

## PRIVACY NOTICE

This document is a **Privacy Notice** issued by EEA Life Settlements Fund PCC Limited (the **Company**), EEA Fund Management (Guernsey) Limited (the **Manager**) and Saffery Champness Fund Services Limited (the **Administrator**) in connection with investments in the Company.

This Privacy Notice sets out what Personal Information we collect in relation to you (and other natural persons) as a prospective Shareholder or a Shareholder of the Company or otherwise, during and after your business relationship with us, how we collect and use it and the rights you (and any other relevant living natural persons) have in relation to that information.

In this Privacy Notice:

- (a) for the purposes of the Guernsey Data Protection Law (as defined below), the data controllers are the Company, the Manager and/or the Administrator;
- (b) "we", "us" and "our" refer to the Administrator (acting on behalf of the Company) and/or the Manager and/or the Company (as applicable).

This Privacy Notice applies to natural persons only (including where Personal Information in respect of a natural person is provided by a non-natural person) and may be changed at any time, provided a notice of such change is displayed on our website at <http://www.eeafmg.gg/eea-life-settlements-fund>.

We will only use information from which a natural person can be identified (**Personal Information**) provided to us, or otherwise obtained by us, as set out in this Privacy Notice. We endeavour to ensure that Personal Information is handled in accordance with the Data Protection (Bailiwick of Guernsey) Law, 2017 (the **Guernsey Data Protection Law**) and all similar or related legislation relating to the processing of Personal Information and/or privacy applicable in any jurisdiction to which we have been, are or will be subject as in force at the date of this Privacy Notice or as re-enacted, applied, amended, superseded, repealed or consolidated (and in each case including any legally binding regulations, direction, and orders issued from time to time under or in connection with any such law) (the **Data Protection Legislation**).

We are responsible for deciding how we collect, hold and use Personal Information. We are required under the Guernsey Data Protection Law to notify you of the information contained in this Privacy Notice.

It is important that you read this notice, together with any changes published on our website and any other privacy notice we may provide on specific occasions when we are collecting or processing Personal Information, so that you are aware of how and why we are using such information.

### 1 Data protection principles

We will comply with the Guernsey Data Protection Law and other applicable Data Protection Legislation. This means that the Personal Information we hold must be:

- (a) used lawfully, fairly and in a transparent way;

- (b) collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- (c) relevant to the purposes we have told you about and limited only to those purposes;
- (d) accurate and kept up to date;
- (e) kept only as long as necessary for the purposes we have told you about; and
- (f) kept securely.

## **2 The kind of information we hold about you**

Personal Information (or "personal data"), means any information relating to an identified or identifiable individual. It does not include data where the identity has been removed (anonymous data). There are "special categories" of more sensitive Personal Information that require a higher level of protection (**Sensitive Personal Information**).

We may collect, hold, and use the following categories of Personal Information:

- (a) personal contact details such as name, title, addresses, telephone numbers, and personal email addresses;
- (b) former names;
- (c) date of birth;
- (d) place of birth;
- (e) nationality;
- (f) passport number and country of issue;
- (g) tax identification number;
- (h) tax residency;
- (i) occupation, name of employer, nature of employment;
- (j) business address;
- (k) whether you have held a public position or office;
- (l) source of funds, source of wealth information; and
- (m) copy of driving licence or ID card, where applicable.

We may also collect, hold and use the following "special categories" of Sensitive Personal Information:

- (a) information about your political opinions (by virtue of obtaining information with respect to whether you have held a public position or office); and

(b) information about criminal convictions and offences.

### **3 How is Personal Information collected from you?**

We typically collect Personal Information through our client take-on process, either directly from you as you complete our mandatory forms (including the Account Opening Form), from a third party advisor (such as your lawyer or introducing agent), from publicly available sources (such as the Guernsey Registry or Companies House) or an identification verification database.

We may collect additional Personal Information in the course of our business relationship with you.

### **4 Personal Information that we receive from you in respect of yourself and/or other natural persons or from your third party advisor**

We may receive Personal Information from you concerning yourself or other natural persons and/or from your third party advisor(s) (as described above) who collect Personal Information from you and pass it on to us.

