

CONSTANTIA FUND LIMITED

Privacy Notice



STONEHAGE
FLEMING

NOW AND FOR FUTURE GENERATIONS

This Privacy Notice explains how Constantia Fund Limited collects, uses and discloses your personal data, and your rights in relation to the personal data it holds. Constantia Fund Limited is a member of the Stonehage Fleming Group of companies (Group).

In this Privacy Notice, “us”, “we” and “our” refers to Constantia Fund Limited.

As a result of contracting with Constantia Fund Limited your personal data will be processed in the British Virgin Islands and is subject to the Data Protection Act 2021. If you are a natural person connected to an entity who is contracting with Constantia Fund Limited then this notice may apply to you.

If you are a natural person resident in the European Union contracting and/or connected to an entity with Constantia Fund Limited this notice may apply to you and our processing may be subject to the General Data Protection Regulation (GDPR) and local privacy laws.

If you are a natural person resident in the United Kingdom contracting and/or connected to an entity with Constantia Fund Limited this notice may apply to you and our processing may be subject to the UK GDPR and local privacy laws.

We may amend this Privacy Notice from time to time to reflect any changes in the way that we process your personal data. This Privacy Notice supersedes any previous version of this notice with which you may have been provided or had sight of before the date stated at the end of this notice, as well as anything to the contrary contained in any agreement with us.

Please refer to this Privacy Notice to understand our processing of your personal data.

1. WHAT IS PERSONAL DATA AND PROCESSING?

- 1.1 Personal data is information relating to a living individual who can be identified from that data or data that makes you identifiable. Settlers, Protectors, Beneficiaries (minors and adults), Directors, Trustees, Protectors, Politically Exposed Persons and their families and associates, Controlling Persons of Entities, Business contacts, Staff (current and former), Suppliers, and associates, employees and consultants of client entities are all included where they are natural living persons.
- 1.2 When we collect, store, use in any way for any purpose or delete your personal data we are processing it.
- 1.3 Personal data includes, among other data, your name(s), address(es), email address(es), telephone number(s), bank account number(s) and passport number(s).

2. DATA CONTROLLER

- 2.1 Constantia Fund Limited is the Data Controller of your personal data. The Data Controller is responsible for ensuring that your personal data is processed in compliance with data protection laws and to provide you with this privacy notice. If you have any questions or concerns about personal data or this privacy notice or you wish to make a complaint about how we have processed your personal data, or you wish to exercise any of your rights as a data subject please contact the Data Controller by email at groupdataprotectionofficer@stonehagefleming.com or by post at the following address:

Constantia Fund Limited
Craigmuir Chambers
Road Town
Tortola
VG1110
British Virgin Islands



2.2 Alternatively, please feel free to discuss with your Account Manager.

3. WHY DO WE PROCESS YOUR DATA?

- 3.1 **Subscriptions:** Other than your contact details which we require to contact you and an internal number we assign to you, all personal data collected/processed as part of the subscription process is mandatory for compliance with Know Your Customer/Anti-Money Laundering requirements. This applies whether you are a settlor, trustee, director, protector, beneficiary, significant shareholder or other data subject on whom we seek personal data. Your personal data will be stored on our servers in South Africa, Europe and the United Kingdom. Your data may be shared with third parties within the European Union and/or globally to undertake sanction screening and the internal data we generate may go to other Group offices for reporting. Where such office is situated outside of the European Union, such as South Africa, we have the necessary arrangements in place for processing your data in line with European standards.
- 3.2 **Periodic Reporting:** We have a legal obligation to produce period statements and we use the personal data we collect from you together with financial data and an internally generated reference number assigned to you to do so. This may be shared with regulatory bodies and your custodian. Your personal data may be input into and processed by fund and accounting software which is maintained and used by Group entities globally.
- 3.3 **CRS / FATCA Reporting:** We process the account number, tax ID, FATCA/CRS information and financial data. We are required to do this by legislation. This data may be shared with your custodian and other Group offices in particular in Europe, the Isle of Man and South Africa.
- 3.4 **Redemption Payments:** The bank details which we request from you including swift code, IBAN and account number are used for record keeping, which we have a legal obligation to undertake and to process payments in fulfilment of our duties to you. They may be shared with Group offices and with Constantia Fund Limited's custodian bank. Where such Group office is situated outside of the European Union, such as South Africa, we have the necessary arrangements in place for processing your data in line with European standards.
- 3.5 **Termination:** We will further process the personal data you have provided us with when you terminate your relationship with us. We are required to communicate that to the various parties we engage with including the custodian and other Group offices (in particular South Africa).
- 3.6 **Sharing with Broker, Custodian, or Portfolio Manager:** Brokers, Banks, Custodians and Portfolio Managers may require information on you for their own due diligence to comply with regulations, we share the information you provide to us with them for this purpose. We will also use your data in the normal running of our business including for reasonable administrative and accounting purposes and as such data including personal data may be provided to our investors or any person financing or acquiring or considering financing or acquiring any part of the Group's business. Your data may also be viewed by regulatory/supervisory bodies or by our accountants should they perform an audit.

