

fondecta trust
reg.

assessor trust
reg.



Privacy Statement

valid from 01 March 2021

1. Preamble

- 1 This Privacy Statement covers the processing of personal data by FONDECTA Trust reg. (“We”) within the context of client administration as well as the website (www.fondecta.li). In the case of websites of other providers to which reference is made, e.g. via links, the data protection information and explanations provided therein are applicable. The processing of personal data by us is performed exclusively in accordance with the EU General Data Protection Regulation (“GDPR”) as well as the Liechtenstein Data Protection Act (Datenschutzgesetz – “DSG”).

2. Name and address of the data controller

- 2 The data controller responsible for the processing of personal data within the meaning of GDPR is:

FONDECTA Trust reg.

Landstrasse 40

PO Box 53

9495 Triesen

Tel.: +423 390 05 50

Fax: +423 390 05 52

e-mail: fondecta@fondecta.li

3. Data processing within the context of client administration

3.1 Scope of the processing of personal data

- 3 Our processing of personal data of our users is limited to the data that is required to provide our services and activities as a fiduciary company. We process personal data of our users only for the purposes agreed with you or if another legal basis (within the meaning of the GDPR) exists. We collect only the personal data that is actually required to perform and carry out our tasks and services or that you have made available to us voluntarily.

3.2 Purpose of the data processing

- 4 We process your personal data for the following purposes:

- Activities pursuant to the purpose set out in our articles;
- Exercising our obligations pursuant to the Due Diligence Act (Sorgfaltspflichtgesetz – “SPG”) and other statutory requirements, in particular: The Persons and Companies Act (Personen- und Gesellschaftsrecht), the Law Governing the Professional Trustees and Fiduciaries (Treuhandergesetz), tax laws and tax treaties, Automatic Exchange of Information Act (AIAG), FATCA Act

3.3 Data categories

5 In our data directories, the following data categories pursuant to Art. 4 No. 1 GDPR are processed to fulfil our activities to the extent of the purposes listed under Fig. 3.2:

<u>Data category</u>	<u>Data description</u>	<u>Data recipients</u>
Client and address data	Name, company name, date of birth, private and/or business address, nationality, occupation, telephone number, e-mail address	e.g. external service providers (e.g. banks, asset managers, auditors) and public bodies (e.g. supervisory or tax authorities)
Legitimation data	IDs, inter alia passport or ID copies, utility bills, tax numbers, death certificates; authentication data, inter alia signature samples	e.g. external service providers (e.g. banks, asset managers, auditors) and public bodies (e.g. supervisory or tax authorities)
Due diligence documents	inter alia contracting partners, identification of the beneficial owners, profile of the business relationship with information about the professional and personal background (e.g. occupation and hobbies), World-Check data, investigations pursuant to SPG	e.g. external service providers (e.g. banks, asset managers, auditors) and public bodies (e.g. supervisory or tax authorities)
Client information	inter alia company documents, bank documents, correspondence, SPG documents, tax data, managing body resolutions	e.g. external service providers (e.g. banks, asset managers, auditors) and public bodies (e.g. supervisory or tax authorities)
Accountancy data	Transaction and accounting information	e.g. external service providers (e.g. banks, asset managers, auditors)

		and public bodies (e.g. supervisory or tax authorities)
Correspondence	Client orders, general	e.g. external service providers (e.g. banks, asset managers, auditors) and public bodies (e.g. supervisory or tax authorities)
Legal entity data	Articles, bylaws, certificates, mandate agreements, signatory authorisations	e.g. external service providers (e.g. banks, asset managers, auditors) and public bodies (e.g. supervisory or tax authorities)
Tax registration data	FATCA, AEOI, LDF reports	e.g. external service providers (e.g. banks, asset managers, auditors) and public bodies (e.g. supervisory or tax authorities)

3.4 Legal principles

6 The data specified under Fig. 3.3 is processed

- on the basis of the contractual relationship with our clients (Art. 6 Para. 1 Letter b GDPR),
- to fulfil a legal obligation (Art. 6 Para. 1 Letter c GDPR),
- in the performance of a task in the public interest or in the exercise of official powers (Art. 6 Para. 1 Letter e GDPR),
- or to safeguard legitimate interests of the responsible party or third party (Art. 6 Para. 1 Letter f GDPR).

