

## **PRIVACY NOTICE BASE INVESTMENTS SICAV**

In compliance with the Luxembourg law of 1st August 2018 organizing the National Commission for data protection and of the general system on data protection, as it may be amended from time to time and the Regulation n°2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (“**GDPR**”), as such applicable laws and regulations may be amended from time to time (collectively hereinafter referred to as the **Data Protection Laws**), BASE INVESTMENTS SICAV (the “**Fund**”), acting as data controller (the “**Data Controller**”) processes personal data in the context of the investments in the Fund. The term “processing” in this notice has the meaning ascribed to it in the Data Protection Laws.

### **1. INTERESTED PARTIES**

In this Policy, the Fund would like to explain how it collects, processes and protects personal data relating to the following:

- investors;
- potential investors;
- representatives;
- contact persons;
- agents;
- service providers;
- beneficial owners;
- attorneys and/or any other related parties.

### **2. CATEGORIES OF PERSONAL DATA PROCESSED**

The Data Controller may process all personal data provided in relation to one or more investments made in the Fund (hereinafter referred to as the "Personal Data"), according to the definition provided by the Data Protection Laws, including:

- personal identification information (for example name, surname, identity card or passport and related number present on the identification document, nationality, place and date of birth, gender, photograph, IP address);
- contact information (e.g. postal address and e-mail address, telephone number);
- tax status (for example tax code or other identification code for tax purposes);
- information on education and employment (e.g. curriculum vitae);
- banking, financial and transactional data (for example bank details, including the number and balance of the current account, the sum invested and the origin of the assets);
- data relating to the use of our products, including banking, financial and transactional data;
- data relating to the interactions of the interested parties with us, with our website, emails and telephone conversations;
- any recordings of telephone conversations;
- data that our servers automatically record when the interested parties visit the Fund's website, the activity in relation to our products, the data transmitted by the interested parties' browser or the device that the interested parties use and are automatically recorded by our server (e.g. IP address, the device

used, the type of browser used, the pages of the Fund's website visited, the date and duration of access and other technical information).

These data are used for IT security reasons and to improve the ease of use of the site. We use "cookies", tracking technologies and other means such as, for example, pixel tags, unique identifiers, to collect and process the above information and keep track of the preferences of interested parties and improve the quality of the products offered.

We never ask for, collect or actively store particularly sensitive personal data relating to racial or ethnic origins, political opinions, religious or philosophical beliefs, trade union memberships, genetic data, data relating to sexual orientation or data relating to criminal convictions and offences, unless required by law.

### 3. PURPOSES OF THE PROCESSING

The processing of Personal Data may be made for the following purposes (the "Purposes"):

#### **a) For the performance of the contract to which the investor is a party or in order to take steps at the investor's request before entering into a contract**

This includes, without limitation, the provision of investor-related services, administration of the shareholdings in the Fund, handling of subscription, redemption, conversion and transfer orders, maintaining the register of shareholders, management of distributions, sending of notices, information and communications and more generally performance of service requests from and operations in accordance with the instructions of the investor.

The provision of Personal Data for this purpose:

- has a contractual nature or is a requirement necessary for the Fund to enter into a contractual relationship with the investor; and
- is mandatory;

#### **b) For compliance with legal and/or regulatory obligations**

This includes (without limitation) compliance:

- with legal and/or regulatory obligations such as obligations on anti-money laundering and fight against terrorism financing, obligations on protection against late trading and market timing practices, accounting obligations;
- with identification and reporting obligations under foreign account tax compliance act ("FATCA") and other comparable requirements under domestic or international exchange tax information mechanism such as the Organisation for Economic Co-operation and Development ("OECD") and EU standards for transparency and automatic exchange of financial account information in tax matters ("AEOI") and the common reporting standard ("CRS") (hereinafter collectively referred to as "Comparable Tax Regulations"). In the context of FATCA and/or Comparable Tax Regulations, the Personal Data may be processed and transferred to the Luxembourg 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 of the United States of America;
- with requests from, and requirements of, local or foreign authorities.

The provision of Personal Data for this purpose has a statutory/regulatory nature and is mandatory. In addition to the consequences mentioned at the end of this point 2, not providing Personal Data in this context may also result in incorrect reporting and/or tax consequences for the investor;

**c) For the purposes of the legitimate interests pursued by the Fund**

This includes the processing of Personal Data for risk management and for fraud prevention purposes, improvement of the Fund's services, disclosure of Personal Data to Processors (as defined below) for the purpose of effecting the processing on the Fund's behalf. The Fund may also use Personal Data to the extent required for preventing or facilitating the settlement of any claims, disputes or litigations, for the exercise of its rights in case of claims, disputes or litigations or for the protection of rights of another natural or legal person. The provision of Personal Data for this purpose:

- has a contractual nature or is a requirement necessary for the Fund to enter into a contractual relationship with the investor; and
- is mandatory;

**and/or**

**d) For any other specific purpose to which the Data Subject has consented**

This covers the use and further processing of Personal Data where the Data Subject has given his/her explicit consent thereto, which consent may be withdrawn at any time, without affecting the lawfulness of processing based on consent before its withdrawal [(e.g. to receive marketing material (about the products and services of group companies or those of its commercial partners)].

