

## **M&L Capital Management Global Funds ICAV**

### **Privacy Statement**

M&L Capital Management Global Funds ICAV (the “**ICAV**”) will collect and process the Personal Data of natural persons who are registered shareholders, applicants for shares, beneficial owners of registered shareholders and applicants for shares, personal representatives, financial advisors, directors, officers, employees, agents, trustees and / or authorised signatories of registered shareholders and applicants for shares, and directors, officers, employees, agents of the ICAV and of the ICAV’s or its investors’ service providers (“**Individuals**”) and other information relating to the dealings of Individuals with the ICAV and / or its service providers. This Privacy Statement explains how the ICAV will manage the Personal Data of Individuals, why the ICAV uses it, and how Individuals may contact the ICAV in relation to the use of Personal Data.

**Where the ICAV needs to process Personal Data in connection with a registered shareholder’s contract with the ICAV or in anticipation of an applicant for shares becoming a registered shareholder, or where the ICAV has a legal obligation to collect certain Personal Data relating to an Individual (for example, in order to comply with AML obligations), the ICAV will not be able to deal with the registered shareholder or applicant for shares if the Individual does not provide the necessary Personal Data and other information required by the ICAV.**

Personal Data means any information which the ICAV has or obtains, or which an Individual provides to the ICAV or the ICAV’s service providers, such as his / her name, address, email address, date of birth etc, from which that Individual can be directly or indirectly personally identified, and may include information such as identification and account numbers, copy passports, utility bills, tax identifiers and residency information, and online identifiers. Some of this Personal Data may be sensitive Personal Data, required for identification purposes but also revealing racial or ethnic origin, physical or mental health, political opinions, or trade union membership.

#### **Use of Personal Data and Basis of Processing**

The ICAV will use the Personal Data:

1. for the purposes of performing the contract with a registered shareholder, or in anticipation of an applicant for shares becoming a registered shareholder, namely:
  - (a) for the purposes of providing services to the registered shareholder, and setting up and administering the applicant’s or registered shareholder’s account(s), as the case may be;
  - (b) for the collection of subscriptions and payment of redemptions, distributions and dividends;
  - (c) to deal with queries or complaints from registered shareholders;
2. for compliance with the ICAV’s legal obligations, including:
  - (a) anti-money laundering and anti-terrorist financing (collectively “**AML**”) and fraud prevention purposes, including OFAC and PEP screening for these purposes and to comply with UN, EU and other applicable sanctions regimes;
  - (b) compliance with applicable tax and regulatory reporting obligations;

- (c) where the ICAV is ordered to disclose information by a court with appropriate jurisdiction;
  - (d) recording of telephone calls and electronic communications in order to comply with applicable law and regulatory obligations;
3. where use is for a legitimate purpose of the ICAV, including:
    - (a) for day to day operational and business purposes;
    - (b) to take advice from the ICAV's external legal and other advisors;
    - (c) board reporting and management purposes, including quality assurance;
    - (d) in the event of a merger or proposed merger of the ICAV or any sub-fund of the ICAV;
  4. where use or sharing is for a legitimate purpose of a third party to which the ICAV provides the Personal Data, including:
    - (a) for day to day operational and business purposes;
    - (b) investor relationship management; and
    - (c) calculation and payment by the recipient of commissions and rebates;
  5. where necessary to establish, exercise or defend its legal rights or for the purpose of legal proceedings;
  6. where an Individual has consented to use for a particular purpose. If an Individual gives consent for the ICAV to use his / her Personal Data for a particular purpose, that Individual has the right at any time to withdraw consent to the future use of his / her Personal Data for some or all of those purposes by writing to the address specified below.

The ICAV will not disclose any Personal Data to any third party, except as outlined above and / or as follows:

1. to enable the ICAV to carry out the obligations under the contract with a registered shareholder or in anticipation of an applicant for shares becoming a registered shareholder;
2. to anyone providing a service to the ICAV or acting as the ICAV's agent (which may include the distributor, the investment manager and companies within their group of companies, the administrator and its or their sub-contractors), as data processors, for the purposes of providing services to the ICAV and on the understanding that they will keep the Personal Data confidential;
3. where Personal Data needs to be shared with the depository appointed to the ICAV, in order to enable it to discharge its legal and regulatory obligations;
4. in limited circumstances, where the administrator to the ICAV is subject to a separate legal obligation requiring it to act as controller of the Personal Data, including where it is required to use the Personal Data for the discharge of its own AML obligations, or where an Individual has otherwise consented to the Personal Data being shared with the administrator for specific purposes;

5. where the registered shareholder or applicant for shares is a client of a third party financial advisor or investment manager, or a company within its group of companies, with such company or advisor for the purposes outlined above;
6. where the ICAV needs to share Personal Data with its auditors, and legal and other advisors;
7. in the event of a merger or proposed merger, any (or any proposed) transferee of, or successor in title to, the whole or any part of the ICAV's business, and their respective officers, employees, agents and advisers, to the extent necessary to give effect to such merger;
8. the disclosure is required by law or regulation, or court or administrative order having force of law, or is required to be made to any of the ICAV's regulators.

The ICAV will not otherwise share Personal Data with any third party unless it receives the prior written consent of the relevant Individual to do so.