7 Processing activities based on our legitimate interest may in particular be:

- Processing for internal administrative purposes:
- Evaluations;
- Defence against unjustified claims.

3.5 Recipients of personal data

8 Your personal data will only be processed by us to fulfil our contractual, legal and regulatory obligations for the purposes set out under Fig. 3.2.

9 For this purpose, the following parties may receive personal data:

- Companies within our group of companies for internal administrative purposes
- External service providers and bodies, in particular:
 - Banks;
 - Asset managers;
 - Insurers;
 - Attorneys-at-law;
 - Auditors;
 - Suppliers;
 - Traders;
 - Transport companies;
 - Subcontractors;
 - Other cooperation partners;
 - Professional associations;
 - Institutions of public interest at home as well as abroad,

10 If we have to fulfil legal or regulatory obligations, the following bodies in particular may receive personal data:

- Official agencies and public bodies (e.g. supervisory authorities, courts);
- Tax authorities (including within the context of the automatic exchange of information [AEOI, FATCA]);
- Third country authorities or international organisations.

3.6 Forwarding to third country authorities or international organisations

11 We transfer your data to third parties, insofar as this is required by reasonable consultancy and representation, insofar as we are legally required to transfer the data (e.g. to the supervisory authority or auditor) or insofar as this is required by our legitimate interests (e.g. to the court in order to assert fee claims or to IT service providers to service the IT infrastructure).

12 Transfer of data to countries outside the European Economic Area (so-called third-party states) shall be performed only within the context of adequacy decisions of the European Commission or if this is necessary to conduct pre-

contractual measures or to fulfil a legal agreement, if you have issued us your express consent (e.g. within the context of special services), or if this is necessary for important public interest reasons or is stipulated by law.

- 13 We shall be pleased to provide further information about the protection of personal data in the event of a transfer outside the European Economic Area upon request.

3.7 Origin of the data

- 14 Data is collected directly (for example during meetings or in the course of correspondence with you; internal background and due diligence checks) and in some cases by third party service providers.

- 15 Third-party service providers may be:

- Banks;
- Fiduciaries;
- Attorneys-at-law;
- Asset managers;
- Auditors.

3.8 Storage period for personal data

- 16 Personal data shall be processed and stored during the ongoing business relationship within the framework of the statutory provisions. After the business relationship is terminated, this data shall be stored for 10 years on account of statutory provisions (PGR, SPG, ABGB). Longer storage of data is only carried out on the basis of legal or contractual storage obligations or for evidence purposes within the statute of limitations.

3.9 Automatic decision-making (Art. 22 GDPR)

17 No automated decision-making takes place with your personal data. If such procedures are used in individual cases, we shall inform you to the extent provided for by law.

3.10 Necessity of the data (Art. 13 Para. 2 Letter e GDPR)

18 In order to be able to offer you our services to the extent you require and in compliance with the statutory obligations, we need the data listed under Fig. 3.3. In addition to any statutory reporting obligations to the competent supervisory authorities, failure to provide such information shall result in the non-establishment or termination of the business relationship.

4. Data processing within the context of the website

4.1 Provision of the website

19 Each time our website www.fondecta.li is accessed, our system automatically records data and information about the computer system of the accessing computer. The following data is gathered in this conjunction:

- Complete IP address of the accessing computer;
- Date and time of the accessing;
- Name of the requested file;
- Website from which the file was requested;
- Access status (file transfer, file not found etc.);
- Utilised web browser and utilised operating system;
- Transferred data volume.

