



Maples Secure File Privacy Notice

Version 1.0
February 2019

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

Many countries have data protection laws that protect the privacy of individuals by regulating the way in which businesses handle personal information. Among other things, data protection laws require businesses that handle personal information to be open and transparent about why and how they handle personal information.

The purpose of this Privacy Notice is to provide you with an explanation as to why and how the Maples Group ("**Maples**", "**we**", or "**us**") handles personal information about you in connection with the operation of "**Maples Secure File**", the secure file sharing platform operated by the Maples Group. This Privacy Notice will apply only in respect of the operation of Maples Secure File and it will apply to you only if you fall into either of the following types of persons:

- **Authorised Users.** Individuals who are authorised to access Maples Secure File. You will fall into this category if you work for a company which conducts business with Maples or a client of Maples and you are granted access to Maples Secure File in connection with your work, or if you are a private client and you are given access to Maples Secure File as part of the services you receive from Maples.
- **Other Relevant Individuals.** Individuals whose personal information is shared through Maples Secure File in connection with the business Maples conducts with its clients. Non-exhaustive examples of such individual include individuals who bring legal proceedings against clients of Maples, investors who invest in alternative invest funds which receive fund administration services from Maples, and directors of companies which receive corporate secretarial services from Maples.

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 may have under any applicable law, including the Cayman Islands' Data Protection Law 2017 ("**CDPL**") and the European Union's Regulation (EU) 2016/679 (the General Data Protection Regulation, or "**GDPR**").

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

Maples Secure File is operated by Maples Service Company Limited, for the benefit of the Maples Group and its clients, but the particular entity within the Maples Group which is legally responsible for the proper handling of your personal information collected through Maples Secure File will vary depending on your circumstances.

If you are an Authorised User, the responsible entity will be the Maples Group entity with which your company is doing business (or if you are a private client, the relevant Maples Group entity with which you do business).

If you are an Other Relevant Individual, the responsible entity will be the Maples Group entity which is involved in the relevant matter, transaction, or project in relation to which your personal information is exchanged through Maples Secure File.

For example:

- Your company is receiving legal advice from Maples and Calder in the Cayman Islands in connection with a structured finance transaction. Your company makes use of Maples Secure File to exchange confidential deal-related information with the lawyers at Maples and Calder. You are granted access to Maples Secure File because you are closely involved in the transaction. In this case, you are an Authorised User and the responsible entity will be Maples and Calder in the Cayman Islands.
- You are a private investor and you decide to invest in an alternative investment fund, which happens to have appointed Maples Fund Services (Ireland) Limited as its Money Laundering Reporting Officer. To enable Maples to conduct anti-money laundering checks, the fund shares information about your investment activities with Maples Fund Services (Ireland)

Limited through Maples Secure File. In this case, you are an Other Relevant Individual and the responsible entity will be Maples Fund Services (Ireland) Limited.

If you are not sure which particular Maples Group entity is the responsible entity, please contact us.

What sort of personal information about me does Maples collect?

The types of personal information which we collect in connection with the operation of Maples Secure File will vary significantly depending on numerous factors, including your personal circumstances, the nature of your relationship with us, and the context in which Maples Secure File is used to handle your personal information.

As such, it is not possible to precisely describe the personal information we collect but the personal information we obtain through Maples Secure File can be grouped into the following categories:

- **Contact Details.** Your contact details such as title, name, postal address, email address, and phone number.
- **Log-in Details.** Information you use to log into Maples Secure File.
- **Access Log.** Information concerning your access to and use of Maples Secure File.
- **Service Records.** Information about you which we obtain from our clients through Maples Secure File in order to provide our services to our clients.

Where we have control over the personal information we collect, 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 below.

Please note that most of the time, it is for our clients and other relevant third parties who use Maples Secure File to decide whether or not your personal information will be uploaded to Maples Secure File and as such, we don't fully control the extent to which your personal information is uploaded to Maples Secure File.

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

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

- **Service Delivery.** To enable the secure exchange of information with our clients and other relevant parties, so as to facilitate the services we provide to our clients.
- **Service Development.** To improve the services we provide and devise new services, and in particular, to improve the security and usability of Maples Secure File.
- **Client Relationship Management.** To manage, maintain, and develop our relationship with our clients who use Maples Secure File.
- **Business Administration.** To facilitate the effective management and administration of our business, including in relation to matters such as analysis and forecast of demand for Maples Secure File, enforcement of the terms of use that apply to Maples Secure File, and monitoring the access to and detecting/preventing unauthorised access to Maples Secure File.
- **Legal and Regulatory Compliance.** To ensure our compliance 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.