4. WHAT PERSONAL DATA DO WE COLLECT?

We may process items of data such as: your name, address, place and date of birth, photograph/ID card/proof of identity, proof of address, Tax identification numbers, bank details, signature, contact information, social security details, ID/passports and FATCA/CRS details. This may be provided directly by you or by your representative such as a lawyer or accountant. We may also collate and hold data found from the results of Google or other internet searches and other sources in the public domain as well as third party service providers in the course of our client due diligence and client review process, and in providing the services that we are engaged



to provide. We generate an internal number specific to you and our accounting software will also produce a reference number for you.

We process the following documents and information that may also contain your personal data: Trust Deeds, employment history, bank references, register of members, register of directors, financial statements, controlling persons list, authorised signatories list, minutes and resolutions. Information regarding source of funds and source of wealth may also contain your personal data. We may also undertake sanction screening, credit and fraud checks with third parties and checks to ascertain any convictions, court cases, criminal records or proceedings of any person connected with our client, the trust or company or other entity. In the course of your dealings with us you may provide further information to us, where we seek additional information, all of this information will be kept securely by Constantia Fund Limited and the Group.

5. CONSEQUENCES OF FAILING TO PROVIDE THE REQUIRED PERSONAL DATA

Without the personal data detailed in this notice we would be unable to take or accept your subscription, undertake any activities or maintain records for you as we would not be compliant with the law.

6. DATA PROVIDED TO THIRD PARTIES

The Group's business and the services you request of us require transfers to many third parties, often at your request, and at other times transferring data to a third party is necessary to perform our contract with you (for example if you ask us to open a bank account for a legal entity or where other advisors or service providers are engaged) or for Legal/Regulatory reasons, such as completion of a corporate annual return of a Company. A non-exhaustive list of potential transfers include:

- 6.1 Collecting and sending documents for external audits of client entities;
- 6.2 Collecting and sending documents for external audits of Group entities;
- 6.3 Publications onto the public record, such as companies registries or beneficial ownership registers;
- 6.4 Publications with regulators;
- 6.5 FATCA/CRS filings onto approved external platforms;
- 6.6 Sending information to external parties such as notaries and other advisors or service providers on behalf of serviced clients;
- 6.7 For legitimate business purposes your personal data may be shared with any investor, potential investor, acquirer, bank or financial institution investing in or considering investing in Constantia Fund Limited or any of the Group companies.

7. SHARING OF AML INFORMATION WITH BANKS CUSTODIANS, BROKERS, ADVISORS, AUDITORS OR PORTFOLIO MANAGERS

Brokers, Banks, Custodians, Advisors, Auditors and Portfolio Managers may require information on you for their own due diligence to comply with regulations. We share the information you provide to us with them for this purpose.



8. SUMMARIES OF TRANSFERS

- 8.1 Your data will be processed by Constantia Fund Limited in the British Virgin Islands and is subject to the BVI Data Protection Act. In addition, as an entity which may offer services into the European Union and United Kingdom, where we process personal data of data subjects' resident in the European Union and United Kingdom, the GDPR and UK GDPR may apply respectively with local privacy laws. Your personal data may be processed by any of the Group's offices, inside and outside the European Union, United Kingdom or the British Virgin Islands. We have agreements in place, where required, to protect transfers of your data between jurisdictions in accordance with the applicable privacy laws. Should you require further information about this, please contact us.
- 8.2 Additionally your data may be entered into our accounting and/or billing systems, and our document management systems and your data may be processed by our sub-processors including our retail investment technology and third party administration solution providers or outsourcing technology companies, including cloud services providers. In such cases, where data is processed in a third country, an appropriate safeguard is used. Your data may also be provided externally to banks, regulators, auditors, advisors (including, but not limited to, legal advisors), supervisory or governmental bodies as well as those appointed as directors, shareholders, and/or beneficiaries, settlors or protectors to the trust.

9. RETENTION AND DESTRUCTION OF PERSONAL DATA

Your personal data will be kept securely by Constantia Fund Limited and the Group. This information will be held for 6 years from the date at which you cease to be a client after which it will be securely destroyed. We may keep it longer where:

- 9.1 There is litigation or an investigation;
- 9.2 Where we are obliged to by any law which governs our operations;
- 9.3 Where we act in connection with a trust we may need to retain documents for significantly longer periods to demonstrate to beneficiaries in the future.

10. YOUR RIGHTS

You have the following data protection 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 correct the personal data we hold about you if it is incorrect;
- 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.

Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply.



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 following email address: groupdataprotectionofficer@stonehagefleming.com

28 March 2022



