

Information on Data Protection and Data Processing



Introduction & Scope

As of May 25, 2018, the General Data Protection Regulation, briefly GDPR, will apply in the European Union. It contains regulations regarding the collection, processing and the protection of your personal data.

This document provides fair-finance Asset Management Ltd (“**FFAM**”)’s customers and business partners with the essential information regarding data protection.

This policy applies in all cases where FFAM is the data controller or data processor of personal data, regardless of who created the data and where they are stored. In these cases it applies to all officers and employees who process such personal data. Disciplinary action may be taken as a result of non-compliance with this policy.

1. Data Controller

fair-finance Asset Management

Il Piazzetta A, Suite 52, Tower Road, Sliema
Malta

FFAM, as a data controller collects, handles and stores personal data relating to investors, clients, officers and employees. In this respect it has responsibility to implement and comply with data protection laws.

2. Data Protection Officer

Mr. Wolfgang Renzl

c/o pfletschinger.renzl Rechtsanwalts-Partnerschaft
Weihburggasse 26/4, 1010 Vienna
Austria

Mr. Renzl, as data protection officer, is the contact person in relation to data protection matters.

Alternatively, FFAM’s Executive Director **Mr. Markus Zeilinger** may also be contacted in the respective matters via FFAM (for Contact Details see para 15).

3. FFAM's Duty to comply with the Data Protection Principles

FFAM must adhere to, and be able to demonstrate compliance with the Data Protection Principles, outlined hereunder, when it determines the purposes for which, and the manner in which, personal data are to be or are processed.

Lawfulness, fairness and transparency

FFAM must ensure that personal data are processed lawfully, fairly and in a transparent manner. It has clarified to its officers, employees, investors, and clients how, the legal basis and for what purposes it processed their personal data at the time of collection. The relevant privacy information should be made available at the time of collection of personal data.

Purpose limitation

FFAM should only collect personal data for specified, explicit and legitimate purposes and use it solely for such purposes.

Data minimisation

FFAM should limit the collection and handling of data only to what is necessary in relation to the purposes for which they are required.

Accuracy

FFAM should ensure that the personal data it holds are accurate and up to date. It should also make sure that any mistakes may be easily rectified and done so without delay.

Storage limitation

FFAM should ensure that the personal data are not held for any longer than is necessary.

Integrity and Confidentiality





FFAM should ensure that appropriate security measures are implemented in order to safeguard unlawful access, loss or destruction of personal data.

Accountability

FFAM is responsible for and should ensure that it has appropriate processes and records in place to demonstrate compliance with all of the above Data Protection Principles. FFAM must make sure that it has the necessary resources and adequate controls to ensure and document compliance with all of the above principles.

4. Type and Origin of Personal Data

FFAM is processing the following personal data:

-  Master and legitimisation data, e.g. name, address, date of birth, telephone number, fiscal status, ID card data, ID card copy, etc.
-  Customer relationship management, e.g. hobbies, interests, etc.
-  Product, service and contract data, e.g. product possession, disposition option, sales and transactions, use of digital banking and portals (cookies), advice records, etc.
-  Credit worthiness data, e.g. rating, warning list entries, etc.

- 🔥 Image and sound data, e.g. video records, recorded telephone conversations and your photo (if you have consented to the taking of your photo), etc.
- 🔥 Processing results to fulfil the contracts and consents
Data to satisfy legal and regulatory specifications

Most of the personal data that FFAM is processing regarding its customers has been provided by the customers: for example, when opening the account, taking out the credit, agreeing on an appointment, in a request on our websites, etc.

Apart from that, the data may come from the following sources:

- 🔥 Publicly available sources, e.g. company register, land register, insolvency file, register of associations
- 🔥 From other institutions of the fair-finance Group

In addition, we may receive data from state authorities or from persons on behalf of the government such as guardianship or criminal courts, prosecutions, court commissioners. For a detailed list referring to your person, you may exercise your right to information.

5. Purpose and Legal Basis of Processing Personal Data

FFAM is a company authorised to provide Investment Service pursuant to Article 6 of the Investment Services Act 1994. Data is only processed in connection with this activity – details below:

Processing for contract fulfilment

FFAM is permitted to render certain services for its customers depending on the type of concluded contracts. This might be an agreement relating to a special purpose fund, or a management agreement, for example. FFAM must process its customers' data to this end. FFAM's offerings are just as diverse as the wide range of entered contracts. The scope of data processing is specified in the terms of the respective contract.

