

## VISTRA NETHERLANDS PRIVACY NOTICE

**Effective Date:** from 25 May 2018

This Privacy Notice explains how particular companies in the Vistra Group collect, use and disclose your personal data, and your rights in relation to the personal data it holds.

This Privacy Notice applies to the processing activities of the Vistra entities in the Netherlands<sup>1</sup>, who are the (individual) data controllers of your personal data and who are subject to the EU General Data Protection Regulation 2016/679 (the “GDPR”).

You can reach us at the following email address: [Privacy.Netherlands@vistra.com](mailto:Privacy.Netherlands@vistra.com) or by phone: +3188-560 9950.

This Privacy Notice supersedes any previous Privacy Notice or equivalent which you may have been provided with or seen prior to the Effective Date stated above.

### Your rights

Under the GDPR you have the following rights:

- To obtain access to, and copies of, the personal data that we hold about you;
- To require that we cease to process your personal data if the processing is causing you damage or distress;
- To require us not to send you marketing communications;
- To require us to erase your personal data;
- To require us to restrict our data processing activities in relation to your personal data;
- To receive from us the personal data we hold about you which you have provided to us, in a reasonable format specified by you, including for the purpose of you transmitting that personal data to another data controller; and
- To require us to correct the personal data we hold about you if it is incorrect.

Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply.

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<sup>1</sup> Vistra Corporate Services B.V., Vistra (Netherlands) B.V., Vistra B.V., Vistra Management Services (Netherlands) B.V., Vistra Client Services (Netherlands) B.V., Vistra International Expansion Services B.V., Vistra Management Services B.V., Vistra Fund Services (Netherlands) B.V., Vistra (Amsterdam) B.V., Vistra Services B.V., Vistra C.S. B.V., Vistra Executives B.V., Erevia B.V., Vistra Depository Services B.V., Vistra AIFM Services B.V., Vistra NC B.V., Vistra Accounting Services B.V., Sedico B.V., Vistra Employment (Netherlands) B.V., Stichting Vistra Liquidator, Stichting Sedico, Stichting Chancellor, Stichting Predantic, Stichting Overleaf, Stichting Teleportboulevard

You can learn more about your rights at <https://autoriteitpersoonsgegevens.nl/en> If you have any questions about how we use your personal data, or you wish to exercise any of the rights set out above, please contact us.

If you are not satisfied with how we are processing your personal data, you can file a complaint with the Dutch Data Protection Authority.

## **How we collect your data**

We collect your personal data in a number of ways, for example:

- From the information you provide to us when you meet us;
- From information about you provided to us by your company or an intermediary;
- When you communicate with us by telephone, fax, email or other forms of electronic communication. In this respect, we may monitor, record and store any such communication;
- When you complete (or we complete on your behalf) client on-boarding or application or other forms;
- From other companies in the Vistra Group;
- From your agents, advisers, intermediaries, and custodians of your assets;
- From publicly available sources or from third parties, most commonly where we need to conduct background checks about you;
- By means of camera surveillance.

## **The categories of personal data we collect**

We collect the following categories of personal data about you:

- Your name and contact information such as your home or business address, email address and telephone number (where relevant);
- Biographical information which may confirm your identity including your date of birth, tax identification number and your passport number or national identity card details, your BSN, country of domicile and/or your nationality (where relevant);
- Information relating to your financial situation such as income, expenditure, assets and liabilities, sources of wealth, as well as your bank account details (where relevant);
- Information about your knowledge and experience in the investment field (where relevant);
- An understanding of your goals and objectives in procuring our services (where relevant);
- Information about your employment, education, family, your (criminal) background or personal circumstances, and interests, where relevant (where relevant);

- Information to assess whether you may represent a politically exposed person or money laundering risk (where relevant).

**The basis for processing your personal data (other than with your consent), how we use that personal data and whom we share it with**

**(i) Performance of a contract with you**

We process your personal data because it is necessary for the performance of a contract to which you are a party to or in order to take steps upon your request prior to entering into a contract.

