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# **PRIVACY POLICY**

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## 1. Introduction

Nevastar Finance (Luxembourg) S.A. (the **Company**) is a management company incorporated under Luxembourg law and subject to Chapter 15 of the Law of 17 December 2010 relating to undertakings for collective investment (the **2010 Law**).

As such, the Company complies with the rules set forth by the General Data Protection Regulation (**GDPR**). This policy aims at ensuring compliance of the Company with GDPR at all times. For this purpose, the contents of this Policy is the following:

- The privacy notice setting out how the Company will generally process personal data in their capacity as Data Controller (as defined by GDPR) and, as the case may be, Data Processor (as defined by GDPR).
- The privacy notice setting out how the Company, acting as fund management company, and the funds it manages will process personal data in their capacity as Data Controller and, as the case may be, Data Processor.

## 2. General Privacy Notice of the Company

### 2.1. Purpose of processing and legal basis for the processing

#### a. The Company as Data Controller / Joint Data Controller

The Company may, in its capacity as Data Controller or Joint Data Controller, process your Personal Data (as defined by GDPR) for the following purposes:

- to provide you with information about our services and the events we might organize, and which may be of interest to you or the entity you represent. In that respect the Company may store your name, telephone, email address, as well as other Personal Data. The processing is based on your consent for the purpose of providing you the information about our services and events for marketing activities. The processing is based on our legitimate interest;
- to carry out anti-money laundering (**AML**) checks and related actions which the Company considers appropriate to meet any legal obligations imposed on us. Such processing is required in order to ensure the Company compliance with Luxembourg laws and regulations as well as in connection with any initial due diligence and then agreement we may enter into with you. We have a legitimate interest in performing such processing in accordance with the Company internal AML procedures;

- to execute a relevant contract with you or the entity you represent. In that respect the Company may collect your first name, last name, address, email address, telephone number, CV (date and place of birth, nationality), identity card, passport number as well as other Personal Data. Such processing is based on the necessity to execute the contract and based on a legal obligation;
- to on-board you as our client. In that respect the Company may contact you or the entity you represent by telephone/fax, email or any electronic (encrypted / password requirement) means and may collect your first name, last name, address, email address, telephone number, CV (date and place of birth, nationality), identity card, passport number, information in respect of the source money proceeds as well as other Personal Data in order to provide you with information on our service. Such processing in paper or electronic form, are required in order for the Company to conclude agreements. Should you or the entity you represent object to sending or receiving such information please inform us of this;
- to report to the Luxembourg tax authorities tax related information in order to comply with legal obligations. The processing is necessary to ensure compliance with the Company legal obligations;
- to process your application for a job position with us. In that respect your personal data you will provide us in your CV including but not limited to the first name, last name, email, address, date and place of birth, level of education, employment, employer name, last remuneration as well as other personal information will be processed by the Company or in a jurisdiction in relation to which there is a European Community level of adequacy such as Switzerland. In that respect the processing is based on the Company's legitimate interest;
- to update and maintain records of the Company fee billing services. In that respect the processing is based on the execution of a contract and on a legal obligation;
- to comply with legal obligations as necessary for the Company's legitimate interests indicated above and/or where the processing is legally required.

**b. The Company as Data Processor**

The Company may process, in its capacity as Data Processor, your Personal Data for the following purposes:

- to execute a relevant contract with you or the entity you represent. In that respect the Company may collect your data, as well as other data from the entity you represent. Such processing is based on the necessity to execute the contract and based on a legal obligation.

### c. Sensitive Personal Data

Due to the nature of its activities the Company will not collect, store or otherwise process your highly sensitive personal data such:

- political opinion;
- religious or philosophical beliefs;
- race or ethnicity;
- trade union membership;
- physical or mental health;
- sexual life,
- or any other information that may be deemed to be sensitive under applicable law.

## 2.2. Disclosure of your Personal Data and International Transfer of Data

Due to the international nature of its business, the Company may need to transfer your Personal Data within the Company other entities in the group. Your Personal Data will only be transferred within the Company entities which are located in the European Economic Area or in any other countries which ensure a similar or equivalent level of protection for individual data. The other entities in the Company group are located in:

- Switzerland;
- The United Kingdom.

The Company will not transfer your personal data to a recipient located outside the European Economic Area unless:

- You have previously approved transfer of your personal data to the relevant country and have not revoke that general approval at the date of this privacy notice;
- The recipient is in a jurisdiction in relation to which there is a European Community finding of adequacy.

In addition, the Company may disclose your Personal Data to its internal and external auditors, external service providers or to the competent authorities that is necessary in order to provide the Processing as described above. Such disclosure will be done in accordance with the applicable law and we require our service providers to be compliant with GDPR.

