Communication records

We will retain the recordings of telephone conversations as well as records of such electronic and other communications for a period of 5 years. A copy of those recordings or records will be available to the relevant regulatory authority and to you on request during the retention period.

(c) Records of prospective clients

We will retain records of prospective clients who do not become clients for 5 years from the date of the record, save in the case of a complaint where the records shall be kept for 10 years from the date of resolution of the complaint.

Further information on the retention periods of Personal Data can be requested from the Data Protection Officer whose details are below.

14. Your rights and duties

(a) Your duty to inform us of changes

It is important that the Personal Data we hold about you is accurate and current. Please keep us informed if your Personal Data changes during your relationship with us.

(b) Your rights in connection with Personal Data

Under certain circumstances, by law you have the right to:

- request access to your Personal Data (commonly known as a “data subject access request”). This enables you to receive a copy of the Personal Data we hold about you and to check that we are lawfully processing it;
- request correction of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected;
- request erasure of your Personal Data. This enables you to ask us to delete or remove Personal Data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Data where you have exercised your right to object to processing (see below);

14. Your rights and duties continued

- object to processing of your Personal Data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your Personal Data for direct marketing purposes by writing to us or using any opt-out facility specified by us in the relevant marketing communication;
- request the restriction of processing of your Personal Data. This enables you to ask us to suspend the processing of Personal Data about you, for example if you want us to establish its accuracy or the reason for processing it; and
- request the transfer of your Personal Data to another party (also known as “data portability”).

If you want to request the correction, erasure or restriction of the processing of your Personal Data, object to the processing of your Personal Data, or request that we transfer a copy of your Personal Data to another party, please write to your usual contact or the Data Protection Officer at the address below. The exercise of some of these rights may result in Kleinwort Hambros no longer being able to provide a service to you. If you want to access your Personal Data, please contact our Data Protection Officer by writing to:

Data Protection Officer

SG Kleinwort Hambros Trust Company
(UK) Limited
5th Floor, 8 St James's Square
London
SW1Y 4JU
UK

Data Protection Officer

SG Hambros Trust Company Limited
5th Floor, 8 St James's Square
London
SW1Y 4JU
UK

Data Protection Officer

SG Kleinwort Hambros Trust Company
(CI) Limited
PO Box 197
SG Hambros House
18 Esplanade
St Helier
Jersey
JE4 8RT

Data Protection Officer

SG Kleinwort Hambros Trust Company
(CI) Limited
PO Box 86
Hambro House
St Julian's Avenue
St Peter Port
Guernsey
GY1 3ED

14. Your rights and duties continued

You have the right to make a complaint at any time by writing to the relevant supervisory authority:

United Kingdom

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
UK

Jersey

Office of the Information Commissioner
Brunel House
Old Street
St Helier
Jersey
JE2 3RG

Guernsey

Office of the Data Protection Commissioner
Guernsey Information Centre
North Esplanade
St Peter Port
Guernsey
GY1 2LQ

(c) No fee usually required

You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

14. Your rights and duties continued

(d) What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it.

(e) Queries relating to other Kleinwort Hambros/Societe Generale Group Entities

If you have a query regarding the processing of your Personal Data by any other Kleinwort Hambros or Societe Generale Group company please contact us, explaining which company your query relates to and that your query relates to data protection.

15. Changes to this Privacy Notice

We reserve the right to update this Privacy Notice at any time, and we will notify you either in writing or by updating this Privacy Notice on our website at: www.kleinworthambros.com/en/important-information when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your Personal Data.

Important information

SG Kleinwort Hambros Trust Company (UK) Limited is an Appointed Representative of SG Kleinwort Hambros Bank Limited. SG Kleinwort Hambros Bank Limited is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority and has firm reference number 119250. SG Kleinwort Hambros Trust Company (UK) Limited has firm reference number 779105, is incorporated in England and Wales under number 514879 and its registered address is 5th Floor, 8 St James's Square, London SW1Y 4JU.

SG Hambros Trust Company Limited is authorised and regulated by the Financial Conduct Authority. The firm reference number is 122566. The company is incorporated in England and Wales under number 328136 and its registered office is 5th Floor, 8 St James's Square, London SW1Y 4JU.

SG Kleinwort Hambros Trust Company (CI) Limited is regulated by the Jersey Financial Services Commission ("JFSC") in the conduct of trust company business and fund services business and by the Guernsey Financial Services Commission ("GFSC") in the conduct of fiduciary services business. The company is incorporated in Jersey under number 4345 and its registered address is SG Hambros House, 18 Esplanade, St Helier, Jersey JE4 8RT. Its address in Guernsey is PO Box 86, Hambro House, St Julian's Avenue, St Peter Port, Guernsey, GY1 3ED. This document has not been authorised or reviewed by the JFSC or GFSC.

SG Kleinwort Hambros Trust Company (UK) Limited

5th Floor, 8 St James's Square

London SW1Y 4JU

T +44 20 7597 3000

F +44 20 7597 3456

SG Hambros Trust Company Limited

5th Floor, 8 St James's Square

London SW1Y 4JU

T +44 20 7597 3000

F +44 20 7597 3456

SG Kleinwort Hambros Trust Company (CI) Limited

PO Box 197, SG Hambros House

18 Esplanade, St Helier

Jersey JE4 8RT

T +44 1534 815555

F +44 1534 815640

SG Kleinwort Hambros Trust Company (CI) Limited

PO Box 86, Hambro House

St Julian's Avenue, St Peter Port

Guernsey GY1 3ED

T +44 1481 726521

F +44 1481 710742

www.kleinworthambros.com



BUILDING TEAM SPIRIT
TOGETHER

SOCIETE GENERALE GROUP