

Maples Group Client Privacy Notice

Regulatory & Compliance Services (Cayman Islands)

Version 1.0 (August 2019)



1 What does this Privacy Notice do and does it apply to me?

- 1.1 Many countries have data protection laws that protect the privacy of individuals by regulating the way in which businesses handle personal information. Amongst other things, data protection laws require businesses that handle personal information to be open and transparent about why and how they handle personal information.
- 1.2 The purpose of this Privacy Notice is to inform you why and how the Maples Group ("**Maples**", "**we**", or "**us**") handles personal information about you in connection with the anti-money laundering compliance service, FATCA/CRS reporting service, and other related compliance services provided in the Cayman Islands through **Maples Compliance Services (Cayman) Limited**.
- 1.3 This Privacy Notice will apply to you only if you are at least one of the following types of persons:
- (a) **Private Clients.** Individuals who directly receive services from us in connection with their own personal affairs.
 - (b) **Client Business Contacts.** Individuals who are employed or otherwise engaged by legal entities which receive services from us ("**Corporate Clients**") and interact with us in the course of our business.
 - (c) **Business Owners.** Individuals who are in control of our Corporate Clients and their affiliates/subsidiaries by virtue of being the beneficial owners (regardless of the form of ownership), as well as individuals who exercise control over our Corporate Clients and their affiliates/subsidiaries through executive powers vested in them (regardless of whether or not they hold any ownership interest in our Corporate Clients or their affiliates/subsidiaries).
 - (d) **Service Beneficiaries.** Individuals who directly or indirectly benefit from the services we provide to our Private Clients or Corporate Clients, for example individuals who are spouses/dependants of our private clients, or individuals who invest in investment funds which are set up by our Corporate Clients and benefit from the compliance services we provide to our Corporate Clients.
 - (e) **Other Relevant Individuals.** Individuals who do not belong to any of the foregoing categories but interact with us in connection with (or are otherwise affected by) the services we provide or the business we conduct. Depending on the circumstances, such individuals can include, without limitation:
 - (i) individuals who work for other entities that interact with us in connection with the services we provide to our Private Clients or Corporate Clients;
 - (ii) individuals who work for entities that provide goods and services to us; and
 - (iii) individuals who have no business relationship with us but register on our website to receive emails updates and alerts from us.
- 1.4 Nothing in this Privacy Notice creates any new relationship between you and us, or alters any existing relationship between you and us. Nothing in this Privacy Notice affects any right you have under any applicable law, including the Cayman Islands' Data Protection Law 2017 ("**DPL**") and any other data protection law that applies to you.

2 Who is responsible for the proper handling of my personal information?

- 2.1 Where this Privacy Notice applies, the particular entity within the Maples Group which is legally responsible for the proper handling of your personal information is:

Maples Compliance Services (Cayman) Limited

PO Box 1093, Boundary Hall, Cricket Square, Grand Cayman, KY1-1102, Cayman Islands

3 What sort of personal information about me does Maples collect?

- 3.1 The types of personal information about you which we collect will vary significantly depending on numerous factors, including your personal circumstances, the nature of your relationship with us, and the nature of the services we are asked to perform.

- 3.2 The personal information we obtain can be grouped into the following categories:

(a) **Contact Details.** Your contact details such as title, name, postal address, email address, and phone number.

(b) **KYC Records.** Information about you which we (or the Corporate Clients who receive our services) are obliged to check for legal or regulatory reasons, such as your date of birth, country of residence, nationality, any ownership interest in any entity or asset you hold, source of your funds, your banking details, tax status, and other like information concerning your identity and background (which may include, where applicable, sensitive information such as any criminal record you have and any sanction or embargo enacted against you).

(c) **Service Records.** Information about you which we obtain in order to provide services to our Private Clients and Corporate Clients. Depending on the circumstances and the nature of your relationship with us, such information may include, without limitation, your assets and liabilities, investments you make in (or redeem from) investment funds in respect of which we provide our services, action we take towards you as part of the services we provide to our Corporate Clients, and information about your personal circumstances. Please note that the nature of the services we provide means that Service Records can encompass information which also qualify as KYC Records.

(d) **Other Records.** Other information about you which we may obtain as part of our day-to-day business operations, including but not limited to, your attendance at conferences, seminars, and other events hosted or sponsored by Maples, and your preference with respect to marketing communication sent by Maples.

- 3.3 We will collect your personal information only where we are legally permitted to do so, and only to the extent it is appropriate and necessary for one or more of the purposes described in Section 4 below.

4 Why does Maples collect my personal information and what are the legal justifications?

- 4.1 We handle your personal information for one or more of the following purposes:

(a) **Service Delivery.** To facilitate the provision of our anti-money laundering compliance service and other related compliance services. Further information concerning the services we provide through Maples Compliance Services (Cayman) Limited can be found online at <https://maples.com/en/Services/Regulatory-and-Compliance/>.