## 2.3. Data Accuracy

The Company will ensure that the Personal Data it processes is accurate and up-to-date. Personal Data that, to our knowledge, is inaccurate will be erased or rectified. In this respect we may, from time to time, ask you to verify the accuracy of your Personal Data.

#### **2.4. Data Minimization**

The Company will ensure that the processing of your Personal Data is limited to the relevant purpose of the processing.

#### **2.5. Data Security**

As a regulated financial entity in Luxembourg, the Company, directly or indirectly is subject to internal measures to prevent the loss, misuse, accidental or unauthorized disclosure or destruction, or access to your Personal Data. The Company has/will maintain the appropriate internal security measures in order to protect your Personal Data against loss, destruction, theft, misuse, unauthorized access, modification or alteration.

#### **2.6. Retention period**

Your Personal Data will be processed for only the minimum period which is necessary depending on the legal requirements for the purpose for which the data was obtained and/or whether additional legal/regulatory obligations mandate that the Company retains your personal information.

#### **2.7. Data Subjects' Rights**

According to GDPR you have a certain number of rights regarding the processing of your Personal Data which include:

- the right to access and rectify your personal information;
- the right to restrict the use of your personal information;
- the right to request that your personal information is erased;
- the right to be forgotten;
- the right to object to processing of your personal information, linked to the above;
- the right to data portability in an acceptable format (to be determined as per requests and within reasonability).

Should you wish to exercise the above rights, please address your query to [GDPR@nevastar.lu](mailto:GDPR@nevastar.lu).

#### **5.8. How to contact us**

If you have any questions about our use of your personal information, please address your request to: [GDPR@nevastar.lu](mailto:GDPR@nevastar.lu).

Please note that, in the case where you have provided your consent to receive our information about our services or events we would organize in the future, you may withdraw your consent at any time by contacting [GDPR@nevastar.lu](mailto:GDPR@nevastar.lu).

The present policy is subject to modification and therefore we would invite you to regularly consult our website in order to be informed as to the latest version.

### 3. Privacy Notice for the Company acting as Fund Management Company and its Funds

The funds managed by the Company (the **Funds**) together with the Company may, themselves or through the use of service providers, collect, store on computer systems or otherwise and further process, by electronic or other means, personal data (i.e. any information relating to an identified or identifiable natural person) concerning shareholders, investors, applicants or subscribers and their representative(s) (including, without limitation, legal representatives and authorised signatories), employees, directors, officers, trustees, settlors, their shareholders and/or unitholders, nominees and/or ultimate beneficial owner(s), as applicable (the **Data Subjects**).

To achieve the Purposes, as defined below and comply with regulatory obligations, Personal Data provided or collected in connection with an investment in the Funds will be disclosed by the relevant Fund and the as joint data controllers (the **Controllers**) to, and processed by, where applicable, the Company, the depositary, the registrar and transfer agent, the administrative agent, the paying agent, the auditor, the investment manager, the investment advisor, the distributor and its appointed sub-distributors, legal and financial advisers and other potential service providers of the Fund and of the Company (including their respective information technology providers, cloud service providers and external processing centres) and any of the foregoing respective agents, delegates, affiliates, subcontractors and/or their successors and assigns, acting as processors on behalf of the Fund/ Company (the **Processors**). In certain circumstances, the Processors may also process Personal Data of Data Subjects as controllers, in particular for compliance with their legal obligations in accordance with laws and regulations applicable to them (such as anti-money laundering identification) and/or order of any competent jurisdiction, court, governmental, supervisory or regulatory bodies, including tax authorities.

The Controllers and Processors will process Personal Data in accordance GDPR, as well as any law or regulation relating to the protection of personal data applicable to them, as any of such instruments may be modified or complemented from time to time (together the **Data Protection Legislation**).

#### 3.1. Purposes of Processing and Legal basis for processing

Personal Data will be processed by the Controllers and the Processors for the following purposes:



