

Curmi & Partners Ltd.

Data Protection Notice – Update 28 October 2020

Protecting Your Privacy

We, the team at Curmi & Partners Ltd, strongly value our own privacy – and therefore are committed to protect your personal data (i.e. information that identifies you) as though it is our own.

If you have any questions about how we protect your privacy, get in touch here: info@curmiandpartners.com.

One of your rights under EU law - the GDPR - is that you must be informed when your personal data - also known as personal information - is processed (collected, used, stored) by any organisation. You also have the right to know the details and purpose of that processing.

This Data Protection Notice (the '**Notice**') describes our practices relating to the personal data of our clients and customers ('**You**'). For all our services, the data controller – the company that's responsible for your privacy – is Curmi & Partners Ltd with its address at Finance House, Princess Elizabeth Street, Ta 'Xbiex XBX 1102, Malta.

We assure you that we will only use and disclose any personal data collected from you in accordance with the manner set out in this Notice.

I. Relevant Data Protection Legislation

Regulation [EU] 2016/679, or as it is otherwise known, the General Data Protection Regulation (the 'GDPR') is a European-wide law which came into effect on 25th May 2018 and which applies to any processing carried out by organisation within the EU and outside the EU, where these offer goods and services to individuals within the EU. The Data Protection Act, Chapter 586 of the Laws of Malta, (hereinafter referred to as the 'Act') is the legislation that implements and further specifies provisions set out by the GDPR.

II. Information We Collect

Most of the personal information which we may collect about you is given to us only if you choose to give it to us or where providing this personal information is necessary for us to provide you with the relevant service. If you send us emails, then the personal data we process will depend on what you send us in the email.

The information we collect from you normally includes the following:

- 1 Name + Surname;
- 2 Contact Details;
 - 2.1. Email address
 - 2.2. Home Address
 - 2.3. Telephone Number
- 3 Date of Birth;
- 4 Payment Information;

- 5 Investment History;
- 6 Details of Source of Wealth and of Funds to be invested
- 7 Background to your net assets
- 8 Professional Background;
- 9 Information about potential criminal convictions;
- 10 Information in relation to your or a family members status as a PEP, or otherwise.
- 11 Such other information that may be necessary in order for us to comply with our regulatory obligations whether in Malta or outside of Malta.

We also collect other information about you from other sources and this in accordance with our obligations arising from anti-money laundering and anti-terrorist financing legislation and legislation relative to financial markets abuse amongst others.

III. How & Why we use your information

We use your information in a number of different ways – what we do with it then depends on the information and the purpose for which we collected.

In the majority of the time, we process your personal data in order to perform our contract of services with you. However, we may also use your personal data in order reply to your requests and contact you about our services, existing and new. In accordance with our obligations arising from law, we also use your personal data to prevent and detect fraud against either you or us, as well as for the prevention, detection and suppression of any criminal activity which we are bound to monitor and report.

In any processing operation, we process your personal data in accordance with the following principles of data protection:

- 1 We process your data lawfully, fairly and in a transparent manner;
- 2 We process your data for specified, explicit and legitimate purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
- 3 We process personal data which is adequate, relevant and limited to what is necessary in relation to the purpose or purposes for which it is processed;
- 4 We ensure that the personal data is accurate and, where necessary, kept up to date;
- 5 We keep the personal data in a form which permits identification of Data Subjects for no longer than is necessary for the purposes for which the Personal Data are processed;
- 6 We process personal data in a manner that ensures appropriate security of the Personal Data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical and organisational measures.

IV. The Legal Basis for Processing

For some of the uses of your personal data, there is a legal basis under applicable data protection laws for us to use such personal data without having obtained your consent.

This includes, for example, where it is necessary for us to use the information to perform a contract with you or take steps at your request prior to entering into a contract with you, such as to process your instructions, provide customer-care and support services to you.

It also includes circumstances, where we have to process your personal data to fulfil a legal obligation or where we have a legitimate interest to use your data, provided that proper care is taken in relation to your rights and interests:

- (i) to ensure that you know about any changes to the terms of this Data Privacy Notice;

- (ii) to carry out research and analysis of your data, as this helps us understand our clients better, who they are and how they interact with us.

V. Retention Periods

We will hold on to your information for no longer than is necessary keeping in mind the purpose/s (or compatible purposes) for which we first collected the data.

We may also keep hold of some of your information if it becomes necessary or required to meet legal or regulatory requirements, resolve disputes, prevent fraud and abuse, or enforce our terms and conditions.

As a guide:

- i. we will keep personal data while your account with us is active and for at least five years following the closure of your account for any reason, or for such longer period following the closure of your account as we are required to keep the same;
- ii. we may keep certain categories of personal data for longer in order to meet any legal or regulatory requirements, or to resolve a legal dispute;
- iii. and, we may keep different types of personal data for different lengths of time if required by law (for instance, we may need to keep certain personal data relating to purchases for about 10 years in order to comply with tax/VAT reporting requirements);

You may obtain more information as to the retention periods or the criteria used by us to determine the retention periods by contacting us at info@curmiandpartners.com.

VI. Sharing your information

We do not, and will not, sell any of your personal data to any third party – including your name, address, email address or credit card information. It is not our business to do so – and we want to earn your trust and confidence.

