

Marlborough Investment Management Limited

Data Protection Privacy Notice

1. Data Protection Privacy Notice

- 1.1 For the purposes of this Privacy Notice, "European Data Protection Legislation" is defined as, for the periods in which they are in force, the European Data Protection Directive 95/46/EC, all laws giving effect or purporting to give effect to the European Data Protection Directive 95/46/EC (such as the Data Protection Act 1998) or otherwise relating to data protection (to the extent the same apply) and, from 25 May 2018, the General Data Protection Regulation (Regulation (EU) 2016/679) ("GDPR") or any equivalent legislation amending, supplementing or replacing the GDPR.
- 1.2 In this notice (the "**Data Protection Privacy Notice**"), "MIM", "we", "us" and "our" means Marlborough Investment Management Ltd. We are committed to respecting your privacy. We are registered in the UK, with our registered office address at PO Box 1852, Lichfield, Staffordshire, WS13 8XU. Our ICO registration number is Z5291316. Further company details are set out on our website: <https://www.marlboroughinvests.com>.
- 1.3 For the purposes of data protection law MIM is a data controller in respect of your personal data. We are responsible for ensuring that we use your personal data in compliance with data protection law. The below clauses in this Data Protection Privacy Notice set out the basis on which any personal data about you, that you provide to us, that we create or that we collect or generate about you, will be processed by us. This Notice explains how we will collect, store and use any personal data you provide via our website, email or networking with our people and when you otherwise communicate with us (including in the course of the financial services we provide or the running of our business).
- 1.4 This Data Protection Privacy Notice also applies to any person whose personal data has been provided to us by an agent or direct or indirect owner of a client or by an employer or where we otherwise use a person's personal data. For the purpose of this Data Protection Privacy Notice, a reference to "you" and "your" shall include the client of MIM, as well as any connected individual described in this Section 1.4.
- 1.5 This Privacy Notice may change from time to time and if it does, the up-to-date version will always be available on our website and becomes effective immediately.

Personal data we collect about you

- 1.6 We may collect and process the following data about you:
- (A) Information provided to us by you or (if different) your agent or representative in connection with your investment(s) or your use of our Services:
This might include:
- (1) Your name and title;
 - (2) Contact information, including postal address, telephone number and email address, (including proofs of name and address);
 - (3) Date of birth, gender, nationality, National Insurance number, photograph, signature and copies of identity documents;
 - (4) Occupational history, job title;

- (5) Income, assets, other financial information, bank details, investment history, tax residency and tax identification information and details of any relevant sanctions or similar restrictions;
- (6) Data relating to health and health history, including disabilities.
- (7) Such information might be provided in a Fact Find document or in an Application Form or in other documents (as part of an application process or at other times), face-to-face, by telephone, by email or otherwise;

(B) information that we collect or generate:

This might include information relating to your investment, your transactions or use of our Services; a record of any correspondence between you and us (or your/our representatives), any recordings of telephone calls and website use data; and

(C) Information that we obtain from other sources:

This might include information obtained for the purpose of our know-your-client procedures (which include anti-money laundering procedures, counter-terrorist financing procedures, politically-exposed-person checks, sanctions checks, among other things), information from government or public bodies, public websites and other public sources and information received from advisers or intermediaries.

Use of your personal data

1.7 Your personal data may be stored and processed by us for the following purposes:

- (A) to set up and manage your investment(s) and/or process your transactions, including to perform anti-money laundering and know-your-client/Fact Find procedures, arranging payments from and to be made to you, and more generally to establish investments and/or services for you and to oversee those processes;
- (B) To manage our relationship with you (and/or your business), including by maintaining our database of clients and other third parties for administration, and accounting and relationship management purposes;
- (C) To complete our contractual obligations to you, or otherwise taking steps as described in our engagement terms and/or Client Agreement (including any associated administration);
- (D) to provide you with information on products you may have requested through our Service, to notify you about changes to our Service and to ensure the on-going accuracy and relevance of such data;
- (E) general business administration, including communicating with clients, responding to any query that you may submit to us, communicating with service providers and counterparties, accountancy and audit services, risk monitoring, the administration of IT systems;
- (F) compliance with legal and regulatory obligations and industry standards, including know-your-client/Fact Find procedures, the automatic exchange of tax information, exchange of trading information and legal judgments;

- (G) for general internal research purposes, including to identify and analyse the regularity of use of particular aspects of our Service and the nature of our Service's users;
- (H) in respect of information shared with investment manager(s) appointed in respect of any of your investments, (and its/their affiliates), business activities relating to your investment(s), such as investor relations, discussions with service providers and counterparties in relation to your investment(s), decision-making in relation to your investment(s), and business strategy, development and marketing;
- (I) to improve the design of products and services for your use; and
- (J) to market certain products, services, events and content that may be of interest to you but only if you have given us your consent to do so or we are otherwise able to do so in accordance with applicable European Data Protection Legislation.

1.8 We are entitled to process your personal data in the ways described above in this Data Protection Privacy Notice for the following reasons:

- (A) if you are a client, you may enter into a contract with us and some processing will be necessary for the performance of that contract, to provide the Service to you and to satisfy our obligations to you, or will be done at your request prior to entering into that contract. We would not be able to act for you without this personal data;
- (B) processing may be necessary to discharge a relevant legal or regulatory obligation;
- (C) the processing will, in all cases, be necessary for the legitimate business interests of us (or one or more of our affiliates), an investment manager appointed in respect of your investments, or another person, such as:
 - (1) carrying out our ordinary or reasonable business activities, or those of the applicable investment manager, or other persons, or other activities previously disclosed to our clients/investors or referred to in this Data Protection Privacy Notice;
 - (2) ensuring compliance with all legal and regulatory obligations and industry standards, and preventing fraud;
 - (3) establishing, exercising or defending legal rights or for other purposes relating to legal proceedings;
 - (4) ensuring the security of information systems; and
 - (5) conducting marketing and promoting our business, products and services.
- (D) in respect of any processing of sensitive personal data falling within special categories, such as any personal data relating to the political opinions of a politically exposed person, the processing will be necessary for reasons of substantial public interest.