- offering investments in shares / interest of the Funds and performing the related services as contemplated under the offering documents and the subscription agreement, including but not limited to:
  - the opening of an account with the Fund and its administrative agent and depository where applicable, for the management and administration of your shareholding in the Fund and any related account on an on-going basis (the **Services**) which are necessary for the performance of an investment in the Fund, including without limitation the processing of initial subscriptions, redemption, conversion, transfer and additional subscription requests and the payment of distributions to Shareholders, updating and maintaining records and fee calculation, maintaining the register of shareholders / partners, providing financial and other information to the shareholders and partners;
  - to comply with legal and regulatory obligations applicable to the Controllers and the Processors and to pursue their legitimate business interests or to carry out any other form of cooperation with, or reporting to, public authorities including but not limited to legal obligations under applicable fund and company law in order to carry out and comply with AML legislation, to report tax related information to tax authorities in order to comply with a legal obligation under Foreign Account Tax Compliance Act (**FATCA**), the Common Reporting Standards (**CRS**) or any other tax identification legislation to prevent tax evasion and fraud as applicable and related actions which the Controllers consider appropriate to meet any legal obligations imposed on the Controllers relating to, or the processing in the public interest or to pursue the Controllers' legitimate interests in relation to, the prevention of 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 sanctions, on an on-going basis, in accordance with the Controllers' and the Processors AML procedures (the **Compliance Obligations**);
  - to monitor and record calls and electronic communications for (i) processing and verification of instructions, (ii) investigation and fraud prevention purposes, (iii) for crime detection, prevention, investigation and prosecution, (iv) to enforce or defend the Fund and its affiliates, itself or through third parties to whom it delegates such responsibilities or rights in order to comply with any legal obligation imposed on the Fund, (v) to pursue the Fund legitimate interests in relation to such matters or (vi) where the processing is in the public interest;
  - to disclose information to other third parties such as service providers of the Fund, auditors, regulatory authorities and technology providers in order to comply with any legal obligation imposed on the Fund or in order to pursue the legitimate interests of the Fund;
  - to monitor and record calls for quality, business analysis, training and related purposes in order to pursue the legitimate interests of the Fund to improve its service delivery;

- direct or indirect marketing activities (such as market research or in connection with investments in other Funds and/or the administrative agent and their respective affiliates;
- other related services rendered by any service provider of the Controllers and Processors in connection with the holding of shares / interests of the Fund;

and, which are necessary to comply with the Controllers and/or the Processors legal obligations and/or which are necessary for the Controllers or the Processors legitimate interests indicated above and/or the processing is in the public interest (the **Purposes**).

### 3.2. Recipients of Data and International Transfer of Data

Personal Data will only be disclosed to and/or transferred to and/or otherwise accessed by the Processors and/or any target entities, sub-funds and/or other funds and/or their related entities (including without limitation their respective general partner and/or management company / AIFM and/or central administration/investment manager/service providers) in or through which the Fund intends to invest, as well as any court, governmental, supervisory or regulatory bodies, including tax authorities in Luxembourg or in various jurisdictions, in particular those jurisdictions where (i) the Fund is or is seeking to be registered for public or limited offering of its shares / interests, (ii) the shareholders / partners are resident, domiciled or citizens or (iii) the Fund is, or is seeking to, be registered, licensed or otherwise authorised to invest for carrying out the Purposes and to comply with the Compliance Obligations (the **Authorised Recipients**). The Authorised Recipients may act as processor on behalf of Controllers or, in certain circumstances, as controller for pursuing their own purposes, in particular for performing their services or for compliance with their legal obligations in accordance with laws and regulations applicable to them and/or order of court, government, supervisory or regulatory body, including tax authority.

Controllers undertake not to transfer Personal Data to any third parties other than the Authorised Recipients, except as disclosed to shareholders / partners from time to time or if required by applicable laws and regulations applicable to them or, by any order from a court, governmental, supervisory or regulatory body, including tax authorities.

By investing in shares / interests of the Fund, the shareholders / partners acknowledge that Personal Data of Data Subjects may be processed for the Purposes and Compliance Obligations described above and in particular, that the transfer and disclosure of such Personal Data may be made to the Authorised Recipients, including the Processors, which are located in Switzerland, (this locations benefiting from adequacy decisions and are also located outside of the European Union), in countries which are not subject to an adequacy decision of the European Commission and which legislation does not ensure an adequate level of protection as regards the processing of personal data, including but not limited to the United States of America. Controllers will only transfer Personal Data of Data Subjects for performing the Purposes or for complying with the Compliance Obligations.

Personal Data of Data Subjects for performing the Purposes or for complying with the Compliance Obligations.

Controllers will transfer Personal Data of the Data Subjects to the Authorised Recipients located outside of the European Union either (i) on the basis of an adequacy decision of the European Commission with respect to the protection of personal data and/or on the basis of the EU-U.S. Privacy Shield framework or, (ii) on the basis of appropriate safeguards according to Data Protection Legislation, such as standard data protection clauses, binding corporate rules, an approved code of conduct, or an approved certification mechanism or, (iii) in the event it is required by any judgment of a court or tribunal or any decision of an administrative authority, Personal Data of Data Subjects will be transferred on the basis of an international agreement entered into between the European Union or a concerned member state and other jurisdictions worldwide or, (iv) where applicable under certain specific circumstances, on the basis of the shareholders / partners explicit consent or, (v) where necessary for the performance of the Purposes or for the implementation of pre-contractual measures taken at the shareholders / partners request or, (vi) where necessary for the Processors to perform their services rendered in connection with the Purposes which are in the interest of the Data Subjects or, (vii) where necessary for important reasons of public interest or, (viii) where necessary for the establishment, exercise or defence of legal claims or, (ix) where the transfer is made from a register, which is legally intended to provide information to the public or, (x) where necessary for the purposes of compelling legitimate interests pursued by the Controllers, to the extent permitted by Data Protection Legislation.

