



# Data Privacy Notice

## Our handling of your data and your rights according to Article 13, 14 and 21 General Data Protection Regulations (GDPR)

Under the General Data Protection Regulations (EU) 2016/679 Borromin Capital Management GmbH ('we', 'us' or 'our') are required to provide data subjects ('you' or 'your') with certain information when we process your personal data.

The way your data is processed or used depends on the requested or agreed services.

### 1. Who is responsible and who can you contact in relation to the processing of your personal data:

Borromin Capital Management GmbH  
Myliusstraße 47  
60323 Frankfurt am Main  
Phone: +49 69 50685 0  
Fax: +49 69 50685 100  
Email: [info@borromin.com](mailto:info@borromin.com)

Our Data Protection Officer can be reached under:

Thomas Gutte Datenschutzberatung  
Hochstraße 2  
65195 Wiesbaden  
Phone: +49 611 711 869 90  
Email: [thomas.gutte@gutte-datenschutz.de](mailto:thomas.gutte@gutte-datenschutz.de)

### 2. Source of personal data and categories of personal data

We process personal data which we receive from you in the course of our business relationship with you. In addition, we process personal data that we have received legitimately from other companies (to fulfil contracts or on the basis of your consent) or from publically available sources (commercial register, press, media).

We process only standard personal data (for example the information we use to contact you, identify you or manage our relationship with you). This may include contact information, such as your name, title, business address, email address, phone numbers, legitimation data, such as passport details, data to fulfil contractual obligations, registration data, data about your use of our offered tele-media, such as time of the visit of our website and pages clicked as well as other comparable data.



### **3. The purpose of the processing your personal data and on what legal basis?**

We process personal data in accordance with the provisions of the GDPR and Data Protection Act.

#### **3.1 To fulfil contractual obligations (Article 6 (1b) GDPR)**

The purpose of processing your personal data (Article 4 (2) GDPR) is to facilitate services, in particular the execution of our contracts or pre-contractual actions with you or the entity you represent, as well as the necessary operational and administrative actions related to those contracts.

The purposes of data processing are primarily based on the specific purpose of the business and may include the execution of transactions.

Details of the purpose of data processing can be found in the respective contracts.

#### **3.2 In the course of balancing of interests (Article 6 (1f) GDPR)**

If necessary, we process your data in addition to the actual fulfillment of the contract for the protection of our legitimate interests or of those third parties such as in the following cases:

- Ensuring IT security and IT operations;
- Checking and optimizing procedures for direct contact;
- Marketing, as long as you have not opted out;
- Asserting legal claims and defence in legal disputes;
- Measures regarding building and plant safety (e.g. access controls)
- Measure to secure property rights
- Third Party service providers such as auditors, fund administrators
- Prevention and investigation of criminal offences

#### **3.3 Due to your consent (Article 6 (1a) GDPR)**

If you have agreed that we can process your personal data for certain purposes (disclosure of data, analysis of user data for marketing purposes), the legality of this processing is based on your consent. You can revoke your consent at any time. This also applies to your revocation of statements of consent issued to us prior to the GDPR being valid, i.e. prior to 25<sup>th</sup> May 2018.

Please note that the revocation only works for the future. Processing that occurred before the revocation is not affected.

#### **3.4. Due to legal requirements or in the public interest (Article 6 (1e) GDPR)**

As a financial services institution we are subject to various legal obligations, i.e. legal requirements (German Banking Act, Money-Laundering Act, German Securities Trading Act,



tax regulations) as well as supervisory requirements (e.g. German Central Bank and German Financial Supervisory Authority). The purpose of processing includes identity checks and age verifications, fraud and money laundering prevention, fulfilment of tax control and reporting obligations as well as the assessment and management of risks.

#### **4. Who do we share your personal data with?**

We may share your personal data internally where it is necessary for the fulfilment of a contract with you or the company you represent. We may also share your personal data with third parties (processors) such as IT service providers, third party service providers, legal advisers or government bodies for the protection of legitimate interests as set out above.

With regard to the transfer of data to recipients outside our company, it should be noted that we only pass on information about you if required by law, with your consent or where we are authorised to do so.