**Not providing Personal Data for the Purposes under items a) to c) hereabove or the withdrawal of consent under item d) hereabove may result in the impossibility for the Fund to accept the investment in the Fund and/or to perform investor-related services, or ultimately in termination of the contractual relationship with the investor.**

**4. DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES**

The Personal Data may be transferred by the Fund, in compliance with and within the limits of the Data Protection Laws, to its delegates, service providers or agents, such as (but not limited to) [its management company, its administrative agent, its registrar and transfer agent, its domiciliary agent, its auditor, its global distributor, its depositary bank, other entities directly or indirectly affiliated with the Fund and any other third parties who process the Personal Data for providing their services to the Fund, acting as data processors (collectively hereinafter referred to as **Processors**)].

Such Processors may in turn transfer Personal Data to their respective agents, delegates, service providers, affiliates, such as (but not limited to) the Fund's distributors and certain entities of Edmond de Rothschild Group, acting as sub-processors (collectively hereinafter referred to as "**Sub-Processors**").

Personal Data may also be shared with service providers processing them on their own behalf as independent data controllers and third parties as may be required by applicable laws and regulations (including but not limited to administrations, local or foreign authorities (such as competent regulator, tax authorities, judicial authorities, etc)).

Personal Data may be transferred to any of these recipients in any jurisdiction including outside of the European Economic Area ("**EEA**"). The transfer of Personal Data outside of the EEA may be made to countries ensuring (based on the European Commission's decision) an adequate level of protection or to other countries not ensuring such adequate level of protection. In the latter case, the transfer of Personal Data will be protected by appropriate or suitable safeguards in accordance with Data Protection Laws, such as standard contractual

clauses approved by the European Commission. The Data Subject may obtain a copy of such safeguards by contacting the Fund.

## **5. RIGHTS OF THE DATA SUBJECTS IN RELATION TO THE PERSONAL DATA**

Under certain conditions set out by the Data Protection Laws and/or by applicable guidelines, regulations, recommendations, circulars or requirements issued by any local or European competent authority, such as the Luxembourg data protection authority (the Commission Nationale pour la Protection des Données – “**CNPD**”) or the European Data Protection Board, each Data Subject has the rights:

- to access his/her Personal Data and to know, as the case may be, the source from which his/her Personal Data originate and whether they came from publicly accessible sources;
- to ask for a rectification of his/her Personal Data in cases where they are inaccurate and/or incomplete,
- to ask for a restriction of processing of his/her Personal Data,
- to object to the processing of his/her Personal Data,
- to ask for erasure of his/her Personal Data, and
- to data portability with respect to his/her Personal Data.

Further details regarding the above rights are provided for in Chapter III of GDPR and in particular articles 15 to 21 of GDPR.

No automated decision-making is conducted.

To exercise the above rights and/or withdraw his/her consent regarding any specific processing to which he/she has consented, the Data Subject may contact the Fund at the following address: 4, rue Robert Stumper, L – 2557 Luxembourg. In addition to the rights listed above, should a Data Subject consider that the Fund does not comply with the Data Protection Laws, or has concerns with regard to the protection of his/her Personal Data, the Data Subject is entitled to lodge a complaint with the locally competent supervisory authority (within the meaning of GDPR). In Luxembourg, the competent supervisory authority is the CNPD, having its address at 15, Boulevard du Jazz, L - 4370 Belvaux, Grand Duchy of Luxembourg.

## **6. INFORMATION ON DATA SUBJECTS RELATED TO THE INVESTOR**

To the extent the investor provides Personal Data regarding Data Subjects related to him/her/it (e.g. representatives, beneficial owners, contact persons, agents, service providers, persons holding a power of attorney, etc.), the investor acknowledges and agrees that: (i) such Personal Data has been obtained, processed and disclosed in compliance with any applicable laws and regulations and its/his/her contractual obligations; (ii) the investor shall not do or omit to do anything in effecting this disclosure or otherwise that would cause the Fund, the Processors and/or Sub-Processors to be in breach of any applicable laws and regulations (including Data Protection Laws); (iii) the processing and transferring of the Personal Data as described herein shall not cause the Fund, the Processors and/or Sub-Processors to be in breach of any applicable laws and regulations (including Data Protection Laws); and (iv) without limiting the foregoing, the investor shall provide, before the Personal Data is processed by the Fund, the Processors and/or Sub-Processors, all necessary information and notices to such Data Subjects concerned, in each case as required by applicable laws and regulations (including Data Protection Laws) and/or its/his/her contractual obligations, including information on the processing of their Personal Data as described in this notice. The investor will indemnify and hold the Fund, the Processors and/or Sub-Processors harmless for and against all financial consequences that may arise as a consequence of a failure to comply with the above requirements.

## **7. DATA RETENTION PERIOD**

Personal Data shall not be retained for periods longer than those required for the purpose of their processing, subject to statutory periods of limitation.

## **8. RECORDING OF TELEPHONE CONVERSATIONS**

Investors, including the Data Subjects related to him/her/it (who will be individually informed by the investors in turn) are also informed that for the purpose of serving as evidence of commercial transactions and/or any other commercial communications and then preventing or facilitating the settlement of any disputes or litigations, their telephone conversations with and/or instructions given to the Fund, its management company, its depositary bank, its domiciliary agent, its administrative agent, its registrar and transfer agent, and/or any other agent of the Fund may be recorded in accordance with applicable laws and regulations. These recordings are kept as long as necessary for the purpose of their processing, subject to statutory periods of limitation. These recordings shall not be disclosed to any third parties, unless the Fund, its management company, its depositary bank, its domiciliary agent, its administrative agent, its registrar and transfer agent and/or any other agent of the Fund is/are compelled or has/have the right to do so under applicable laws and/or regulations in order to achieve the purpose as described in this paragraph.