(b) **Service Development.** To improve our services and devise new services.

- (c) **Service Marketing.** To promote the services we offer and related services offered by the wider Maples Group.
- (d) **Client Relationship Management.** To manage, maintain, and develop our relationship with our clients.
- (e) **Business Administration.** To facilitate the effective management and administration of our business, including in relation to matters such as business planning, budgeting, and forecasting, as well as enforcement of our terms and conditions of service and collection of our fees.
- (f) **Legal and Regulatory Compliance.** To ensure that we and our Corporate Clients comply with all relevant legal and regulatory requirements, including, without limitation, legal requirements relating to money laundering, bribery and corruption, tax evasion, sanctions/embargoes, and export control.

Important Note: If you are a Private Client or a Business Owner, we will use your personal information to conduct various checks to ensure that we comply with all applicable legal and regulatory requirements, before we formally accept you (or your business) as a client and from time to time after you (or your business) is accepted as our client. For example we might check if you are included in official list published by the authorities which lists persons with whom we are by law not allowed to do business, or we might check if you are a politically exposed person in respect of whom we are required to undertake enhanced due diligence. If you are a Service Beneficiary, we may use your personal information to conduct such checks as part of the services we provide to the relevant Corporate Client.

4.2 In handling personal information for the aforementioned purposes, we rely on the following legal justifications:

- (a) **Contractual Necessity.** This justification comes from paragraph 2, Schedule 2 of DPL and we rely on it where we handle your personal information in order to discharge the contractual obligations we owe to you. This is typically the case where you are a Private Client and we handle your personal information for the purpose of Service Delivery.
- (b) **Legitimate Business Interest.** This justification comes from paragraph 6, Schedule 2 of DPL and we rely on it where we need to handle your personal information in order to meet our own requirement to operate, manage, and develop our business (provided that we can strike the right balance between our interests and your interests). This is typically the case where we handle your personal information for the purposes of Service Delivery with respect to services we provide to our Corporate Clients, and also for the purposes of Service Development, Service Marketing, Client Relationship Management, and Business Administration.
- (c) **Legal and Regulatory Requirement.** This justification comes from paragraph 3, Schedule 2 of DPL and we rely on it where we handle your personal information for the purpose of Legal and Regulatory Compliance.
- (d) **Consent.** This justification comes from paragraph 1, Schedule 2 of DPL and we rely on it where we handle your personal information based exclusively on your consent. We would not ordinarily rely on consent, but occasionally, where none of the other legal justifications are available to us, we may choose to rely on Consent. For example, if you are a Service Beneficiary, you could be asked whether or not you wish to consent to us sharing your KYC Records with other members of the Maples Group, so that you don't have to respond to identical/similar request for documents as part of investor due diligence performed by other Maples Group entities that happen to be providing services to other investment funds in which you happen to have invested.

Important Note: Where we rely on your consent to handle your personal information, you can expect us to explain what you are being asked to agree to, and you will be able to decide freely without being penalised in any way for your choice. You can also withdraw your consent at any time should you subsequently change your mind.

5 How does Maples obtain my personal information?

- 5.1 We endeavour to collect your personal information directly from you wherever possible. However, the nature of the services we perform and the context in which we handle your personal information can often result in us collecting your personal information indirectly from third party sources.
- 5.2 Additionally, there may be circumstances where we are required to seek your personal information from independent sources (for example where we need to use your personal information to comply with legal requirement to validate your identity and background).
- 5.3 Sources from which we may obtain your personal information can be described as follows:
- (a) Those who have referred you to us, such as your business contact, or another entity or undertaking in the wider Maples Group.
 - (b) Your spouse, partner, or parent who is our Private Client.
 - (c) Your lawyer, accountant, tax advisor, wealth manager, and other such advisors who provide your personal information to us on your behalf.
 - (d) Publicly accessible websites, registers, and databases, including official registers of companies and businesses, database of journals and news articles, and social media such as LinkedIn.
 - (e) Providers of background check and business risk screening services, such as credit reference agencies, operators of fraud and financial crime databases, and operators of sanctions/embargoes databases (in some cases they can include authorities such as government departments and the police).
 - (f) The relevant Corporate Client to whom we provide the service and who entrusts us with your personal information. Depending on the context, this could be, for example, the business which is owned or controlled by you, the business for which you work, or the investment fund in which you have invested.
 - (g) Lawyers, accountants, actuaries, tax advisors, investment managers, risk managers, and other like professional advisors retained by the relevant Corporate Client.
 - (h) Distributors who market the investment funds in respect of which we provide our services.