Where this is the case you or the third party advisor (as applicable) is responsible for obtaining any relevant consents from the relevant natural person(s) to ensure such person(s) is happy with the ways in which their Personal Information will be used but, once we have received it, we will only use it in accordance with the terms of this Privacy Notice.

In providing us with Personal Information, you hereby represent and warrant to us that you have obtained the consent of each relevant natural person to us holding and using their Personal Information for the purposes set out in this Privacy Notice.

### **5 How we use Personal Information**

In this Privacy Notice, the term "process" means any operation(s) performed on Personal Information and includes collection, storage, disclosure by transmission and use.

We will only ever process Personal Information when the law permits or compels us. Most commonly, we will process Personal Information in the following circumstances:

- (a) to verify the identity of shareholders or prospective shareholders and protect against fraud and to fulfil our Anti-Money Laundering and Combating the Financing of Terrorism obligations;
- (b) where it is necessary to perform contracts to which the relevant natural persons are a party, including:
  - (i) to process application(s) to become a Shareholder of the Company or otherwise supply the investment services requested by and correspond with such persons;
  - (ii) to provide support in respect of these services;
  - (iii) to consult with legal counsel for the purposes of obtaining legal advice;

- (iv) to consult with tax advisors for the purposes of obtaining tax advice;
  - (v) to submit tax reporting information as required by legislation;
  - (vi) to provide registered office and registered agent facilities in Guernsey or other jurisdictions; and
  - (vii) to improve our services and our website;
- (c) where it is necessary for us to exercise any right or power, or perform or comply with any duty, conferred or imposed on us by law, or to comply with an order or a judgment of a relevant court or tribunal;
  - (d) where it is necessary for the purpose of, or in connection with any legal proceedings, for the purpose of obtaining legal advice or otherwise for the purpose of establishing, exercising or defending legal rights; and
  - (e) where it is necessary for our legitimate interests (or those of a third party) and the interests and fundamental rights of relevant natural persons do not override those interests (such as to carry out and improve our business, analyse the use of our services and support our clients).

In particular, this may include us using your Personal Information to communicate with you (including by sending you communications and materials to keep you informed and updated in relation to the Company).

We may also process Personal Information in the following situations, which are likely to be rare:

- (a) where we need to protect the interests of the relevant natural person(s); and
- (b) where it is needed in the public interest (or for official purposes).

## **6 How we use Sensitive Personal Information (Special Category Data)**

We may request or be provided with Sensitive Personal Information from time to time in connection with this Account Opening Form or otherwise.

In cases where we request such information from you, the provision of such information is entirely voluntary and subject to your or the relevant natural person's express consent (which, if applicable, you shall be responsible for obtaining and represent is obtained where Sensitive Personal Information regarding a natural person other than yourself is provided to us by you), however, we may be unable to carry out some activities necessary to, for example, process your application to be a shareholder, instructions or other requests without the provision of such information.

In other cases, Sensitive Personal Information may be provided to us or requested from us by third party service providers. For example, we may use financial crime or other background check agencies to screen you as part of the client take-on process, or we may

use identification verification databases or obtain information from publicly available sources.

Where we do receive Sensitive Personal Information, we may process it in limited circumstances, but only with your explicit written consent, or where necessary to comply with an order or a judgment of a relevant court or tribunal or any duty conferred or imposed on us by enactment (for example, our Anti-Money Laundering and Combating the Financing of Terrorism obligations).

Less commonly, we may process this type of information where it is required in relation to legal proceedings or where it is needed to protect your vital interests (or another natural person's interests) and you are incapable of giving your consent, or where you have already made the information public.

We will only keep such Sensitive Personal Information for as long as strictly necessary in order to comply with our legal obligations.

## **7 Sharing Personal Information and data security and retention measures**

### **Data sharing**

We may have to share Personal Information with third parties to process where required to do so by law or where it is necessary to provide the services you have requested from us. We require third parties to respect the security of your data and to treat it in accordance with the law. We may transfer your Personal Information outside of Guernsey or the European Union (EU). If we do, we will comply with applicable laws.

### **Which third parties process my Personal Information?**

"Third parties" include third party service providers, introducing agents and other persons. The following are examples of the types of activities that may be carried out by third parties and involve processing of Personal Information:

- (a) archive data storage;
- (b) registered office/agent facilities;
- (c) legal advice;
- (d) tax advice;
- (e) audit services;
- (f) banking and brokerage services; and
- (g) custodian services.