Disclosure of your personal data to third parties

- 1.9 We may from time to time, in accordance with the purposes described in this Data Protection Privacy Notice above, disclose your personal data to other parties, including (a) service providers, (b) support services, (c) investment managers and its/their affiliates appointed in respect of your investment(s), (c) professional advisers such as law firms and accountancy firms, (d) other agents and contractors, (e) counterparties and (f) courts and regulatory, tax and governmental authorities. Some of these persons will process your personal data in accordance with our instructions, where they act as our data processor and others will themselves be responsible for their use of your personal data where they act as a data controller. This will depend on the purposes of our sharing your personal data. These persons may be permitted to further disclose the personal data to other parties.

Transfers of your personal data outside of the European Economic Area

- 1.10 Your personal data may be transferred to and stored by persons outside the European Economic Area (the “**EEA**”), and in particular may be transferred to and stored by our affiliates or service providers.
- 1.11 Where personal data is transferred outside the EEA, we will ensure that the transfer is subject to appropriate safeguards or is otherwise permitted under applicable law. For example, the country to which the personal data is transferred may be approved by the European Commission, the recipient may have agreed to model contractual clauses approved by the European Commission that oblige them to protect the personal data, or the recipient may be located in the United States and be a certified member of the EU-US Privacy Shield scheme.
- 1.12 You can obtain more details on the protection given to your personal data when it is transferred outside the EEA, including a copy of any standard data protection clauses entered into with recipients of your personal data, by contacting us using the details set out under “Contacting us” in this Data Protection Privacy Notice below.

Necessity of personal data

- 1.13 The provision of certain personal data is necessary for us to provide the Service and for our compliance (and that of our service providers) with certain legal and regulatory obligations. Accordingly, if certain personal data is not provided when requested, an application to become a client or to undertake a transaction might not be accepted or this may have other repercussions for your investment.

Storage and Retention of personal data

- 1.14 We have security procedures in place to protect your personal information to try to prevent unauthorised access. Unfortunately, the transmission of information via the internet is not completely secure and although we do our best to protect your personal data, we cannot absolutely guarantee the security of your data.
- 1.15 How long we hold your personal data for will vary. We will not process or retain your data for a period any longer than required other than for the purpose of processing it in relation to the delivery of services to you and also where required by law or regulation. The retention period will be determined by various criteria including:
- (A) the purpose for which we are using it – we will need to keep the data for as long as is necessary for that purpose; and
 - (B) legal obligations – laws or regulation may set a minimum period for which we have to keep your personal data.

Your rights

- 1.16 You have a number of legal rights in relation to the personal data that we hold about you. These rights include the following:
- (A) the right to obtain information regarding the processing of your personal data, access to the personal data which we hold about you and details of any third party with whom your personal information has been shared;
 - (B) the right to withdraw your consent to our processing of your personal data at any time. Where we process your personal data, we do so on the basis that you have provided your consent for us to do so for the purposes set out in the Privacy Notice, when you submitted your personal data to us. You may withdraw your consent to this processing at any time by contacting us at enquiries@marlboroughinvests.com. Please note, however, that we may still be entitled to process your personal data if we have another legitimate reason (other than your consent) for doing so and we would notify of this at such time;
 - (C) in some circumstances, the right to receive some personal data in a structured, commonly used and machine-readable format and/or request that we transmit that data to a third party where this is technically feasible. Please note that this right only applies to personal data which you have provided to us;
 - (D) the right to request that we rectify your personal data if it is inaccurate or incomplete;
 - (E) the right to request that we erase your personal data in certain circumstances. Please note that there may be circumstances where you ask us to erase your personal data but we are legally entitled and required to retain it;
 - (F) the right to object to, and the right to request that we restrict, our processing of your personal data in certain circumstances. Again, there may be circumstances where you object to, or ask us to restrict, our processing of your personal data but we are legally entitled and required to continue processing your personal data and / or to refuse that request; and
 - (G) the right to lodge a complaint with the data protection regulator (details of which are provided below) if you think that any of your rights have been infringed by us.
- 1.17 You can exercise your rights by contacting us using the details set out in the “Contacting us” section below.
- 1.18 You can find out more information about your rights by contacting the appropriate EU data regulator such as the UK’s Information Commissioner’s Office, or by searching their website at <https://ico.org.uk/>.

Contacting us or Making a Complaint

- 1.19 If you would like further information on the collection, use, disclosure, transfer or processing of your personal data or the exercise of any of the rights listed above, please address questions, comments and requests to the Compliance Officer, using the contact details below.
- 1.20 If at any time you have a complaint in respect of any of the provisions in this Data Protection Privacy Notice then again please forward this to the Compliance Officer, using the contact details below.

*Head Office. PO Box 1852, Lichfield, WS13 8XU
Tel: 01283 791600 Fax: 01283 792123 Email: enquiries@marlboroughinvests.com*

2. Interpretation

- 2.1 Except where the context otherwise requires, in this Data Protection Privacy Notice the following words and expressions shall have the meanings set out below:

“Investments” refers to the money/cash/units/shares you have authorised us to invest and/or

“Services” refers to the method by which MIM invests/managers your investments and any