

PRIVACY NOTICE IN RESPECT OF VISTRA LICENCE HOLDINGS (BVI) LIMITED

Effective Date: from 31 December 2020

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

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.

Vistra Licence Holdings (BVI) Limited (in this Privacy Notice, “**Vistra**” “**us**”, “**we**” and “**our**”) is the data controller of your personal data and, as a part of the Vistra Group (meaning Vistra Group Holdings (BVI) III Limited, any of its current and future affiliated entities, or such other amalgamated or re-organised successor company of Vistra Group Holdings (BVI) III Limited, the “**Vistra Group**”), each recognises its responsibilities in relation to the collection, holding, processing, use and/or transfer of personal data under the European Union (“**EU**”) General Data Protection Regulation 2016/679 (“**GDPR**”) (to the extent it applies to us) and/or any applicable local data protection laws.

Personal data will be collected by us only for lawful purposes and all practicable steps will be taken to ensure that personal data held by us is accurate. We shall moreover use all practicable steps to protect any personal data we hold against unauthorised or accidental access, processing, erasure, loss or use. If we engage a data processor to process any personal data held by us, we shall adopt contractual or other means to ensure that the data processor complies with the mentioned data security requirement. We shall only use personal data for the purposes for which your personal data was originally collected and as further detailed herein.

We will use your personal data only in accordance with this Privacy Notice. Vistra may update this Privacy Notice from time to time. We advise you to periodically review this Privacy Notice to be informed of how Vistra is protecting your privacy.

This Privacy Notice outlines Vistra’s practices and the choices you have concerning the collection and use of your personal data. This Privacy Notice should be read together with the applicable terms and conditions, terms of engagement, or service agreements of the relevant service or website provided by Vistra (the “**Terms and Conditions**”), provided that, in the event of any inconsistency between this Privacy Notice and the Terms and Conditions concerning matters relating to personal data, the Terms and Conditions shall prevail.

Queries and Contact Details

Requests for access, correction, complaints, or other queries relating to how your personal data is processed should be addressed to us via the contact details set out below:

Dionne Boreland-Fearon, Privacy and Data Compliance Officer

By email: dionne.boreland-fearon@vistra.com

By telephone: 284-852-3808

To the extent permitted by applicable laws and regulations, we reserve the right to refuse unreasonable requests (for example, requests which infringe the privacy of others). To the extent permitted by applicable laws and regulations, we reserve the right to charge a reasonable fee for the cost of processing any request.

Termination or cancellation

Should your account or relationship with us be cancelled or terminated at any time, we shall cease processing your personal data as soon as reasonably practicable following such cancellation or termination, provided that we may keep copies of your data as is reasonably required for archival purposes, for use in relation to any actual or potential dispute, for the purpose of compliance with applicable laws and regulations or for the purpose of enforcing any agreement we have with you, for protecting our rights, property or safety, or the rights, property or safety of our employees, and for performing or discharging any functions, obligations and responsibilities we may have.

Data Request and Access Rights to Personal Data

Where applicable, under the GDPR or any other applicable data protection laws, you may have the right to:

- obtain access to, and copies of, the personal data that we hold about you;
- require that we cease processing your personal data if the processing is causing you damage or distress;
- require us not to send you marketing communications;
- require us to erase your personal data;
- require us to restrict our data processing activities;
- 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/or
- require us to correct the personal data we hold about you if it is incorrect.

Please note that the above rights (if applicable) are not always absolute, and we may be entitled to refuse requests where exceptions apply in accordance with applicable laws and regulations.

Requests for access, correction, complaints, or other queries relating to how your personal data is processed should be addressed to us via the contact details set out under the heading “Queries and Contact Details” above.

If you are located in the EU and the GDPR applies:

- please refer to the EU regulator in the jurisdiction where you are located (in the EU) to find out more about your rights; and
- you can also make a complaint to a local EU regulator in the jurisdiction where you are located if you are not satisfied with how we are processing your personal data.

How we process, handle and collect your data

We process, handle and 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; and
- from publicly available sources or from third parties, most commonly where we need to conduct background checks about you.

The categories of personal data we collect

We may collect and process different types of personal data in the course of operating our business and providing our services. These include:

- your name and contact information such as your home or business address, email address and telephone number;
- biographical information which may confirm your identity including your date of birth, tax identification number and your passport number or national identity card details, country of domicile and/or your nationality;
- information relating to your financial situation such as income, expenditure, assets and liabilities, sources of wealth, as well as your bank account details;
- information about your knowledge and experience in the investment field;
- an understanding of your goals and objectives in procuring our services;
- information about your employment, education, family or personal circumstances, and interests, where relevant;
- information to assess whether you may represent a politically exposed person or money laundering risk; and
- any other personal data you may decide to share with us or any member of the Vistra Group.

