

VISTRA NETHERLANDS PRIVACY NOTICE

Effective Date: from 24 February 2022

This Privacy Notice explains how particular companies in 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**”) collect, use, process, store 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 Netherlands¹ (“**Vistra Netherlands**”, in this Privacy Notice, “**Vistra**”, “**us**”, “**we**” and “**our**”) for which Vistra Netherlands is responsible and qualifies as the data controller of your personal data under the European Union (“**EU**”) General Data Protection Regulation 2016/679 (“**GDPR**”).

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.

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.

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:

email: Privacy.Netherlands@vistra.com

telephone: +31(0)88 560 9950

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.

¹ 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 Management Services B.V., Vistra Fund Services (Netherlands) B.V., Vistra (Amsterdam) B.V., Vistra Capital Markets (Netherlands) N.V., Vistra FS (Netherlands) B.V., Vistra Services B.V., Vistra Executives B.V., Erevia B.V., Vistra Depositary Services B.V., Vistra AIFM Services B.V., Vistra NC B.V., Sedico B.V., Vistra Employment (Netherlands) B.V., Vistra Escrow and Payment Services B.V., De Bruijn en Co B.V., OFT Finco B.V., Vistra Holding B.V., Hemust B.V., Stichting Vistra Custodian, Stichting Derdengelden Vistra Escrow and Payment Services, Stichting Sedico, Stichting Participatie Vistra and any other direct or indirect subsidiaries of Vistra Holdings Netherlands B.V.

Your Rights

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 in relation to your personal data;
- 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
- 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.

You can learn more about your rights at <https://autoriteitpersoonsgegevens.nl/en>.

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 not satisfied with how we are processing your personal data, you can file a complaint with the Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*), or with a local EU regulator in the jurisdiction where you are located.

How we process, handle and collect your data

We may 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;

- from publicly available sources or from third parties, most commonly where we need to conduct background checks about you; and
- by means of camera surveillance.

The categories of personal data we may collect

We may 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;
- 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 citizen service number (*BSN*), country of domicile and/or your nationality;
- information relating to your financial situation such as income, expenditure, assets and liabilities, sources of wealth, tax residency, 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, (criminal) background 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

(i) Performance of a contract

We may process your personal data because it is necessary for the performance of our obligations under Terms and Conditions or any other contract, or in order to take steps at your request prior to entering into Terms and Conditions or any other 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 and Conditions or as otherwise agreed with you or our relevant contracting party 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.

(ii) 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 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, archiving or statistical analysis, developing and improving our services, and strengthening our relationship with you;
- seeking advice on our rights and obligations, such as where we require our own legal advice for our own purpose;
- for risk management and fraud prevention purposes;
- for accounting purposes;
- defending a claim against us or prosecuting or making a claim against you or a third party;
- in case of a business reorganisation, transfer, disposal, merger or acquisition; and
- for the safety and integrity of Vistra and its employees and visitors.

(iii) Legal obligations

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

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

- to meet our compliance and regulatory obligations, such as performance of Know-Your-Customer procedures, compliance with anti-money laundering and anti-bribery laws, which may include the fact that we conduct a (criminal) background check;
- accounting obligations;
- identification and reporting obligations under tax laws, including domestic or international exchange of tax information mechanisms. In the context of such obligations, personal data may be processed and transferred to the Dutch tax authorities, who, in turn and under their control, may transfer such personal data to the competent foreign tax authorities, including but not limited to, the competent authorities in the United States of America; or
- as required by tax authorities or any competent court, regulatory, legal or judicial authority.

The parties with whom we may share your personal data

With respect to the purposes listed above, 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;
- our (professional) advisers where it is necessary for us to obtain their advice or assistance, including lawyers, accountants, tax advisers, IT or public relations advisers;
- our bankers, insurers and insurance brokers;
- our auditors where it is necessary as part of their auditing functions;
- other third parties such as intermediaries who we introduce to you. We will wherever possible tell you who they are before we introduce you;
- third parties who assist us in conducting background checks;
- our data storage providers and any other software providers that we require to perform our services;
- 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; and
- 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:

- following the unsubscribe instructions or hyperlink in the email; or
- contacting us via the contact details set out under the heading “Queries and Contact Details” stated above to tell us that you no longer wish to receive marketing communications 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.

Withdrawal of Consent

If you have given your consent and you wish to withdraw it at any time, please contact us via the contact details set out under the heading “Queries and Contact Details” above.

Transfer and processing of your personal data outside the EEA

When sharing your personal data with third parties as set out in this Privacy Notice, it may be transferred outside the European Economic Area (“**EEA**”).

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 recipient has entered into European Commission standard contractual clauses with us; or
- you have consented to the transfer or where another derogation applies, for example where the transfer is necessary in connection with the performance of a contract with you or for your benefit.

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.

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](#).

Retention of your data

Vistra may process and store your personal data for the duration of our services or for the duration of our business relationship. Vistra may also process and store your personal data as long as it is necessary or required in order to fulfil legal, contractual or statutory obligations or for the establishment, exercise or defense of legal claims, and in general where we have a legitimate interest for doing so. In particular (and without wanting to be exhaustive):

- 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 (5) 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;
- 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; and
- if any relevant legal claims are brought, we may continue to process the personal data for such additional periods as is necessary in connection with such claims.