



# CREUTZ & PARTNERS

THE ART OF ASSET MANAGEMENT

## PRIVACY POLICY OF CREUTZ & PARTNERS THE ART OF ASSET MANAGEMENT S.A. (»CREUTZ & PARTNERS«)

### 1. WHO IS RESPONSIBLE FOR THE DATA PROCESSING AND WHOM CAN I CONTACT?

The office responsible for processing and storing your personal data is:

**Creutz & Partners The Art of Asset Management S.A.**

18, Duarrefstrooss

L-9944 Beiler

Phone: +352 978 22 11

E-mail address: [info@creutz-partners.com](mailto:info@creutz-partners.com)

Website: [www.creutz-partners.com](http://www.creutz-partners.com)

### 2. WHICH SOURCES AND DATA ARE USED BY CREUTZ & PARTNERS?

We process personal data which we receive from our customers in the context of our business relationship. To the extent necessary – in order to provide our services – we also process personal data which we lawfully (e.g., for executing orders, performing contracts or on the basis of your consent) receive from other entities within the Creutz & Partners Group or other third parties. We also process personal data from publicly accessible sources (e.g., commercial registers and registers of associations, press, media, Internet) which we lawfully obtain and are permitted to process.

Relevant personal data collected in dealing with prospective clients, when opening an account or in the context of authorisation (power of attorney for an account) may include:

Name, address/other contact information (telephone, fax, e-mail address), date and place of birth, gender, nationality, marital status, matrimonial property regime, occupation, identification data (e.g., identification document data), authentication data (e.g., specimen signature), tax-ID, FATCA status.

Upon agreement and use of services provided by Creutz & Partners (individual asset management, investment in C&P Funds/CP NVST (collective asset management)), additional personal data may be collected, processed and stored in addition to the aforementioned data. These primarily include:

Information on knowledge of and/or experience with financial instruments (MiFID status), investment behaviour/strategy (scope, frequency, risk appetite/risk-bearing capacity), documentation data (e.g., suitability statements), occupation, financial situation (assets, financial liabilities, income (from (self-) employment/commercial business), expenses), foreseeable changes in financial circumstances (e.g., reaching retirement age), specific objectives/major concerns in the future (e.g., planned acquisitions, redemption of liabilities), tax information, account balances and portfolio holdings.

Additional personal data, such as information about the contact channel (telephone, letter, email), date, occasion and result, (electronic) copies of correspondence and information on participation in direct marketing activities (e.g., newsletter), may be collected during the initial business phase and over the course of the business relationship, particularly as a result of personal, telephone or written contact initiated by you or Creutz & Partners.

### 3. WHY DO WE PROCESS YOUR DATA (PURPOSE OF THE PROCESSING) AND ON WHAT LEGAL BASIS?

We process the aforementioned personal data in accordance with the provisions of the EU General Data Protection Regulation (hereinafter referred to as »GDPR«)<sup>1</sup> and the data protection provisions of Luxembourg.

#### a) To fulfil contractual obligations or to carry out pre-contractual measures (Art. 6, para. 1b of the GDPR)

Personal data is first and foremost processed in order to provide asset management services (individual/collective asset management), which includes conducting transactions, in the context of carrying out our contracts with our customers or to carry out pre-contractual measures that occur as part of a request.

#### b) Due to statutory provisions (Article 6, para. 1c of the GDPR) or in the public interest (Article 6, para. 1e of the GDPR)

As an asset manager, we are subject to various legal obligations, meaning statutory requirements (such as the Law of 05 April 1993 on the financial sector; the Law of 12 November 2004 concerning the prevention of money-laundering and the financing of terrorism; the Law of 18 December 2015 on the automatic exchange of information on financial accounts in the field of taxation and/or other applicable laws and regulations each in its currently valid version) and the regulations issued by supervisory authorities (e.g., circulars and regulations of the Commission de Surveillance du Secteur Financier (»CSSF«)). The purposes of data processing include, amongst others, identity verification, anti-fraud and anti-money laundering measures and the compliance with tax law control and reporting obligations.