In this respect, we use your personal data for the following purposes:

- To prepare a proposal for you regarding the services we offer;
- Onboarding / KYC purposes;
- To provide you with the services as set out in the Services Agreement that we have concluded with you, or as otherwise agreed upon with you from time to time, and to assess whether we can onboard you as a client;
- To deal with any complaints or feedback you may have;
- For any other purpose for which you provide us with your personal data.

In this respect, we may share your personal data with, or transfer it to, the following:

- Your agents, advisers, intermediaries, and custodians of your assets who you tell us about;
- Third parties whom we engage to assist in delivering the services to you, including other companies in the Vistra Group;
- Our professional advisers where it is necessary for us to obtain their advice or assistance, including lawyers, accountants, IT or public relations advisers;
- Other third parties such as intermediaries who we introduce to you. We will wherever possible tell you who they are before we introduce you; and
- Our data storage providers.

**(ii) Legitimate interests**

We also process your personal data because it is necessary for our legitimate interests, or sometimes necessary for the legitimate interests of another person.

In this respect, we use your personal data for the following purposes:

- For marketing to you. In this respect, see the separate section on Marketing below;
- Training our staff or monitoring their performance;

- For the administration and management of our business, including recovering money you owe to us, and archiving or statistical analysis;
- Seeking advice on our rights and obligations, such as where we require our own legal advice;
- Handling legal claims and proceedings; and
- For the safety and integrity of Vistra and its employees and visitors.

In this respect we will share your personal data with:

- Our advisers or agents where it is necessary for us to obtain their advice or assistance;
- Third parties and their advisers where those third parties are acquiring, or considering acquiring, all or part of our business;
- Other companies in the Vistra Group.

### (iii) **Legal obligations**

We also process your personal data for our compliance with a legal obligation that applies to us.

In this respect, we will use your personal data for the following purposes:

- To meet our compliance and regulatory obligations, such as compliance with anti-money laundering laws which may include the fact that we conduct a (criminal) background check;
- As required by tax authorities or any competent court or legal authority.

In this respect, we will share your personal data with:

- Our advisers where it is necessary for us to obtain their advice or assistance;
- Our auditors where it is necessary as part of their auditing functions;
- Third parties who assist us in conducting background checks;
- Relevant regulators or law enforcement agencies where we are required to do so.

### **Withdrawal of Consent**

If you have given your consent and you wish to withdraw it at any time, please send an email to [Privacy.Netherlands@vistra.com](mailto:Privacy.Netherlands@vistra.com)

### **Marketing**

We will send you marketing about similar services we provide, as well as other information in the form of alerts, newsletters and invitations to events or functions which we believe might be of interest to you.

We will communicate this to you in a number of ways including by post, telephone, email, SMS or other digital channels.

You can object to receiving marketing from us at any time by sending an email to [Privacy.Netherlands@vistra.com](mailto:Privacy.Netherlands@vistra.com)

## **Transfer and processing of your personal data outside the European Union**

When sharing your personal data with third parties as set out in this Privacy Notice, it may be transferred outside the European Union. In these circumstances, your personal data will only be transferred on one of the following bases:

- the country that we send the personal data to is approved by the European Commission as providing an adequate level of protection for personal data;
- the transfer is to a recipient in the United States of America who has registered under the EU/US Privacy Shield;
- the recipient has entered into European Commission standard contractual clauses with us;  
or
- you have explicitly consented to the same.

To find out more about transfers by us of your personal data outside the European Union and the countries concerned, please send an email to [Privacy.Netherlands@vistra.com](mailto:Privacy.Netherlands@vistra.com)

## **Retention of your data**

We will only retain your personal data for as long as we have a lawful reason to do so. In particular:

- where we have collected your personal data as required by anti-money laundering legislation, including for identification, screening and reporting, we will retain that personal data for seven years after the termination of our relationship, unless we are required to retain this information by another law or for the purposes of court proceedings;
- where we have collected personal data by means of camera surveillance, we will retain that personal data for no longer than four weeks after the images have been recorded. In case of (a reasonable suspicion of) a criminal act, including but not limited to theft, fraud and/or destruction of property, the images can be stored for as long as the investigation and/or (legal) proceedings in respect hereof require to do so;
- otherwise, we will in most cases retain your personal data for a period of seven years after the termination of our contractual or other relationship with you in case any claims arise out of the provision of our services to you.