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

Performance of a contract

We may process your personal data because it is necessary for the performance of a contract or in order to take steps at your request prior to entering into a contract.

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

- to prepare a proposal regarding the services we offer;
- to provide the services as set out in our terms of engagement or as otherwise agreed with you from time to time;
- to deal with any complaints or feedback you may have; or

- 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 parties:

- 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 and any other software providers that we require to perform our services.

Legitimate interests

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

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

- for marketing to you. In this respect, see the separate section on Marketing set out below;
- training our staff or monitoring their performance;
- for the administration and management of our business, including recovering money owed to us, and archiving or statistical analysis;
- seeking advice on our rights and obligations, such as where we require our own legal advice; and
- defending, prosecuting or making a claim against you, us or a third party.

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

- 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;
- our bankers, insurers and insurance brokers;
- other third parties such as intermediaries who we introduce to you. We will wherever possible tell you who they are before we introduce you;
- our data storage providers and any other software providers that we require to perform our services; and
- third parties and their advisers where those third parties are acquiring, or considering acquiring, all or part of our business.

Legal obligations

We may also process your personal data for our compliance with a legal or regulatory obligation.

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

- to meet our compliance and regulatory obligations, such as compliance with anti-money laundering laws; or
- as required by tax authorities or any competent court or legal authority.

In this respect, we may share your personal data with the following parties:

- 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;
- other companies in the Vistra Group;
- relevant regulators or law enforcement agencies where we are required to do so.

Marketing

From time to time we or other members of the Vistra Group may send you marketing communications about additional services we provide which may be relevant to you, 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 or other members of the Vistra Group may communicate this to you in a number of ways including by post, telephone, email, SMS or other digital channels.

If you receive marketing communications from us but do not wish to receive them in the future, you may opt out of receiving them at any time, free of charge, by the following applicable means:

- unsubscribing by following the “Reply To” instructions contained in the marketing text message;
- following the unsubscribe instructions or hyperlink in the email;
- following the unsubscribe instructions in the mobile application;
- notifying us that you no longer wish to receive marketing communications when receiving our marketing calls; or
- contacting us via the contact details set out under the heading “Queries and Contact Details” above stated above to tell us that you no longer wish to receive marketing communication through any channel.

We may issue service-related announcements to you when necessary (e.g. new laws, regulations or compliance requirements). You may not be able to opt out of these announcements which are service-related and not promotional in nature.

Cookies

Our website uses cookies to improve your experience on our website. For full details on how cookies are used, please see our [Cookie Policy](#).

Cross border transfer and processing of your personal data

Transfer and processing of your personal data outside the BVI

We may transfer, store, or process your personal information in locations outside the British Virgin Islands (“BVI”). Where the countries to which your personal information is transferred do not offer an equivalent level of protection for personal information to the laws of the BVI, we will ensure that appropriate safeguards and security measures are put in place. We will use appropriate data security safeguards, use contractual confidentiality terms and agreements with third parties, ensure that the jurisdiction has equivalent data protection laws, or seek your explicit consent to the transfer of your personal data to a place outside the BVI (each time as applicable).

Transfer and processing of your personal data outside the EU

When processing your personal data as set out in this Privacy Notice, as we are located in the BVI it will have been transferred outside the EU. However, if your personal data was originally collected from within the EU it 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 recipient has entered into European Commission standard contractual clauses with us; or
- you have consented to the transfer.

To find out more about transfers by us of your personal data and the countries concerned you can contact us via the contact details set out under the heading “Queries and Contact Details” above.

Retention of your data

We will only retain your personal data for as long as we have a lawful reason to do so. Vistra will process and store the relevant personal data for the duration of our services or for the duration of the business relationship. Vistra may also store the data for processing in our local servers and Vistra Group databases, or use third party Cloud vendors and data processors where we have contractual security measures and reassurances of enhanced security measures in place for as long as it is necessary or required in order to fulfill legal, contractual or statutory obligations or for the establishment, exercise or defense of legal claims, and in general where it has a legitimate interest for doing 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 at least five years after the termination of our relationship, unless we are required to retain this information by another law, regulation or for the purposes of court proceedings; or
- 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.