



**PRIVACY NOTICE  
(LUXEMBOURG)**

## PRIVACY NOTICE

This privacy notice has last been updated on 19 August 2022.

### 1. Purpose of this Notice

- 1.1 This Privacy Policy is intended for clients of Circumference FS and sets out how we process, collect, manage and store the information provided to us and the information we collect in the course of operating our business and providing services to our clients. It also sets out how your rights under the Luxembourg Data Protection Legislation, are adhered to.
- 1.2 We are firmly committed to protecting your personal, financial and business data. We outline herein:
- The types of information, including personal data that we collect about you;
  - How we obtain your personal information;
  - How we may use and share your personal information;
  - On what lawful basis we use your personal information;
  - The countries to which we transfer your personal information;
  - How long we retain your personal information; and
- 1.3 We advise our clients to ensure that all relevant individuals are made aware of this Notice, in particular their rights in relation to the personal information held by us.
- 1.4 Circumference FS acts as data controller in accordance with the General Data Protection Regulation (the **Law** or the **GDPR**).
- 1.5 References in this Notice to Circumference FS and to “we”, “our” “us” should be read as relevant as a reference to Circumference FS (Luxembourg) S.A. and each of the Luxembourg companies in the Circumference group of companies from time to time.
- 1.6 References to “you” should be read as our client of record and any director, officer, employee of a company, partners or members of a partnership, any substantial owner, controlling person or beneficial owner, trustee, settlor or protector of a trust, account holder of a designated account, attorney or representative of our client or any other person relevant to your relationship with Circumference FS.

### 2. What personal information do we collect about you?

- 2.1 This Notice principally deals with the personal data we collect about you. This means any data by which an individual can be identified directly or indirectly (on its own or if combined with other personal data). This data obtained by us may include:
- Information establishing your identity (for example, name, email address, contact details) and personal background (which include personal information concerning your family members, if provided to us);
  - Information related to transactions or financial behavior arising from your relationship with and through us, and from other financial institutions;
  - Additional information we obtain as part of our compliance obligations (e.g. source of wealth and references and financial details);
  - Information you provide on an application form for any of our products and services;
  - In respect of corporate or institutional clients (including partnerships), details about persons with an interest in clients, including but not limited to officers, shareholders, partners, trustees, settlors, protectors, beneficiaries, staff and corporate contacts;

- Records of correspondence and communications between you and Circumference FS representatives including email, letters and attendance notes;
- Information received from third parties including in relation to those assisting with our compliance policies and our policies regarding the combatting of fraud, money laundering, terrorism and other crimes.

### 3. **How do we obtain your personal information?**

We may collect and confirm your information as part of our client on-boarding process and further during the course of our relationship with you. We may obtain this information from a variety of sources including directly from you, from service arrangements you make with or through us from financial institutions, from public registries and sources, from references you provide to us and from other sources.

### 4. **How do we use your personal information?**

We will only use your personal data in accordance with the Law. We may use or process your information for the following purposes:

- To verify your identity and to contact you;
- To facilitate or otherwise assist in the provision of services provided by us to you and to perform the contract we have entered into with you;
- To meet our regulatory and/ or legal and/or financial and/or other reporting obligations in Luxembourg;
- To comply with laws, regulations, or court orders in any jurisdiction (whether or not the same is strictly binding or capable of being enforced);
- To prevent or detect fraud, money laundering, terrorist or proliferation financing or other criminal conduct (including, without limitation, compliance with our internal know your client, anti- money laundering and anti-bribery and corruption policies);
- To recover a debt;
- To assess and manage our group operations and our financial and insurance risks;
- To understand your and our clients' needs and provide a better service;
- For internal record keeping;
- To keep you updated regarding legal and regulatory matters in Luxembourg and elsewhere which may be of interest to you and services offered by us in relation to such matters which may be of interest to you; and
- to send you information related to our services/products/newsletter through a mailing list system. This is done in accordance with the Law and, save where we have legitimate interests in contact you in such regard, only where you have given your express permission to be contacted in such a manner.