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

- **Contractual Necessity.** We need to handle your personal information in order to discharge the contractual obligations we owe to you. This will be the case only where you are a private client who has directly contracted with us to receive services from us, and we handle your personal information for the purpose of Service Delivery. Where CDPL is applicable, this justification will correspond to paragraph 2, Schedule 2 of CDPL, and where GDPR is applicable, this justification will correspond to Article 6(1)(b) of GDPR.

- **Legitimate Business Interest.** We need to handle your personal information in order to meet our own requirement to operate, manage, and develop our business. 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 clients, and also for the purposes of Service Development, Client Relationship Management, and Business Administration. Where CDPL is applicable, this justification will correspond to paragraph 6, Schedule 2 of CDPL, and where GDPR is applicable, this justification will correspond to Article 6(1)(f) of GDPR.
- **Legal and Regulatory Requirement.** We need to handle your personal information for the purpose of Legal and Regulatory Compliance. Where CDPL is applicable, this justification will correspond to paragraph 3, Schedule 2 of CDPL, and where GDPR is applicable, this justification will correspond to Article 6(1)(c) of GDPR.

How does Maples obtain my personal information?

If you are an Authorised User, we collect your personal information directly from you, or indirectly from the company you work for. If you are an Other Relevant Individual, we collect your personal information from our clients and other third parties who use Maples Secure File to exchange information with us (e.g. those who participate in the same transaction, arrangement, or litigation in which our clients are also involved).

Do I have to allow Maples to collect my personal information?

Where Maples collects your personal information because you are an Authorised User, the provision of your personal information is not mandatory but if you refuse to provide your personal information (especially your Contact Details and Log-in Details), we may be unable to grant you access to Maples Secure File and this may in turn restrict or inhibit our ability to provide services.

Please note that if you are an Other Relevant Individual, in most cases neither you nor us will have any control over your personal information that gets uploaded to Maples Secure File. This is because most of the time it is for our clients and other relevant third parties who use Maples Secure File to decide whether or not your personal information will be uploaded to Maples Secure File.

Does Maples use my personal information for marketing purposes?

No. We will not use any of the personal information we obtain through Maples Secure File for any marketing purpose.

Does Maples share my personal information with others?

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 above. Whenever we share your personal information, whether internally or externally, we will ensure that such sharing is kept to the minimum necessary.

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:

- Our clients who are authorised to access Maples Secure File in connection with the services they receive from us (if you are an Authorised User, this could be your employer).
- Third parties who are authorised to access Maples Secure File because of their involvement in a transaction, arrangement, scheme, investigation, or legal proceedings which also involves our client.
- Those who provide maintenance and support services that underpin Maples Secure File, for example data centre operators, IT service providers, administrative support service providers, information security consultants, etc. Access to your personal information such parties have tends to be limited since they won't be granted access to Service Records held within Maples Secure File save in exceptional circumstances.
- Government departments and agencies, police, regulators, courts, tribunals, and other like authorities with whom we 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: Please note that 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).

Where does Maples store my personal information?

Maples Secure File is hosted on premises within data centres operated on behalf of Maples physically located in **Ireland**. However, due to the international nature of the Maples Group's business operations and the markets in which we operate, your personal information held on Maples Secure File may be transferred outside Ireland to (or accessed from outside Ireland by) any of the different categories of recipients described above, who could be located anywhere in the world.

These overseas destinations may not have laws that protect your personal information in the same way the data protection law of Ireland or the country of your residence 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.

Where we share your personal information across international borders, we will, wherever possible, take all appropriate steps that are within our control to ensure that such cross-border sharing of your personal information is permissible under the applicable data protection law.

For example, we may obtain appropriate contractual assurances from the recipients or we may ensure that a valid legal exemption is applicable. Additionally, we may conclude that no additional step needs to be taken if we are satisfied that the data protection law which applies to the recipient is adequate (e.g. the recipient is based in Europe and is directly subject to GDPR).

Will my personal information be kept secure by Maples?

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 factors or internal factors.

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.

If you are an Authorised User, please note that your access to and use of Maples Secure File is constantly monitored as part of the technical measures we deploy to keep Maples Secure File secure. If we detect any suspicious activity associated with your user account, we may bring this to the attention of relevant parties without any notice to you.

What would Maples do if a data breach happens?

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 any applicable law which requires us to notify you of the breach.

Does Maples use cookies?

