

## Definitions

Reference to:

“**Marlborough**” or “**we**” or “**us**” means Marlborough International Fund PCC Limited and its cells;

“**Louvre**” means Louvre Fund Services Limited, appointed data processor and administrator;

“**You**” or “**your**” means the prospective investor or an individual or institution for whom you are authorised to act.

Further definitions can be found in the Data Protection (Bailiwick of Guernsey) Law, 2017.

## Introduction

This Privacy Notice sets out how personal data (i.e. information which directly or indirectly identifies you) is collected, processed, and disclosed by Marlborough. We take the privacy and security of your information seriously and will only use such personal data as set out in this Privacy Notice.

This Privacy Notice should be read in conjunction with Marlborough’s Prospectus and Application Form, which set out the Terms and Conditions of investment into Marlborough.

## The information we collect

1. In the course of offering or providing services to you we may collect information that personally identifies you. The personal data we collect may include:
  - a) your name, title, and contact details (including email address and phone number);
  - b) your professional title and occupation;
  - c) your age;
  - d) financial information (including bank account details);
  - e) personal identifiers such as your social security number, national insurance number, or tax number;
  - f) information which we need to conduct ‘know your client’ checks such as details relating to your passport and residential address; and
  - g) other information you provide to us in the course of your dealings with us or which we require in order to provide you with Marlborough’s product and services.
2. In certain, very limited, cases, we may also collect what is known as “special categories” of personal data. The money laundering, sanctions, financial crime, and fraud prevention checks required by legislation sometimes result in us obtaining information about actual or alleged criminal convictions and offences, as well as in respect of Politically Exposed Persons (PEPs).
3. You are not obliged to provide us with your information where it is requested but we may be unable to provide certain products and services or proceed with our business relationship with you if you do not do so. Where this is the case, we will make you aware.

## How we collect your data

1. We primarily collect your personal data from the following sources:
  - a) from information which you give us, including but not limited to:
    - i. Applications or other materials you submit to us at the start or during the course of your relationship with us;
    - ii. your interactions with us, transactions, and use of our services (including but not limited to the use of our website);
    - iii. your business dealings with us, including via email or telephone;
    - iv. Third parties (including for money laundering checks, among other things); and
    - v. recording and monitoring tools that we use for compliance or security purposes (e.g. recording of telephone calls, monitoring emails, etc.).
  - b) personal data we receive from you or any third party sources which may include:
    - i. entities in which you or someone connected to you has an interest;
    - ii. your legal and/or financial advisors;
    - iii. other financial institutions who hold and process your personal data to satisfy their own regulatory requirements;
    - iv. financial crime databases for the purposes of complying with our regulatory requirements; and

- v. information collected via our website (including cookies and IP addresses).
2. We may also collect and process your personal data in the course of dealing with advisors, regulators, official authorities, and service providers with whom we have a contract.

## **Why we collect your Personal data**

### Lawful grounds for processing

1. We are entitled to hold and process your personal data on the following lawful grounds:
  - a) the processing is necessary for our legitimate interests, provided that your interests and fundamental rights do not override those interests;
  - b) where the customer is a natural person, the processing is necessary to comply with our respective contractual duties to you under the terms of the Application Form you complete upon application for Marlborough's products and services;
  - c) to comply with the legal and regulatory obligations of any regulatory authority, including but not limited to the Guernsey Financial Services Commission and the Financial Conduct Authority;
  - d) (on exceptional occasions) where we have obtained your consent; and
  - e) (on rare occasions) where it is needed in the public interest.
2. Some of the grounds for processing described above will overlap and there may be several grounds which justify our use of your personal data.

### Inaccurate or Amended Information

1. It is your responsibility to let us know as soon as possible of any change to your personal data (including correspondence details). Failure to provide accurate or updated information may have a detrimental impact upon the services offered to you. Failure to provide information where it is required for anti-money laundering requirements, pursuant to automatic exchange of information agreements, or other legal requirements means we may not, or may no longer, be able to accept you as a client.

### Purposes of processing

1. We may process your personal data for the purposes set out below.
  - a) communicating with you as necessary in connection with the services provided to you;
  - b) supporting Louvre and other appointed service providers in the processing of your personal data in connection with the services provided by Marlborough;
  - c) monitoring and recording telephone and electronic communications and transactions:
    - i. for quality, business analysis, training, and related purposes in order to improve service delivery;
    - ii. for investigation and fraud prevention purposes, for crime detection, prevention, investigation, and prosecution of any unlawful act (or omission to act); and
    - iii. to enforce or defend Marlborough's respective rights, or through third parties to whom we may delegate such responsibilities or rights in order to comply with a legal or regulatory obligation imposed on us;
  - d) disclosing your personal data (including identity and interest in company or specified accounts) to any bank or financial institution in connection with Marlborough's responsibilities, legal obligations, and services provided to you;
  - e) detecting and preventing crime such as fraud, money laundering, terrorist financing, bribery, corruption, tax evasion, and to prevent the provision of financial and other services to persons who may be subject to economic or trade sanction on an ongoing basis ("Regulatory Assessments");
  - f) facilitating the provision of services to you and retaining your personal data as part of our Regulatory Assessments or future services entered into by you;
  - g) liaising with or reporting to any regulatory authority (including tax and wider government authorities); and
  - h) communicating with our professional advisers for the purposes of obtaining professional advice.