Potential recipients in this respect could be:

- Public bodies and institutions, e.g. German Central Bank and German Financial Supervisory Authority, tax authorities, if there is a legal obligation.
- Other banks, financial service institutions or similar institutions, where we transmit data for the purpose of conducting the business relationship.

#### **5. How long will we keep your personal data for?**

If necessary, we process and store your personal data for the duration of our business relationship, which includes, for example, the initiation, execution and term of a contract and any period required by law. We will not keep your personal data for any longer than is necessary in light of the reason(s) for which it was first collected.

In addition, we are subject to various storage and documentation obligations, which result from the Commercial Code and the Tax Code. Deadlines for storage are between two to ten years.

Finally, the storage period is also judged according to the statutory limitation periods which are in general three years (§§ 195 ff. Civil Code), however, sometime also up to 30 years.

#### **6. Will the data be transmitted to a third country or to an international organization**

A transfer of data to third countries (states outside the European Economic Area - EEA) will only take place if this is necessary for the purposes of the contract, if it is required by law or if you have given us your consent. Details will be provided to you separately, if required by law or where we require your consent.



## **7. Your rights**

You have the following rights which we will uphold:

- The right to request access to your personal data held by us (Article 15 GDPR)
- The right to correct your personal data held by us if it is inaccurate (Article 16 GDPR)
- The right to request the deletion of your personal data from our records where there is no compelling reason for its continued processing (Article 17 GDPR)
  
- The right to object to us processing your personal data. Please let us know straight away if you object to us processing your personal data as part of this communication with you (Article 18 GDPR)
- The right to data portability if required (Article 19 GDPR)

Restrictions to access rights and the right to erase data according to §§ 34 and 35 Data Protection Act apply. In addition you have a right to make a complaint to the data protection supervisory authority (Article 77 GDPR in connection with § 19 Data Protection Act).

## **8. Is there a duty to provide data?**

As part of our business relationship, you only need to provide the personal information necessary to create, conduct and terminate a business relationship or where we have to collect it by law. Without this data, we will generally have to refuse to enter into the contract or to execute the order or to be unable to complete an existing contract and possibly terminate it.

In particular, according to the money laundering regulations, we are obliged to identify you prior to the establishment of the business relationship, for example by means of your identity card, and to record your name, place of birth, date of birth, nationality and your address. In order for us to be able to fulfil this legal obligation, you must provide us with the necessary information and documents in accordance with the Money Laundering Act and immediately notify us of any changes resulting from the business relationship. If you do not provide us with the necessary information and documents, the desired business relationship will not be accepted.

## **9. To what extent is there an automated decision-making process in individual cases?**

In principle, we do not use fully automated decision-making tools to justify and establish a business relationship (Article 22 GDPR). If we use these procedures in individual cases, we will inform you about this separately, if this is required by law.



**10. To what extent are my data used for profile building (scoring)?**

In principle, we do not use profiling (Article 22 GDPR). If we use this procedure in individual cases, we will inform you about this separately, if this is required by law.



**Information about your right to object  
in accordance with Article 21 General Data Protection Regulation (GDPR)**

1. You have the right at to prevent the processing of your personal data pursuant to Article 6 (1) of the GDPR (Data Processing in the Public Interest) and Article 6 (1) GDPR (Data Processing on the basis of a balancing of interests) any time, for reasons arising from your particular situation; this also applies to profiling based on this provision within the meaning of Article 4 No. 4 GDPR, which we use for rating purposes or for advertising purposes.

If you object, we will not process your personal data unless we can demonstrate compelling legitimate grounds for processing that outweigh your interests, rights and freedoms, or the processing is for the purposes of enforcing, pursuing or defending your personal data from legal claims.

2. In individual cases, we process your personal data in order to operate direct emails. You have the right to object at any time to the processing of your personal data for the purpose of such advertising; this also applies to profiling insofar as it is associated with such mailings.

If you object to the processing for direct marketing purposes, we will no longer process your personal data for these purposes.

The objection should be directed in writing to:

*Borromin Capita Managementl GmbH  
Management  
Myliusstrasse 47  
60323 Frankfurt am Main*