### 5. **On what basis do we use your personal information?**

The legal bases for our use, processing or sharing of your personal information are:

- To comply with legal and regulatory obligations;
- To perform our contractual obligations to you;
- For legitimate business purposes: using your personal information helps us to operate and improve our business and minimise any disruption to the services that we may offer to you;
- Because you have given your consent (if we expressly ask for consent to process your personal information, for a specific purpose); and
- To prevent and detect crime, or for reasons of substantial public interest, and for the establishment, exercise or defense of legal claims or proceedings.

## 6. With whom do we share your personal information?

6.1 We will only disclose or transfer your information in accordance with the law and for the lawful purposes set out above. The parties with whom we may share your personal information may include:

- Our employees, agents and service providers (including companies which support our business operation, such as IT service providers) and other companies within the Circumference group, who are required to maintain the confidentiality of this information;
- Persons who provide us with instructions on your behalf (such as attorneys, intermediaries or lawyers);
- Companies and organisations that may assist us to process transactions including, but not limited to, banks, stock exchanges and clearing houses;
- Professional advisers to us or to you including brokers, lawyers, bankers or auditors who provide such professional services to us or to you;
- Regulatory, police or law enforcement and fraud prevention agencies, where we are compelled or permitted or required to do so by order of a court or governmental or administrative tribunal or by law, regulation or any other legal requirement or with whom we decide to cooperate voluntarily (to the extent we are legally permitted to do so);
- Any person to whom we may lawfully assign or transfer our rights and/or obligations under our agreement with you or any third party as a result of a restructuring, sale or acquisition, provided that the recipient uses the information for the same purpose as it was originally supplied to us and/or used by us;
- Such persons as we believe are necessary where a failure to make such disclosure would result in damage to our reputation or good standing or expose us to civil or criminal prosecution in any jurisdiction or where failure to make such disclosure would in our opinion be prejudicial to us, our group companies, our nominees, advisors or agents (to the extent we are permitted by the Law to do so);
- Such other persons that we believe in good faith have a right to make a request for lawful disclosure of such information; and
- Any other person where disclosure is made at your request or with your consent (including your advisors or agents), or if otherwise permitted under our agreement with you.

### 6.2 *Transfers of your personal information outside of your home country*

The Circumference group operates internationally and accordingly it is necessary on occasion to transfer your data to other group companies or to the recipients listed above outside Luxembourg, which may include the EU, the United Kingdom, the Cayman Islands and the United States.

Where any transfer of data set out above results in certain of your personal information being transmitted through or stored or processed in jurisdictions outside Luxembourg, we will implement appropriate measures to ensure that the data is appropriately stored and protected in accordance with applicable data protection and privacy laws. Where necessary we will ensure that separate and appropriate contractual agreements are put in place with the recipient of that data.

Such measures may include entering into EU Standard Contractual Clauses with the company receiving such data (see details of EU Standard Contractual Clauses at [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en)) and ensuring that the jurisdictions into which your personal information is transferred contain equivalent data protection legislation and requirements to those of Luxembourg and the EU.

## 7. How long do we retain your personal information?

We will only retain the personal information we gather from you for so long as is necessary for the purpose for which the data was collected or for so long as we are required by applicable law to retain such data. This is generally a period of five years from the date of termination of our relationship with you, or for such other period as may be required from time to time under relevant laws and regulations, including those relating to record keeping and prescription periods. Such information may be retained after your relationship with us has ended, and for client identification purposes in accordance with our record keeping policy.

## 8. Your rights in relation to your personal information

8.1 Under the Law, you have certain rights in relation to your personal information, including to:

- Access your personal information and to obtain information about how we process your personal information;
- Object to and withdraw your consent to our processing your information;
- Request erasure of the information that we process about you;
- Request that we restrict our processing of the information in certain circumstances or ways;
- Request that we rectify information held about you which is inaccurate or incomplete.

However, please note that we may continue to process your personal information if there is a legitimate reason or legal obligation to our doing so and may continue to retain such information if entitled to or required by law to do so regardless of any request for deletion or rectification. Please also note that depending on the request made by us, such request may prevent us from performing our contractual obligations to you or from advising you or suggesting appropriate alternatives.

8.2 Subject to the above, you may seek to exercise your right to request removal of your personal data at any time by clicking on the following link [DPL Privacy Removal](#) and completing the attached form.

8.3 Should you wish to exercise any of your rights under the Law or under this Notice, to ask questions in relation to how Circumference handles personal data or to make a complaint regarding the way in which your personal data is handled, please contact Circumference at [enquiries@circumferencefs.com](mailto:enquiries@circumferencefs.com).