#### c) On the basis of your consent (Article 6, para. 1a of the GDPR)

Insofar as you have granted your consent to the processing of your personal data for certain specific purposes (e.g., sending you our »Villa Louise« newsletter, sending you the Factsheets of the C&P Funds or for the use of the CP NVST app), the lawfulness of such processing is based on your consent. Any consent granted may be revoked at any time. This also applies to the revocation of declarations of consent that have been granted to us prior to the entry into force of the GDPR, i.e. prior to 25 May 2018. Please be advised that the/a revocation will only have effect for the future. Any processing that was carried out prior to the revocation shall not be affected thereby.

<sup>1</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.



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### d) For the purpose of safeguarding legitimate interests (Article 6, para. 1f of the GDPR)

Where required, we process your data beyond the actual fulfilment of the contract for the purpose of safeguarding the legitimate interests pursued by us or a third party. Examples:

- Assertion of legal claims and defence in legal disputes;
- Ensuring IT security and IT operations;
- Prevention of criminal offenses;
- Video surveillance to protect the right of owner of premises to keep out trespassers, to gather evidence in the event of burglary and assault;
- Measures for building security (e.g., admittance control);
- Measures for ensuring the right of owner of premises to keep out trespassers;
- Measures of business management and further development of services and products.

Whenever we intend to rely on legitimate interest as the legal basis for the processing of personal data, we will give due consideration to any data subjects' rights.

### 4. WHO RECEIVES MY DATA?

Only those persons that require your personal data in order to fulfil our contractual and legal obligations will have access to it. Service providers and vicarious agents appointed by us may also receive access to data for the purposes given, if they observe the professional secrecy and our written instructions for data protection.

With regard to the transfer of data to recipients outside Creutz & Partners, it must first of all be noted that as an asset manager we are bound by professional secrecy obligations regarding all customer-related matters of which we acquire knowledge (professional secrecy and data protection in accordance with our General Terms and Conditions). We may only disclose information about you in case permitted by statutory provisions, in case you have given your consent and/or if sub-processors commissioned by us guarantee compliance with the professional secrecy and the provisions of the GDPR and the data protection provisions of Luxembourg.

Under these conditions, recipients of personal data may be, for example:

- Public authorities and institutions (e.g., CSSF, tax and financial authorities) insofar as a statutory or official obligation exist;
- Other credit and financial services institutions, comparable institutions and processors to whom we transfer personal data in order to perform the business relationship with you. Specifically: archiving, document processing, data screening for anti-money laundering purposes, data destruction, purchasing/procurement, customer management, marketing, media technology, reporting, research, expense accounting, telephony, postal services, website management, financial and investment services, share register, fund management, payment transactions, auditing services.

Other recipients of data may be those bodies for which you have given us your consent to data transfer or, respectively, for which you have granted us an exemption from professional secrecy on the basis of an agreement or consent.

### 5. ARE MY DATA TRANSFERRED TO THIRD COUNTRIES?

Creutz & Partners generally stores and processes your personal data in Luxembourg or within the European Union (EU). Data will only be transferred outside of the EU (to »third countries«) if this is required for the execution of your orders, prescribed by law (e.g., reporting obligations under tax law) or if you have given us your consent.

### 6. HOW LONG WILL MY DATA BE STORED?

We process and store your personal data for as long as it is necessary in order to fulfil our contractual and legal obligations. In this regard, it should be noted that our business relationship is a continuing obligation designed to last for several years.

If the data is no longer required in order to fulfil contractual or legal obligations, it is deleted, unless its further processing is required for a limited time for the following purposes:

- Compliance with record retention periods under commercial and tax law, such as the Luxembourg commercial code, the tax code, the Law on the financial sector and the anti-money laundering law. The record retention periods prescribed therein range from two (2) to ten (10) years;
- Preservation of evidence within the scope of the statutes of limitations. According to the provisions of the Luxembourg civil code, these limitation periods may be up to thirty (30) years.

### 7. IS THE PROVISION OF DATA OBLIGATORY?

Within the scope of our business relationship, you must provide personal data which is necessary for the initiation and execution of the/a business relationship and the performance of the associated contractual obligations or which we are legally obligated to collect. As a rule, without these data we would not be able to enter into any contract or execute an order or we may no longer be able to carry out an existing contract and would have to terminate it.