Processing to fulfil legal obligations

Certain legal regulations and purposes also require FFAM to process personal data, such as:

- 🔥 Monitoring insider trading, conflicts of interest, and market manipulation: the Securities Supervision Act 2018, the Stock Market Act, the EU Market Abuse Regulation 596/2014
- 🔥 Ascertaining its customers' identity, transaction monitoring, reporting suspicious activity: Financial Market Money Laundering Act and the EU Wire Transfer Regulation 847/2015
- 🔥 Provision of information to public prosecutors, courts, and criminal financial authorities pertaining to criminal proceedings based on intentional financial crimes: Austrian Banking Act, criminal procedural code, criminal financial code
- 🔥 Processing based on legitimate interests

FFAM or third-party agents have a legitimate interest in processing data in the following cases:

- 🔥 Measures for the prevention of fraud, fraud transaction monitoring
- 🔥 Data processing for exercising legal claims
- 🔥 Recording telephone calls, for example for complaints and for documenting declarations that are relevant for transactions
- 🔥 Processing personal data for the purposes of direct marketing and carrying out statistical analysis can also be a legitimate interest.

Processing based on declaration of consent

If there is no contract, legal obligation, or legitimate interest, data processing can also be legal when you have given us your consent or authorisation to do so. The scope and contents of this data processing are always defined by the specific consent that you have granted. FFAM can revoke this consent at any time.

The revocation has no impact on the legality of data processing up to the point in time that the consent is revoked. In other words, revocation has no retroactive effect.

6. Customer Obligation of Data Disclosure





FFAM requires certain personal data from its clients for the sake of the business relationship. Not knowing a customer's name/ e-mail address results in no possibility to update the customers about new products, or relevant changes as well as invitations for events or properly managing a customer's special purpose fund. If a customer nonetheless is not in favour of providing their personal data to FFAM, the mentioned services cannot be provided. Besides that, there is no obligation for customers to share any data.

7. Are any decisions made based on automated processing, including profiling?

FFAM is employing no automated decision-making processes pursuant to Article 22 GDPR at the beginning of or during a business relationship.

8. To whom are my personal data passed on?

A customer's personal data can be passed on to:

-  Companies, units, and persons (employees and contract agents) within fair-finance group when these entities need these data to fulfil contractual, legal, or supervisory obligations and to realise their legitimate interests
-  Public agencies and institutions when FFAM is legally obligated to do so, for example financial market authorities, tax authorities, etc.
-  Third parties contracted by FFAM, such as IT and back office service providers, when they require these data for their activities. Third parties are contractually required to treat a customer's data confidentially and to only process them for the provision of the relevant services
-  Third parties when this is required for contract fulfilment or based on legal regulations; a customer's data may also be passed on to third parties when the customer has consented to this forwarding.

9. Forwarding of Personal Data to Non-EU Countries

FFAM processors do not work with sub-processors in non-EU countries.

10. Data-Retention Obligations

The customer personal data are stored for as long as required to fulfil the relevant purposes in any case. Beyond this, European, Austrian and Maltese law requires FFAM to retain personal data for a certain period of time. These retention obligations may also apply when there is no longer an existing business relationship between FFAM and a customer. FFAM shall periodically review the data it holds, and erase or anonymise it when it is no longer necessary.

11. Customer Rights

GDPR grants customers the following rights pertaining to their personal data.

- 🔥 The right to information (Article 13 GDPR)
- 🔥 The right of access (Article 15 GDPR)
- 🔥 The right to rectification (Article 16 GDPR).
- 🔥 The right to erasure (Article 17 GDPR).
- 🔥 The right to restrict processing (Article 18 GDPR).
- 🔥 The right to data portability (Article 20 GDPR).
- 🔥 The right to object (Article 21 GDPR).
- 🔥 The right to not be subject to decision-making based solely on automated processing, including profiling (Article 22 GDPR)

12. Security

FFAM has appropriate systems in place to ensure that personal data are processed in a manner that ensures appropriate security and protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

13. Audits

FFAM shall ensure that data audits for the purposes of managing and mitigating data protection risks are performed periodically and when deemed necessary.

14. Training

FFAM shall ensure that all staff has the requisite training and awareness to enable them to comply with data protection laws and this policy. Any data user who may require any further training should contact the Data Protection Officer.

Any breach of data protection laws and/or this policy by a data user or other member of staff may result in disciplinary action, up to and including dismissal.

15. Contact Details

Regardless of which right a customer wishes to exercise, requests can be submitted in the following ways:

✉ By regular mail (please sign and include a copy of a photo ID) to

fair-finance Asset Management

Il Piazzetta A, Suite 52, Tower Road, Sliema

Malta

✉ By e-mail (only with a qualified electronic signature) to data@fair-finance-am.com

Additional information about the customer's identity might be requested in cases of doubt. This serves the customer's protection so that no unauthorised persons can access personal data.

If no answer to a request is received within three months or if the customer has the impression, that their data protection rights have been violated in some other way, a complaint can be filed with the responsible supervisory authority:

Office of the Information and Data Protection Commissioner

Floor 2, Airways House

Hight Street

Sliema SLM 1549

Malta

(+356) 2328 7100

idpc.info@idpc.org.mt

<https://idpc.org.mt/en/Pages/contact/complaints.aspx>