

Effective 3 December 2018

# **Kleinwort Hambros Elite PCC Limited**

## Privacy Notice



SOCIETE GENERALE GROUP

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## 1. Introduction

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### (a) What this Privacy Notice covers

We gather, store and process personal data in accordance with Data Protection Legislation<sup>1</sup>. This Privacy Notice provides an overview of how we do this in the context of the Kleinwort Hambros Elite Funds.

In this Privacy Notice “we” or “Kleinwort Hambros” refers to Kleinwort Hambros Elite PCC Limited.

This Privacy Notice applies to individual investors and directors, officers, partners or employees of investors in Kleinwort Hambros (“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

**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.

<sup>1</sup> Data Protection Legislation refers to the following laws, as applicable: the General Data Protection Regulation 2016/679 and the Data Protection (Bailiwick of Guernsey) Law 2017 as amended, repealed or replaced from time to time.

## 2. Information and Data Security

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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

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In the course of administering your investment in Kleinwort Hambros, 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.
- Bank details.

### 3. Types of Personal Data collected continued

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#### **Information received from third parties**

- Credit references.
- Publicly available information on business and personal associates and assets owned.
- Personal information listed above.

#### **Information specific to administering your investment**

We collect and store certain information generated by administering your investment, which includes:

- data on investment holdings;
- transaction data;
- reports and statements; and
- personal data on forms and correspondence.

#### **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

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We collect your Personal Data:

- when you seek, or are provided with, information on investing in Kleinwort Hambros;
- when you apply to make an investment; and/or
- throughout the time you hold your investment.

## 5. Sources of Personal Data

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We collect your Personal Data:

- directly from you, e.g. in application forms and through information provided during the application process, including background and reference checks;
- when it is provided to us by a third party, e.g. credit reference agencies, providers of enhanced due diligence reports, your legal or financial advisors, other financial institutions (including those in the Societe Generale Group) and entities in which you or someone connected to you has an interest or in which you are employed or engaged or for whom you act; and
- when information is generally created as a result of your investing in Kleinwort Hambros.

## 6. How we use Personal Data

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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 your investment in us.

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 a 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);

## 6. How we use Personal Data continued

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2. where it is needed in the public interest; and
3. where you have given your consent.

### (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 a 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, our custodians and our service providers (including any administrators, paying agents, registrars and their delegates) 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 (including credit and anti-money laundering checks). 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 administer your investment in Kleinwort Hambros and communicate with you as necessary. \*
- To monitor and analyse the conduct of your investment in Kleinwort Hambros and your 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. \*

## 6. How we use Personal Data continued

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- To carry out statistical and other analysis (including behavioural analysis). \*\*\* [In order to manage our business we need to understand and analyse the investments made by you.]
- To comply with any applicable laws and regulations and/or any voluntary code or industry best practice we reasonably decide to adopt. \*\*
- 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), 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.]

### (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

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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

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### **(d) If you fail to provide Personal Data**

If you fail to provide certain information when requested, we may not be able to administer your investment, 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](http://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**

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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](http://www.kleinworthambros.com/en/important-information) if this position changes.

## 8. Disclosure of Personal Data by us

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### (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) including custodians, administrators, paying agents and registrars. 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 our business;
- 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

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

### **(b) Credit Reference Agencies**

We may disclose information we hold about you to licensed credit reference agencies, or other similar organisations that help us and others reduce the incidence of fraud, or in the course of carrying out identity, fraud prevention or credit control checks. We may therefore search our records and those of credit reference and fraud protection agencies to assess any application. These agencies give us both public information and shared credit and fraud prevention information to verify your identity.

It is also important that you give us accurate information. We will check your details with credit reference and fraud prevention agencies and if you give us false or inaccurate information and we suspect fraud, we will record this and pass this to credit reference and fraud prevention agencies and other organisations involved in crime and fraud prevention.

We and other organisations may access and use from other countries the information recorded by credit reference and fraud prevention agencies. The credit reference agencies and fraud prevention agencies will also use the records for statistical analysis about credit and about insurance and fraud.

### **(c) 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**

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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 Guernsey, the United Kingdom, France and other countries in the European Economic Area (EEA). We and our service providers 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 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 South Africa).

Transfers outside of the EEA will include (but not be limited to) Personal Data including Special Category Personal Data which is essential for the administration of your investment 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. Monitoring and recording communications**

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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.

## 11. Retention of Personal Data

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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) Investor records**

The majority of investor records are kept for 10 years from the date of exit by the investor. Certain records are kept for the same retention periods, but these run from the date of the record instead.

### **(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 investors**

We will retain records of prospective investors who do not become investors 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.

## 12. Your rights and duties

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### (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);
- 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;
- 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 administer

## 12. Your rights and duties continued

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your investment. If you want to access your Personal Data, please contact our Data Protection Officer by writing to:

### **Data Protection Officer**

Kleinwort Hambros Elite PCC Limited  
Ground Floor, Dorey Court  
Admiral Park  
St Peter Port  
Guernsey  
GY1 2HT

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

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.

### **(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.



### **13. Changes to this Privacy Notice**

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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](http://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**

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Kleinwort Hambros Elite PCC Limited is a protected cell company structure registered in Guernsey and regulated by the Guernsey Financial Services Commission as an Authorised Open Ended Scheme under the Authorised Collective Investment Schemes (Class B) Rules, 2013. It is also registered with the Financial Conduct Authority as an Alternative Investment Fund.



**Kleinwort Hambros Elite PCC Limited**

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