6 Does Maples use my personal information for marketing purposes?

- 6.1 We may from time to time use your personal information to promote to you the services we offer and other related services offered by the wider Maples Group. However, we will do so only if you are:
- (a) someone who has done business with us or the wider Maples Group as a Private Client, a Client Business Contact, or by being involved in transactions which also involved us or another entity or undertaking in the wider Maples Group;
 - (b) someone who has indicated an interest in the services we offer or the related services offered by the wider Maples Group, for example by registering on our website to

receive email updates and alerts from us, or exchanging business cards with us at a conference, event, or a business meeting; or

- (c) someone who has never done any business with us but whom we have identified (based on business-related information available such as your position and title, the company you work for, and so on) as potentially having an interest in the business-related service offered by us and the wider Maples Group.

6.2 Where we contact you for such purpose, we will typically contact you by email or postal mail (including via third party marketing service providers acting on our behalf) but where the situation warrants, we may contact you by telephone. We will always observe the applicable direct marketing rules when contacting you and we will always respect your marketing preferences.

6.3 If you wish to stop receiving promotional emails and updates from us, you can make use of the 'unsubscribe', 'opt out', or 'update your marketing preference' link we include within our promotional emails and updates. If for whatever reason such links are not functioning or missing, or if you feel that we have otherwise failed to respect your marketing preference, please alert your contact person within Maples, or alternatively, contact us using the details provided below in paragraph 14.2.

7 Does Maples share my personal information with others?

7.1 We will share your information with others only if and to the extent it is appropriate and necessary to do so for one or more of the purposes outlined in Section 4 above. Whenever we share your personal information, whether internally or externally, we will ensure that such sharing is kept to the minimum necessary.

7.2 The extent to which we share your personal information will vary depending on your circumstances and relationship with us, but your personal information will be shared with one or more of the following categories of recipients:

- (a) Our Corporate Clients (if you are a Client Business Contact this could be your employer, and if you are a Service Beneficiary this could be the investment fund in which you have invested).
- (b) Companies, trusts, and partnerships that belong to the Maples Group, including those who perform any of the support roles described in paragraph (c) and/or (d) below, as well as those who provide ancillary services as described in paragraph (e) below.
- (c) Those who support our business operations, for example data centre operators, IT service providers, administrative support service providers, insurers, accountants, consultants, auditors, and so on.
- (d) Providers of background check and business risk screening services, such as credit reference agencies, operators of fraud and financial crime databases, and operators of sanctions/embargoes databases. Generally speaking, your personal information will be shared with recipients who fall into this category only if you are a Private Client, a Business Owner, or a Service Beneficiary (where we are required to do so as part of the services we provide to our Corporate Clients).
- (e) Exchanges, venues, distributors, brokers, fund managers, platform operators, and other such third parties with whom we must by necessity interact in order to provide or facilitate the provision of our services. Depending on the context, such third party may include those who provide ancillary services which complement the services we provide, for example those who provide legal entity formation/registration services, fiduciary services, legal advice, and other such services.

- (f) Government departments and agencies, police, regulators, courts, tribunals, and other like authorities (including the Cayman Islands Monetary Authority) with whom we (or our Private Clients or Corporate Clients) are legally obliged to share your personal information, or with whom we decide to cooperate voluntarily (but only to the extent we are legally permitted to do so).

Important Note: Where we share your personal information with the authorities, we may, depending on the circumstances, be forbidden from advising you of the fact that your personal information was disclosed to or requested by the authorities (e.g. when doing so is illegal or might prejudice an on-going investigation). Please also note that if you are resident in a country outside the Cayman Islands for tax purposes, your personal information may be shared with the authorities of the country of your tax domicile, as part of the services we provide to our Corporate Clients.

8 Does Maples transfer my personal information outside the Cayman Islands?

- 8.1 Due to the international nature of the Maples Group's business operations and the markets in which we operate, your personal information may be transferred outside the Cayman Islands to any of the different categories of recipients described in Section 7 above, who could be located anywhere in the world, including, without limitation, Bermuda, British Virgin Islands, Canada, Dubai, Europe, Hong Kong, Singapore, and the USA.
- 8.2 These overseas destinations, in particular those outside Europe, may not have laws that protect your personal information in the same way DPL does. This does not mean that your personal information is inevitably put at risk but it can mean that there is less formal legal protection for your personal information.
- 8.3 Where we share your personal information with recipients who are located outside the Cayman Islands, we will, wherever possible, take all appropriate steps that are within our control to take to ensure that adequate legal safeguards are in place for your personal information which are shared with such recipients (for example, by obtaining contractual assurances from the recipients). Additionally, if we agree to restrict the cross-border transfer of your personal information in any particular way with the relevant Private Client or Corporate Client, we will comply with such restriction.
- 8.4 Where we are unable to put in place such adequate safeguards, we may (in the absence of any agreement to the contrary with the relevant Private Client or Corporate Client) nevertheless share your personal information with such recipients (especially where we would otherwise be prevented from providing our services to the relevant Private Client or Corporate Client) but we will do so only to the extent the applicable legal exemptions permit us to do so, and we will ensure that any of your personal information we share with such recipients are kept to the minimum necessary.