20 It is not possible for us to make inferences about individual persons on the basis of this data. This information shall be stored for a period of up to one year. The storage is performed for reasons of data security – in particular to defend against attempted attacks on our web server – as well as to ensure the stability and the operating security of the system.

21 Pursuant to Art. 13 GDPR, the data processing in conjunction with our website is performed in accordance with Art. 6 Para. 1 Letter e GDPR – insofar as the legal principles in the present Privacy Statement do not stipulate otherwise.

22 Our processing of the personal data of users is limited to the data that is required to provide a properly functioning website as well as our content and to render our services. We process personal data only for the purposes agreed with you or if another legal basis (within the meaning of the GDPR) exists. We collect only the personal data that is required to execute and render our performances and corresponding services or that you have made available to us voluntarily.

4.2 Cookies

23 We use cookies on our website in order to make our services more user-friendly. Cookies are small computer files that your browser automatically creates and are saved on your device (laptop, tablet, smartphone etc.) when you visit our website. The cookies remain saved until you delete them. This enables us to identify your browser the next time you visit.

24 If you do not want this to happen, you may use browser settings to inform you about the use of cookies, enabling you to permit this on a case-by-case basis.

We draw your attention to the fact, however, that deactivating cookies may restrict the functions of the website.

25 The legal basis for the use of data processed by cookies is Art. 6 Para. 1 Letter f GDPR.

4.3 Typekit web fonts

26 We use external fonts from Typekit on our website. Typekit is a service that is provided by the company Adobe. These web fonts are used by accessing a server at Adobe (in the USA). According to our information, at least the IP address of the browser of the terminal device of the visitor to our website is stored by Adobe. Further information is available in the privacy statements of Typekit, which you may retrieve here:

<https://www.adobe.com/de/privacy/policies/typekit.html>

4.4 File downloads

27 We do not demand any personal data from you in order to enable you to download files from our website.

4.5 Hosting and e-mail delivery

28 The hosting services used by us serve to make the following services available: Infrastructure and platform services, computing capacity, storage space and database services, e-mail delivery, security and technical maintenance services that we use to operate this website. We or our hosting provider process inventory data, contact data, content data, contract data, usage data, meta data and communication data of clients, interested parties and visitors to this website on the basis of our legitimate interest in the efficient and secure provision of this website pursuant to Art. 6 Para. 1 Letter f GDPR in conjunction with Art. 28 GDPR (conclusion of order processing agreement).

5. Joint provisions

5.1 Your rights

29 You have the right to demand information from us about the personal data we process relating to you. In particular, you may demand information about the purposes of the processing, the categories of the personal data that is being processed, the categories of the recipients to whom your data has been or will be disclosed, the planned storage period, the existence of a right to rectification, erasure, limited processing or objection, data portability – insofar as the transmission does not cause a disproportionate workload – the origin of your data, insofar as this was not collected by us, as well as the existence of an automated decision-making procedure including profiling.

30 You also have the right to revoke any possible consent to use your personal data at any time.

31 If you are of the view that the processing of your personal data by us breaches the applicable data protection provisions, you have the opportunity to complain to the Data Protection Officer.

5.2 Data security

32 We deploy the widely-used SSL process within the context of website visits (Secure Socket Layer) in conjunction with the respective highest encryption level that is supported by your browser. You can identify whether an individual section of

our website is being transmitted in encrypted format by the key or closed padlock symbol in the lower address bar of your browser.

- 33 We also use appropriate technical and organisational security measures to protect your data from accidental or wilful manipulation, partial or complete loss, destruction or from being accessed by unauthorised third parties. Our security measures are improved on an ongoing basis in accordance with technological developments.

5.3 Valid version

- 34 This Privacy Statement is currently valid and its version is April 2021.

- 35 Due to the continued development of our website and associated services or organisational changes within the fiduciary company, or on the grounds of amended statutory or official provisions, it may be necessary to amend this Privacy Statement. You can access and print out the respective current Privacy Statement from the website at any time.