In particular, provisions of money laundering law require that we verify your identity before entering into the business relationship, for example, by means of your identity card and that we collect and record your name, place of birth, date of birth, nationality and your residential address. In order for us to be able to comply with this statutory obligation, you must provide us with the necessary information and documentation and notify us without undue delay of any changes that may arise during the course of the business relationship. If you do not provide us with the necessary information and documentation, we will not be allowed to enter into or continue your requested business relationship.



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### 8. WHAT DATA PRIVACY RIGHTS DO I HAVE?

#### a) Information about your personal data and data portability

You are entitled to receive information about the personal data concerning you, which you have provided to Creutz & Partners, and you may obtain a free copy thereof.

You also have the right to receive the personal data concerning you in a structured, commonly used and machine-readable format and you have the right to have these data transmitted directly by us to third parties.

#### b) Rectifying, updating and/or erasing your personal data

You may also contact Creutz & Partners to rectify, update or erase your stored personal data. The relevant contact information can be found in Section 8e. Please note that prior to accessing and making changes to your data, we must verify your identity properly.

Following the data deletion instruction, your personal data will promptly be erased by Creutz & Partners (electronic data) or destroyed (data in physical form), unless such erasure/destruction is not permitted due to legal/regulatory retention periods as referred to in Section 6.

#### c) Right to revoke your consent

Some of Creutz & Partners' processing activities may be based on your consent. In such a case, you have the right to revoke your consent at any time. A revocation of consent will not affect the lawfulness of the data processing conducted prior to the revocation. If you revoke your consent, Creutz & Partners and any third parties involved in the data processing will cease to process your personal data, unless the continued processing or storage of the data is permitted or required according to applicable legislation concerning personal data or other applicable laws and provisions. Please note that the revocation of your consent may mean that Creutz & Partners will not be able to meet your requests or will no longer be able to provide services and/ or information to you.

#### d) Right to restriction of data processing and right to object

You have the right to restrict the processing of your personal data (i) if the personal data is not correct, (ii) if the processing is unlawful, but you object to the erasure of your personal data, (iii) if Creutz & Partners no longer requires your personal data for the purposes of processing, but you still desire the storage of such data in order to establish, exercise or defend legal claims before a court or (iv) if Creutz & Partners continues to assert a legitimate interest in the relevant personal data.

At any time you have the right to object to the processing of your personal data that have been collected and processed for the purposes of the legitimate interests pursued by Creutz & Partners.

Moreover, you have the right to object to the processing of your personal data for direct marketing purposes.

#### e) Right to lodge a complaint/claim your data privacy rights

If you want to lodge a complaint about a privacy breach with Creutz & Partners or if you want to claim your aforementioned data privacy rights, please turn to the following address:

#### Creutz & Partners The Art of Asset Management S.A.

Data Protection Officer

18, Duarrefstrooss

L-9944 Beiler

Phone: +352 978 22 11

E-mail address: [datenschutz@creutz-partners.com](mailto:datenschutz@creutz-partners.com)

We will acknowledge receipt of your request within two (2) business days. We will do our best to answer your request as quickly as possible and within one (1) month from the date of its receipt. In case that it would take longer than one (1) month for us to respond to your request, we will inform you accordingly and provide you with the reasons for the delay.

If you are not satisfied with the results or with the handling of your complaint by Creutz & Partners or with the claim of your data privacy rights, you may contact the Luxembourg data protection authority:

#### Commission nationale pour la protection des données

15, Boulevard du Jazz

L-4370 Belvaux

Phone : +352 261 06 01

Website: [www.cnpd.lu](http://www.cnpd.lu)

### 9. Security of the data processing

The confidentiality, and thus the security, of your data is of great importance to Creutz & Partners. We have therefore implemented appropriate technical (e.g., virus scanners, firewalls) and organisational measures (e.g., access controls/ restrictions) to ensure the security of your data and to protect them from unlawful processing, from unlawful or unintended modification or erasure and from loss and unauthorised disclosure or unauthorised access.