### **How secure is my information with third parties?**

We enter into data processing agreements with such third parties to ensure that they are obliged to take appropriate security measures to protect your Personal Information in line

with our policies. We do not allow any such persons to use Personal Information for their own purposes. We only permit them to process Personal Information which we share with them for specified purposes (being one or more of the purposes specified in this Privacy Notice) and in accordance with our instructions.

### **Transferring information outside Guernsey and the EU**

It may be necessary for us to transfer such Personal Information to third parties outside Guernsey. It may also be accessed by staff operating outside Guernsey who work for us or one of our affiliates or third-party service providers. This includes staff engaged in, among other things, the provision of support services.

We will take all steps reasonably necessary to ensure that Personal Information is treated securely and in accordance with this Privacy Notice and the Data Protection Legislation when it is processed in, or otherwise accessed from, a location outside Guernsey. This means that we will only transfer Personal Information to third parties outside Guernsey if (a) that third party is situated in a country that has been confirmed by the Guernsey Financial Services Commission or by law to provide adequate protection to Personal Information, (b) that third party has agreed (by way of written contract) to provide all protections to such Personal Information as required by the Data Protection Legislation, or (c) we have your explicit consent to do so (such as where you have consented to the provision of Personal Information in connection with your account to your introducing agent or where you have requested a specific transfer). Where any transfer takes place under a written contract, you have the right to request a copy of that contract and may do so by contacting us on the details below.

### **Data security**

We have put in place appropriate security measures to prevent Personal Information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to Personal Information to those employees, agents, contractors and other third parties who have a business need to know. They will only process Personal Information on our instructions and where they have agreed to treat the information confidentially and to keep it secure. Details of these measures may be obtained from the Company's Data Protection Officer.

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.

### **Data retention**

We will retain Personal Information for as long as necessary to fulfil the purposes we collected it for. The length of time we retain Personal Information depends on:

- (a) the purposes for which the Personal Information was/is being processed; and
- (b) any legal or regulatory requirement we may have to meet.

For example, we must be able to respond to any concerns you may have, even if you are no longer a Shareholder. We have a data retention policy in place that governs the destruction of Personal Information.

In some circumstances, we may anonymise Personal Information so that it can no longer be associated with the relevant natural person, in which case we may use such information without further notice to you. Once your business relationship with us has ended we will retain and securely destroy Personal Information related to your account in accordance with our data retention policy and applicable laws and regulations.

## **8 Other information concerning how we process Personal Information**

### **High risk data use**

We are required by law to determine whether the use of Personal Information carries a high risk of "physical, material or non-material damage" to the significant interests of the relevant data subject. We have put in place procedures to assess whether the use of Personal Information is considered to be high-risk. In the unlikely event that the use of Personal Information related to your account is considered to be "high risk" we shall take certain measures to address such risk and any suspected data breach shall be notified to you immediately where we are required by law to do so.

### **Change of purpose**

We will only process Personal Information for the purposes necessary for which we collected it, unless we reasonably consider that we need to process it for another reason and that reason is compatible with the original purpose. If we need to use Personal Information provided by you for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process Personal Information provided by you without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **Automated decision-making**

Automated decision-making takes place when an electronic system uses Personal Information to make a decision without human intervention.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

### **Our obligations as an employer**

Each and every one of our employees is responsible for maintaining the confidentiality of all Personal Information to which they have access. As an express condition of their contracts of employment, our employees must assume and maintain obligations of confidentiality which endure beyond the cessation of employment.

All employees are required to undertake mandatory data protection training on a regular basis which reinforces their responsibilities and obligations in maintaining the privacy and confidentiality of your Personal Information.

## **9 Accessing and updating your Personal Information**

### **Your duty to inform us of changes**

We are committed to maintaining the accuracy of Personal Information for as long as it is being used for the purposes set out in this Privacy Notice, and provided that you keep us up to date. Prompt notification of any changes, such as your address, email address or telephone number, will help us provide you with the best possible service. Should you discover, upon review of Personal Information that you have provided to us, that amendments are required, please advise us immediately. We will make our best efforts to advise others of any important amendments to Personal Information that we may have released to them.