Yes. However, only those cookies which are strictly necessary to operate Maples Secure File are deployed on Maples Secure File.

How long will Maples retain my personal information?

The personal information about you which we collect through Maples Secure File will be retained for at least the duration of the relevant transaction, arrangement, scheme, investigation, or legal proceedings in respect of which the Maples Secure File is used. Once the relevant matter is concluded and all parties involved confirm that no retention requirement applies, all data related to that matter held on Maples Secure File (including any personal information) will be deleted.

In exceptional cases, and in the absence of any specific legal, contractual, 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 operation of Maples Secure File or the provision of our services. Where we do so, the retention period applied to your personal information will reflect the relevant limitation periods.

Will this Privacy Notice change in the future?

This Privacy Notice was last revised on **27 February 2019**. We may revise this Privacy Notice from time to time to reflect changes in the law or how we run our business. However, where such revision becomes necessary in the future, we will announce the changes on our website at <https://Maples.com/termsprivacysecurefile>. For an explanation of historical changes made to this Privacy Notice, please refer to the change log set out at the end of this Privacy Notice.

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

Many data protection laws grant to individuals various rights in respect of their own personal information. Depending on which country's data protection law applies to your personal information, you might have certain legal rights in respect of your personal information handled by us, which may include the following:

- The right to ask us to confirm whether or not we handle any personal information about you.
- The right to ask us to provide you with copies of your personal information we hold.
- The right to ask us to provide you with soft copy of personal information you provided to us (or to forward them to any other person you specify).
- The right to ask us to correct any inaccuracy or incompleteness in your personal information we hold.
- The right to ask us to delete your personal information we hold.
- The right to ask us to refrain from handling your personal information where you feel that the handling of your personal information by us is unwarranted, for example due to inaccuracies in your personal information or lack of proper legal justification.
- The right to object to how we handle your personal information, for example by asking us not to use your personal information to profile you or to subject you to automated decision-making. You can also object to us using your personal information for direct marketing purposes.

Important Note: The rights you have in respect of your personal information vary from country to country, plus they are not absolute and can be 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, while the rights you have can normally be exercised free of charge, the law of some countries allow us to charge a fee in certain limited circumstances. In such cases, we reserve the right to charge you a fee for processing your request.

Who can I contact about my personal information?

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. 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.

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 data protection authority or privacy regulator of the country in which you live or work (if you live or work in Europe) or alternatively, the data protection authority of the country where the relevant Maples Group entity is located:

- **Bermuda**
The appointment of 'Privacy Commissioner' pursuant to section 26 of the Personal Information Protection Act 2016 is yet to be confirmed.
- **Canada**
Commission d'accès à l'information du Québec
Bureau 18.200, 500, boul. René-Lévesque Ouest, Montréal (Québec) H2Z 1W7, Canada
<http://www.cai.gouv.qc.ca/>
- **Cayman Islands**
The Office of the Ombudsman
PO Box 2252, Grand Cayman KY1-1107, Cayman Islands
<http://ombudsman.ky/data-protection>
- **DIFC**
The Commissioner of Data Protection
DIFC Authority, The Gate, Level 14, DIFC, P.O. Box 74777, Dubai, UAE
<https://www.difc.ae/business/operating/data-protection/>
- **Hong Kong**
Office of the Privacy Commissioner for Personal Data
Room 1303, 13/F, Sunlight Tower, 248 Queen's Road East, Wanchai, Hong Kong
<https://www.pcpd.org.hk/>
- **Ireland**
Data Protection Commission
Canal House, Station Road, Portarlington, Co. Laois, R32 AP23, Ireland
<https://dataprotection.ie/>
- **Jersey**
Office of the Information Commissioner
Brunel House, Old Street, St Helier, Jersey JE2 3RG
<https://oicjersey.org/>
- **Luxembourg**
Commission Nationale pour la Protection des Données
1, avenue du Rock'n'Roll, L-4361 Esch-sur-Alzette, Luxembourg
<https://cnpd.public.lu/>
- **Netherlands**
Autoriteit Persoonsgegevens
Postbus 93374, 2509 AJ Den Haag, Netherlands
<https://autoriteitpersoonsgegevens.nl/>
- **Singapore**
Personal Data Protection Commission
10 Pasir Panjang Road, #03-01 Mapletree Business City, Singapore 117438
<https://www.pdpc.gov.sg/>
- **United Kingdom**
The Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
<https://ico.org.uk/>

Change Log

Version	Date	Remark
1.0	2019-02-27	Original version prepared for the launch of Maples Secure File.