



## VISTRA-TRUSTEES GMBH - PRIVACY NOTICE

**Effective Date:** 1 September 2023

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.

### **The Controller**

Vistra-Trustees GmbH, Grafenastrasse 5, CH – 6302 Zug (in this Privacy Notice, “us”, “we” and “our”) is the data controller of your personal data. As such, it is subject to the applicable data protection regulation, such as the EU General Data Protection Regulation 2016/679 (the “**GDPR**”) and/or the Swiss Data Protection Laws and Regulations as the case may be (the “**Regulation**”).

### **Contact information**

Our Privacy and Data Compliance Officer is Mrs. Nicole Kourouma. Her contact details are:

- E-mail: [nicole.kourouma@vistra.com](mailto:nicole.kourouma@vistra.com)
- Phone: +41 22 595 09 10
- Mail: Rue de Lausanne 17, CH - 1201 Geneva

### **Amendments of this privacy notice**

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. We reserve the right to change this privacy notice at any time. Changes will be published on the website.

### **Your rights**

Under the Regulation you may have the following rights:

- To obtain access to, and copies of, the personal data that we hold about you;
- To require that we cease processing 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;
- 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.

You can find out more about your rights at [www.edoeb.ch](http://www.edoeb.ch). 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 using the contact information indicated above (see section "Contact Information").

### **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.

Where necessary, we will ask you for your consent. You can revoke your consent at any time.

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

We collect several categories of personal data about you, such as :

- 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; and
- Information to assess whether you may represent a politically exposed person or money laundering risk.

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

#### **(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 or in order to take steps at your request prior to entering into a contract.

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

- To prepare a proposal for you regarding the services we offer;
- To provide you with the services as set out in our Terms of Engagement with you or as otherwise agreed with you from time to time;
- 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;
- Our data storage providers

**(ii) Legitimate interests**

We also process your personal data because it is necessary for our legitimate interests.

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

- 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;

In this respect we will share your personal data with the following:

- Our advisers or agents where it is necessary for us to obtain their advice or assistance;
- With third parties and their advisers where those third parties are acquiring, or considering acquiring, all or part of our business.

**(iii) Legal obligations**

We also process your personal data for our compliance with a legal obligation which we are under.

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

- To meet our compliance and regulatory obligations, such as compliance with anti-money laundering laws;
- As required by tax authorities, for instance in case of AEOI, or any competent court or legal authority.

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

- 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;

- With third parties who assist us in conducting background checks;
- With relevant regulators or law enforcement agencies where we are required to do so. This includes authorities outside Switzerland and the EU (see below for further information about cross-border transfers)

## **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.

Where necessary, we send such communications based on your consent. You can revoke your consent at any time. If you do not want to receive marketing from us, please contact us using the contact information indicated above (see section "Contact Information").

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

When sharing your personal data with third parties as set out in this Privacy Notice, it may be transferred outside of Switzerland and 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 Switzerland and / or the European Union as providing an adequate level of protection for personal data;
- the recipient has entered into standard contractual clauses (which have been approved by the relevant authorities) with us; or
- you have explicitly consented to the transfer.
- In exceptional cases, in the absence of either an adequacy decision or the implementation of standard contractual clauses as mentioned above, a cross-border transfer may still take place in one of the following cases:
  - the transfer is necessary for the performance of our contractual or trustee services;
  - the transfer is required by applicable laws (eg. reporting obligations under fiscal laws);
  - the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between ourselves and another natural or legal person;
  - the transfer is necessary for important reasons of public interest;
  - the transfer is necessary for the establishment, exercise or defence of legal claims;

To learn more about transfers by us of your personal data outside Switzerland and the European Union please contact us using the contact information indicated above (see section "Contact Information").

## **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 ten

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; or

- otherwise, we will in most cases retain your personal data for a period of ten 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.