In the event the processing of Personal Data of Data Subjects or transfers of Personal Data of Data Subjects outside of the European Union take place on the basis of the consent of the shareholders / partners, the Data Subjects are entitled to withdraw their consent at any time without prejudice to the lawfulness of the processing and/or data transfers carried out before the withdrawal of such consent. In case of withdrawal of consent, Controllers will accordingly cease such processing or data transfers. Any change to, or withdrawal of, Data Subjects' consent can be communicated in writing to the Company at the following address: [GDPR@nevastar.lu](mailto:GDPR@nevastar.lu).

Insofar as Personal Data is not provided by the Data Subjects themselves (e.g. because the shareholder is not a natural person), the shareholders / partners represent that they have authority to provide such Personal Data of other Data Subjects. If the shareholders / partners are not natural persons, they undertake and warrant to (i) adequately inform any such other Data Subject about the processing of their Personal Data and their related rights (as well as how to exercise them) as described under the prospectus and the subscription agreement, in accordance with the information requirements under the Data Protection Legislation and (ii) where necessary and appropriate, obtain in advance any consent that may be required for the processing of the Personal Data of other Data Subjects as described under this information notice in accordance with the requirement of Data Protection Legislation. Any consent so obtained is to be documented in writing.

### 3.3. Retention period

Personal Data of Data Subjects will be retained by the Controllers and Processors until shareholders / partners cease to hold shares / interests of the Fund and a subsequent period of 10 years thereafter where necessary to comply with laws and regulations applicable to them or to establish, exercise or defend actual or potential legal claims, subject to the applicable statutes of limitation, unless a longer period is required by laws and regulations applicable to them. In any case, Personal Data of Data Subjects will not be retained for longer than necessary with regard to the Purposes and Compliance Obligations contemplated in this information notice, subject always to applicable legal minimum retention periods.

### 3.4. Data Subject Rights

Data Subjects may request, in the manner and subject to the limitations prescribed in accordance with Data Protection Legislation, (i) access to and rectification or deletion of Personal Data concerning themselves, (ii) a restriction or objection of processing of Personal Data concerning themselves and, (iii) to receive Personal Data concerning themselves in a structured, commonly used and machine readable format or to transmit those Personal Data to another controller and, (iv) to obtain a copy of, or access to, the appropriate or suitable safeguards, such as standard contractual clauses, binding corporate rules, an approved code of conduct, or an approved certification mechanism, which have been implemented for transferring the Personal Data outside of the European Union. In particular, Data Subjects may at any time object, on request, to the processing of Personal Data concerning themselves for marketing purposes or for any other processing carried out on the basis of the legitimate interests of Controllers or Processors. Each Data Subject should address such requests to the Company to GDPR - Nevastar Finance (Luxembourg) S.A. 36-38 Grand Rue, L-1660 Luxembourg, Grand Duchy of Luxembourg or e-mail [GDPR@nevastar.lu](mailto:GDPR@nevastar.lu).

Where the Controllers or the Processors requires your Personal Data to comply with AML legislation or other legal requirements, failure to provide this information may result in the impossibility to invest or maintain shares / interest in the Fund.

Shareholders / partners have the right to lodge any claim relating to the processing of their Personal Data carried out by Controllers in relation with the performance of the Purposes or compliance with the Compliance Obligations by lodging a complaint with the relevant data protection supervisory authority (i.e. in Luxembourg, the *Commission Nationale pour la Protection des Données* – [www.cnpd.lu](http://www.cnpd.lu)).

The Controllers and Processors processing Personal Data on behalf of the Controllers will accept no liability with respect to any unauthorised third party receiving knowledge and/or having access to Personal Data, except in the event of proved negligence or wilful misconduct of the Controllers or such Processors.

### 3.5. How to contact us

The Company can be contacted as follows:

GDPR – Nevastar Finance (Luxembourg) S.A. 36-38 Grand Rue, L-1660 Luxembourg, Grand Duchy of Luxembourg,

or

[GDPR@nevastar.lu](mailto:GDPR@nevastar.lu)

If you have any questions about our use of your Personal Data, please contact us.

The present notice is subject to modification and therefore we would invite you to regularly consult our website in order to be informed as to the latest version.

## 4. Ownership of the Policy

The Policy shall be approved by the management committee (**MC**) and the board of directors (**Board**) of the Company.

The Policy shall be reviewed at least once per year and updated / modified anytime necessary by the compliance officer. Any material changes shall be approved by the MC and the Board.