However, we may share your data with the following categories of companies as an essential part of being able to provide our services to you, as set out in this statement:

- i. Companies that are involved in the process of our provision of services, such as banking institutions, custodians, the Malta Stock exchange, regulated markets, multilateral trading facilities, organised trading facilities, and any similar exchanges or markets on which we trade on your behalf whether in Malta or outside of Malta. Your personal data may be shared with such entities whether or not we have specifically traded on your behalf or have a specific plan to trade on your behalf with or on the same particularly in circumstances where we operate a global client account with such entities or trading venues;
- ii. Professional service providers, such as legal, IT and, financial auditors, and hosting and back-up service providers, amongst others;
- iii. Credit reference agencies, law enforcement, regulatory and tax authorities and fraud prevention agencies whether in Malta or outside of Malta, so we can help tackle fraud.

In the circumstances outlined above we will **not** seek your consent prior to disclosing your personal data. In addition, there may be other circumstances in which we might be obliged to disclose your personal data **without** your further consent, such as when we are required, to comply with an order or a court or tribunal, whether granted in Malta or outside of Malta or an order from any competent regulatory authority in Malta or outside of Malta, or to comply with legal requirements and satisfy a

legal request, for the proper administration of justice, to protect your vital interests, to fulfil your requests, to safeguard the integrity of the services operated by us or by such related entities or subsidiaries, or in the event of a corporate sale, merger, reorganisation, dissolution or similar event involving us and/or our subsidiaries and related entities.

When we do share data, we do so on an understanding with the other entities that the data is to be used only for the purposes for which we originally intended and subject to like protection. Where necessary, we may regulate this sharing with a formal agreement outlining the objective and specific data in question, amongst others.

We may also provide third parties with aggregated but anonymised information and analytics about our customers and, before we do so, we will make sure that it does not identify you. Anonymous information means it is anonymous.

If we ever have to share data with entities that are outside of the EEA, we will be sure to do so in a manner that complies with the requirements established by the GDPR.

VII. Your rights

You enjoy several rights relating to your personal information:

- i. The right to be **informed** about how your personal information is being used;

We need to be clear with you about how we process your personal data. We do this through this Notice, which we will keep as up to date as possible.

- ii. The right to **access** the personal information we hold about you;

You can access the personal data we hold on you and be provided with a copy of the same.

- iii. The right to request the **correction** of inaccurate personal information we hold about you;

We appreciate feedback from you to ensure our records are accurate and up-to-date. If you think that the information we hold about you is inaccurate or incomplete please ask us to correct it by contacting us at info@curmiandpartners.com.

- iv. The right to request that we **delete** your data, or stop processing it or collecting it;

You can ask us to delete your personal data. However, this is not an absolute right, and will be subject to our data retention policies from time to time, as further outlined in Section V [Retention Periods] of this Notice.

- v. The right to stop direct **marketing** messages;

- vi. The right to **object** to certain processing based on legitimate interest;

You have a right to object to our use of your personal information including where we use it for our legitimate interests. Please note that in such instances, we will still retain your personal data subject to our data retention policies from time to time, as further outlined in Section V [Retention Periods] of this Notice. You furthermore have a right to object to our use of your personal information where we use your personal information to carry out profiling using automated means. Please note that in such instances, we will retain your

personal data subject to our data retention policies from time to time, as further outlined in Section V [Retention Periods] of this Notice

- vii. The right to request human intervention if **automated processing** without human intervention is used to make decisions having legal or similar effects on you;
- viii. The right to **withdraw consent** for other consent-based processing at any time;
- ix. The right to request that we **transfer or port elements** of your data either to you or another service provider;

You have the right to move, copy or transfer your personal data from one organisation to another. If you do wish to transfer your personal data we would be happy to help. If you ask for a data transfer, we will give you a copy of your personal data in a structured, commonly used and machine-readable form (e.g. a CSV file format). We can provide the personal data to you directly or, if you request, to another organisation. Please note that we are not required to adopt processing systems that are compatible with another organisation, so it may be that the recipient organisation cannot automatically use the personal data we provide. When making a transfer request, it would be helpful if you can identify exactly what personal data you wish us to transfer.

- x. The right to complain to your data protection regulator – in Malta – the Information and Data Protection Commissioner (IDPC).

If you want to exercise your rights, have a complaint, or just have questions, please contact us by sending us an email at info@curmiandpartners.com or contacting us at +356 2134 7331.

To process any request, such as your right of access, we may ask you to send us proof of identity so that we can be sure we are releasing your personal data to the right person.

We will carry out our best efforts to process your request within one month or, if the request is particularly complex, two months. We can provide you with a copy of your personal data in electronic format or hard copy. If we consider the frequency of your requests as being unreasonable, we may refuse to comply with your request. In those circumstances, if you disagree, you can complain to the data protection authority – in Malta, the Information and Data Protection Commissioner.

VIII. Security of your Personal Data

Security of your personal data is very important to us.

In order to fulfil our obligations in this regard and in order to protect your data adequately, We implement appropriate technical and organizational measures to protect the security of the Personal Data we processes. We also have in place appropriate protocols of security for storing Personal Data, which shall only be accessed where strictly necessary and only by those with the authority to do so.

In addition, we ensure that any transfers of Personal Data made to Third Parties, are made subject to appropriate security measures, and this especially in relation to the Transfers outside the EEA.

IX. How to contact us

We are always happy to hear from you, whether to make a suggestion but especially if you feel we can do better.

If you have any questions about this Notice, or if you wish to make a complaint about how we have handled your personal information, please contact us at:

info@curmiandpartners.com

or

Curmi & Partners Ltd
Finance House
Princess Elizabeth Street
Ta 'Xbiex, XBX 1102
Malta

We have appointed a Data Protection Officer (David Curmi) who may be contacted at dcurmi@curmiandpartners.com.