### **International transfers**

Personal Data may be transferred outside the European Economic Area (the "EEA") in connection with administering a registered shareholder's account(s) and / or in anticipation of an applicant for shares becoming a registered shareholder, in accordance with an Individual's instructions, where an Individual has explicitly consented, and / or as otherwise required or permitted by law.

Many of the countries will be within the EEA, or will be ones which the European Commission has approved, and will have data protection laws which are the same as or broadly equivalent to those in Ireland.

However, some transfers may be to countries which do not have equivalent protections, and in that case the ICAV shall use reasonable efforts to implement contractual protections for the Personal Data. While this will not always be possible where the ICAV is required to transfer the Information in order to comply with and perform the contract with an investor or where it has a legal obligation to do so, any transfers will be done in accordance with applicable data protection laws, including through the implementation of appropriate or suitable safeguards in accordance with such applicable data protection laws.

### **Sensitive Personal Data**

The ICAV may, in limited circumstances, collect and process Sensitive Personal Data in connection with its obligations under applicable AML laws. Any Sensitive Personal Data will only be used and disclosed, as necessary, for such purpose.

### **Third Party Providers of Information**

The ICAV may obtain Personal Data relating to Individuals from someone other than that Individual. This may include Personal Data relating to beneficial owners, partners, directors, officers, employees, advisors or other related persons of an investor or of the person providing the Personal Data. The Personal Data may be obtained from a variety of sources, such as financial advisors to investors, employers of Individuals, and / or direct and indirect service providers to the ICAV, such as vendors providing AML and sanctions checking databases. The person providing the information will be asked to warrant that it will only do so in accordance with applicable data protection laws, and that it will ensure that before doing so, the Individuals in question are made aware of the fact that the ICAV will hold information relating to them and that it may use it for any of the purposes set out in this privacy

statement, and where necessary that it will obtain consent to the ICAV's use of the information. The ICAV may, where required under applicable law, notify those individuals that is has been provided with their Personal Data and provide a copy of this Privacy Statement to them.

### **Recipient of the Personal Data**

In any case where the ICAV shares Personal Data with a third party data controller (including, as appropriate the ICAV's service providers), the use by that third party of the Personal Data will be subject to the third party's own privacy policies.

### **Updates to Personal Data**

The ICAV will use reasonable efforts to keep Personal Data up to date. However, each Individual will need to notify the ICAV without delay in the event of any change in his / her personal circumstances, or those of the others mentioned above, so that the ICAV can keep the Personal Data up to date.

### **Retention of Personal Data**

The ICAV is obliged to retain certain information to ensure accuracy, to help maintain quality of service and for legal, regulatory, fraud prevention and legitimate business purposes.

It is obliged by law to retain AML related identification and transaction records for six years from the end of the relevant investor relationship or the date of the transaction respectively.

Other information will be retained for no longer than is necessary for the purpose for which it was obtained by the ICAV or as required or permitted for legal, regulatory, fraud prevention and legitimate business purposes. In general, the ICAV (or its service providers on its behalf) will hold this information for a period of seven years, unless it is obliged to hold it for a longer period under law or applicable regulations.

The ICAV will also retain records of telephone calls and any electronic communications for a period of five years and, where requested by the Central Bank, for a period of up to seven years.

### **An Individual's Rights in relation to Personal Data**

An Individual may at any time request a copy of his / her Personal Data from the ICAV. This right can be exercised by writing to the ICAV at the address specified below.

An Individual also has the right to correct any inaccuracies in, and in certain circumstances, to request erasure, or restriction on the use, of his / her Personal Data, and to object to certain uses of his / her Personal Data, in each case subject to the restrictions set out in applicable data protection laws. Further information on these rights, and the circumstances in which they may arise in connection with the ICAV's processing of Personal Data can be obtained by writing to the ICAV at the address specified below.

In any case where the ICAV is relying on an Individual's consent to process his / her Personal Data, that Individual has the right to change his / her mind and withdraw consent by writing to the address specified below.

Where the ICAV is relying on a legitimate purpose of the ICAV or a third party recipient of the Personal Data, in order to use and disclose Personal Data, an individual is entitled to object to such use of his / her Personal Data, and if he /she does so, the ICAV will cease to use and process the Personal Data

for that purpose unless the ICAV can show there are compelling legitimate reasons for it to continue or it needs to use the Personal Data for the purposes of legal claims.

In limited circumstances, an Individual may also have the right to data portability in respect of certain of his / her Personal Data, which means he / she can request that the ICAV provide it to him / her in a structured, commonly used and machine-readable format, or transmit it to his / her third party nominee where this is technically feasible.

An Individual also has the right to lodge a complaint about the processing of his / her Personal Data by the ICAV with the Data Protection Commissioner at [info@dataprotection.ie](mailto:info@dataprotection.ie) or to the Office of the Data Protection Commissioner, Canal House, Station Road, Portarlinton, Co. Laois, R32 AP23, Ireland.

### **Contacting the ICAV**

Any queries or complaints regarding the use of the Personal Data by the ICAV and / or the exercise of individual rights should be addressed to M&L Capital Management Global Funds ICAV as data controller (via the Administrator, as data processor) at the following email address, [ComplianceDeptDublin@linkgroup.ie](mailto:ComplianceDeptDublin@linkgroup.ie) or using the following contact telephone number, 01 4005300 and your query will be relayed to the appropriate responsible party.

**Adopted as of 25 May 2018**