2. We will only use your personal data for the purposes for which we collected it unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.
3. If we need to use your personal data 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 your personal information without your knowledge or consent, in compliance with the above rules, where these are required or permitted by law.
4. To the extent that such personal data contains special category data such as data relating to racial or ethnic origin, political opinion, religious or philosophical belief, trade union membership, or criminal data then the processing of such data shall solely be for the purpose of complying with any duty imposed on Marlborough by an enactment including, but not limited to, legislation and regulatory obligations relating to Anti-Money Laundering and Combatting the Financing of Terrorism and all other related legislation.
5. Marlborough will not make decisions about you based on automated processing of your personal data.

#### **How we process your data**

1. The processing of your personal data in relation to the subscription to Marlborough's products and services is carried out by Louvre pursuant to an Administration Agreement dated 28 May 2013 (as amended from time-to-time). Marlborough acts as the data controller.
2. Louvre will only process personal data to the extent it is required to fulfil legal and regulatory obligations as described above. At no point are Louvre allowed to process personal data outside of an instruction from Marlborough or that which is permitted by the Administration Agreement. However, Louvre may, independently of Marlborough, request information from you for the purposes of fulfilling their regulatory obligations.
3. Louvre is not permitted to appoint a sub-processor for the processing of personal data without written approval from Marlborough.
4. Louvre will retain personal data in conjunction with their data retention policy (as amended from time-to-time).
5. Neither Louvre nor Marlborough will use your data for marketing purposes.
6. Further details relating to how Louvre processes data can be found in Louvre's privacy policy which is available at <http://louvregroup.com/privacy-statement>.

#### **Sharing personal data**

1. Marlborough may share your personal data with third parties (including auditors and legal professionals) under the terms of any appropriate delegation or contractual arrangement. Those authorised third parties may, in turn, process your personal data abroad and may have to disclose it to foreign authorities to help them in their fight against financial crime.
2. We may transfer your information to locations outside the European Economic Area (which for the purposes of this Privacy Notice includes the Bailiwicks of Guernsey and Jersey, the "EEA").
3. Where we transfer your information outside of the EEA, however, we will ensure that the transfer is subject to appropriate safeguards in accordance with data protection laws. Often, these safeguards include contractual safeguards. Please do contact us if you would like more information about these safeguards.

#### **Retention of personal data**

1. Your personal data will be retained for the longest of the following periods:

- a) for Marlborough and/or any authorised third parties to carry out the Purposes for which the data was collected or as long as is set out in any relevant agreement you enter into with us;
  - b) in order to establish or defend legal rights or obligations or to satisfy any reporting or accounting obligations; and/or
  - c) any retention period that is required by the Data Protection (Bailiwick of Guernsey) Law, 2017 and any other applicable laws or regulatory requirements. We endeavor to store your personal data securely and in accordance with accepted market standards.
- 2. Whilst we have taken every reasonable care to ensure the implementation of appropriate technical and security measures, we cannot guarantee the security of your personal data over the internet, via email, or via our website nor do we accept, to the fullest extent permitted by law, any liability for any errors in data transmission, machine, software, or operating error or any other cause.

## **Your rights**

- 1. You have, under certain circumstances, the following rights in respect of personal data:
  - a) the right to access personal data;
  - b) the right to rectify personal data;
  - c) the right to restrict the use of personal data;
  - d) the right to request that personal data is erased;
  - e) the right to object to processing of personal data; and
  - f) where Marlborough or an authorised third party has relied on consent to process the personal data, the right to withdraw consent at any time by contacting us.
- 2. You also have the right to lodge a complaint with the Guernsey Data Protection Authority and/or a supervisory authority in the EU member state of your usual residence or place of work or of the place of the alleged breach, if you consider that the processing of your personal data carried out by Marlborough or an authorised third party, has breached data protection laws.
- 3. You may also appeal to certain courts against (i) any failure of the Guernsey Data Protection Authority to give written notice of whether the complaint is either being investigated or not being investigated and where applicable, the progress and the outcome of the investigation and (ii) a determination of the Guernsey Data Protection Authority not to investigate the complaint or a determination that a controller or processor has not breached or is not likely to breach an operative provision in connection with the complaint. The Guernsey Data Protection Authority is the Data Protection Commissioner, for which more information is available at <https://dataci.gg/>.
- 4. In limited circumstances we may approach you for your written consent to allow us to process certain, particularly special category, data or to use data for another purpose. Where you may have provided your consent to the collection, processing, and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact us. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **How to contact us**

If you have any questions about our use of your personal data, our retention procedures, or our security processes, please contact the Company Secretary at [LFSPrivacy@louvregroup.com](mailto:LFSPrivacy@louvregroup.com).

## **Changes to this Policy**

This Privacy Notice is dated 13 December 2018.

We reserve the right to amend this Privacy Notice at any time without notice, in which case the date of the policy will be revised.