8.4 You also have the right to complain to the CNPD (Commission Nationale pour la Protection des Données) being the regulator for data protection in Luxembourg about Circumference's handling of your personal data. You can submit your complaint via the complaint form on their website:  
<https://cnpd.public.lu/en/particuliers/faire-valoir/formulaire-plainte.html>

Or alternatively, print the form and fill it in by hand and send it to:

**Address:** CNPD, Service des Réclamations, 15, Boulevard du Jazz, L-4370 Belvaux, Grand Duchy of Luxembourg  
**Telephone:** +352.2610.601  
**Website:** <https://cnpd.public.lu/en.html>

## 9. General Information

9.1 We may change this Notice and our Data Protection Policy from time to time by updating the Notice on our website at <https://www.circumferencefs.com/privacy-policy>. You should

check that page from time to time to ensure that you are happy with any changes to your rights.

- 9.2 We ask you to please ensure that any data provided to us by you and by third parties is accurate and complete in all respects. If you believe that any of the centrally held information about you, including your personal information, is incorrect or inaccurate, you should notify us so that the information can be updated or corrected, as appropriate.
- 9.3 The current Data Protection Officer for Circumference FS (Luxembourg) S.A. is Anna Love who is the person designated as responsible for monitoring compliance with this Policy and to act as a contact point for clients. Anna can be contacted at [anna.love@circumferencefs.lu](mailto:anna.love@circumferencefs.lu) or by telephone on +352 2602 4969.
- 9.4 This Privacy Notice is governed by the laws of Luxembourg. Any dispute arising from or in connection with this Privacy Notice is subject to the exclusive jurisdiction of Luxembourg courts.

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### **Additional notices regarding use of the Circumference FS website:**

#### 1. *Non-Personal Information*

Please refer to our Privacy Notice for information regarding the ways in which we collect and process personal information. We may also collect non-personal identification information about users of our group websites and persons who interact with our website. Non-personal identification information may include the browser name, the computer OS and technical information about users means of connection to our website, such as the operating system and the Internet Protocol address of your Internet service provider.

In no circumstances do we sell, trade, or rent personal identification information to others. We may share generic aggregated demographic information not linked to any personal identification information regarding visitors and users with our business partners, trusted affiliates and advertisers for the purposes permitted by applicable law.

#### 2. *Use of cookies*

Our website uses cookies to better understand and improve users' experience while visiting the website. Cookies are small files saved to the user's computer's hard drive that track, save and store information about the user's interactions and usage of the website. This allows the website, through its server, to provide the users with a tailored experience within this website.

Personal data such as name, contact details, email etc. is not collected through cookies. Users are advised that if they wish to deny the use and saving of cookies from this website onto their computer's hard drive they should take necessary steps within their web browser's security settings to block all cookies from this website and its external serving vendors or use the cookie control system if available upon their first visit. However, if you do so, note that some parts of the website may not function properly.

#### 3. *Measuring website usage (Google analytics) and targeted advertising*

We use Google Analytics software to collect information about how you use our website. We do this to help make sure the site is meeting the needs of its users and to help us make improvements. Google Analytics stores information about:

- the pages you visit;

- how long you spend on each page;
- how you got to the site;
- what you click on while you're visiting the site; and
- Your behavior on website.

We do not collect or store your personal information (for example your name or address) via our websites (save where you contact us via the "Contact Us" web page – see below) so such information cannot be used to identify who you are. We do not allow Google to use or share our analytics data. Google Analytics sets the following cookies in accordance with [Google's privacy policy](#).

Circumference FS does on occasion use targeted advertisements and the Advertising Reporting feature of Analytics, as well as the remarketing feature of Google Analytics tool. Circumference FS also makes use of Google's Interest-based advertising (Personalized Advertising) and 3rd-party audience data.

You can also download the Google Analytics opt-out browser Add-on [here](#).

#### 4. *Contacting us via our website*

In the event you contact us via our website's "Contact Us" page, you agree that you have agreed to share your personal data (being your name and contact details) with us for the purposes of our responding to your enquiry only and not for any other purpose, including marketing purposes. Your information will be protected and processed in accordance with this Notice and the Law.