### **Your rights in connection with personal information**

Under certain prescribed circumstances, by law you and/or relevant natural persons have the right to, amongst other things:

- (a) **Request access** to the Personal Information that we hold about you or them (as applicable) (commonly known as a "data subject access request").
- (b) **Request changes to** the Personal Information that we hold about you or them (as applicable) to ensure that such information is accurate and up to date.
- (c) **Request that we erase or stop processing** Personal Information that we hold about you or them (as applicable) where there is no longer a legal ground for us continuing to process it.
- (d) **Object to processing** of Personal Information where we are processing your or their (as applicable) Personal Information for certain purposes including for direct marketing or where the legal basis for the processing is based solely on it being necessary for our legitimate interests or for a historical or scientific purpose and there is something about your or their particular situation that makes you want to object to processing for this purpose.
- (e) **Request the restriction** of processing of your or their (as applicable) Personal Information (in cases where its accuracy or completeness is disputed or the processing is unlawful) in a particular manner and for a specific period of time to enable us, for example, to verify the accuracy of that Personal Information.
- (f) **Request the transfer** of Personal Information that we hold about you or them (as applicable) to another party.

If you wish to exercise any of the above rights, please contact our Data Protection Officer in writing (contact details below).



### **No fee usually required**

In ordinary circumstances you will not have to pay a fee to access your Personal Information (or to exercise any of your other rights listed above). However, we may charge a reasonable fee if you request multiple copies of such Personal Information on more than one occasion or otherwise.

### **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 Information is not disclosed to any person who is not entitled to receive it.

### **Right to withdraw consent**

In the limited circumstances where the legal basis of our processing of Personal Information is based on you having provided your consent to such processing, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our Data Protection Officer (contact details below). Once we have received notification that you have withdrawn your consent, we will no longer process such information, unless we have another legitimate basis for doing so in law.

## **10 General**

### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to provide the services you have requested, as this may prevent us from complying with our legal obligations such as our Anti-Money Laundering and Combating the Financing of Terrorism obligations.

## **Do we need your consent?**

We do not need your consent to use Personal Information or Sensitive Personal Information for the purposes specified in Section 5 and Section 6 of this Privacy Notice (respectively). In limited circumstances, we may approach you (or your representative) for written consent to allow us to collect and/or process Personal Information or Sensitive Personal Information for a certain purpose or purpose(s). If we do so, we will provide full details of the information that we would like and the reason we need it, so that you may consider if you wish to consent.

## **Data Protection Officer**

The Company has appointed a Data Protection Officer to oversee its compliance with this Privacy Notice. If you have any questions about this Privacy Notice or how the Company or the Administrator handle Personal Information relating to your account, please contact the Data Protection Officer:

Data Protection Officer  
Saffery Champness Fund Services  
Limited  
PO Box 141  
La Tonnelle House  
Les Banques  
St Sampson  
Guernsey  
GY1 3HS

Telephone: +44 1481 721374  
Email: [dpo@saffery.gg](mailto:dpo@saffery.gg)

If you have any questions about the Manager and its processing of Personal Information relating to your account, please contact [info@eeafmg.gg](mailto:info@eeafmg.gg).

## **Complaints**

Should you have any queries or complaints in relation to how we use Personal Information, please contact our Data Protection Officer by email to [dpo@saffery.gg](mailto:dpo@saffery.gg). Should you wish to take any complaints or queries further, living natural persons have the right in certain circumstances to make a complaint in writing to the Data Protection Authority in Guernsey in respect of the processing of their Personal Information by us, the Administrator, the Manager or the Company and have certain rights to appeal pursuant to the Guernsey Data Protection Legislation.

### Contact details for Data Protection Authority:

The Office of the Data Protection  
Commissioner  
Guernsey Information Centre  
North Esplanade  
St Peter Port

Telephone: +44 1481 742074  
Email: [enquiries@dataci.org](mailto:enquiries@dataci.org)

Guernsey  
GY1 2LQ

### **Changes to this Privacy Notice**

This Privacy Notice does not form part of any contract to provide services.

We reserve the right to update this Privacy Notice at any time, provided a notice of such change is displayed on our website at <http://www.eeafmg.gg/eea-life-settlements-fund>.