9 Will my personal information be kept secure by Maples?

- 9.1 We take information security very seriously and we use a broad range of tools and techniques to prevent and detect incidents that might adversely affect information we hold, such as unauthorised access or disclosure, and accidental change or loss, whether they are caused by external actors or internal actors.
- 9.2 The tools and techniques we use include technical measures such as firewalls, backup and disaster recovery systems, antimalware, and encryption, as well as other measures such as vetting of suppliers who are entrusted with our information, awareness training for our workforce, and the continuous evaluation and enhancement of our information security controls. We also conduct a broad range of monitoring over our IT and communication systems.

10 What would Maples do if a data breach happens?

- 10.1 In the unlikely and unfortunate event your personal information under our control becomes compromised due to a breach of our security, we will act promptly to identify the cause and take the necessary steps to contain and mitigate the consequences of the breach. Where appropriate, we will also notify you of the breach in accordance with DPL and any other applicable law which requires us to notify you of the breach.

11 How long will Maples retain my personal information?

- 11.1 The personal information about you which we collect will generally speaking be retained at least for as long as your personal information continues to be relevant to the services we provide. For example, where we obtain your personal information in connection with anti-money laundering service we provide to a Corporate Client that is an investment fund, we will retain your personal information at least for as long as you remain subscribed to that fund and we continue to provide services to that fund.
- 11.2 Once your personal information ceases to be relevant to the services we provide (this could happen, for example, once you have fully redeemed your investment and you cease to hold any interest in the investment fund in respect of which we provide our services), we will retain your personal information as part of our business records for the duration of the applicable retention period which will be determined by reference to any legal or regulatory record keeping requirement that applies to us.
- 11.3 For example, if your personal information forms part of the record of anti-money laundering checks we performed in accordance with the Cayman Islands' Anti-Money Laundering Regulations on behalf of an investment fund, we will typically be required to retain it for at least 5 years.
- 11.4 In the absence of any specific legal or regulatory record-keeping requirement which applies, we may retain your personal information for an appropriate period where we consider this to be necessary to protect ourselves from any legal claim or dispute that may arise in connection with the relevant services we have provided. Where we do so, the retention period applied to your personal information will reflect the relevant limitation periods.

12 Will this Privacy Notice change in the future?

- 12.1 This Privacy Notice was last revised on **1 August 2019**. We may revise this Privacy Notice from time to time to reflect changes in law or changes in how we run our business, but where such revision becomes necessary in the future, we will announce the changes on our website at <https://maples.com/privacy> and bring them to your attention to the extent it is practicable to do so. For an explanation of historical changes made to this Privacy Notice, please refer to the change log set out in the last page of this Privacy Notice.

13 What rights do I have in respect of my personal information?

- 13.1 Under DPL, you have certain legal rights in respect of your personal information handled by us. These include the following:
- (a) The right to ask us to confirm whether or not we handle any personal information about you.
 - (b) The right to ask us to provide you with copies of your personal information we hold.
 - (c) The right to ask us to correct any inaccuracy or incompleteness in your personal information we hold.
 - (d) The right to ask us to stop handling your personal information or to not begin the handling of your personal information.

- (e) The right to ask us not to subject you to automated decision-making that uses your personal information.
- (f) The right to object to us using your personal information for direct marketing purposes.

Important Note: The rights you have in respect of your personal information are not absolute and are subject to a range of legal conditions and exemptions. If and to the extent a relevant legal condition or exemption applies, we reserve the right not to comply with your request. Additionally, whilst the rights you have can normally be exercised free of charge, the law allows us to charge you in certain limited circumstances. In such cases, we reserve the right to charge you a fee for processing your request.

14 Who can I contact about my personal information?

- 14.1 If you would like to exercise any of the rights you have in respect of your personal information, or if you have any question or concern regarding the way in which we handle your personal information, then please reach out to your usual contact person within Maples in the first instance.
- 14.2 If you have a complaint regarding the way in which we handle your personal information, please contact our local Compliance Officer in the first instance. You can do so by emailing your complaint to privacy@maples.com.
- 14.3 We will endeavour to respond satisfactorily to any request, query, or complaint you may have in respect of your personal information, but if you are dissatisfied with our response and wish to make a formal complaint, or if you simply wish to learn more about your rights, you can contact the Caymans Islands Ombudsman:

Ombudsman
 PO Box 2252, Grand Cayman KY1-1107, Cayman Islands
<https://ombudsman.ky/data-protection>

Change Log

Version	Date	Remark
1.0	2019-08-01	Original version prepared as part of DPL implementation.