

## PRIVACY NOTICE

This privacy notice informs you about the processing of your personal data (i.e data by which you may be directly or indirectly identified, rather than to a legal entity, such as a company) in the context of your status of investors, as well as of your rights in accordance with the Data Protection Legislation (the **Privacy Notice**).

Data Protection legislation means any applicable law, statute, decree, legislative enactment, order regulation, rule or other binding instrument which implements Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 (the GDPR) as such legislation and guidance may be complemented, amended, replaced or repealed from time to time.

### 1. DATA CONTROLLER

Any Personal Data provided to or collected by us will be processed (i.e. used, stored, transmitted, etc.) in accordance with this Privacy Notice by us, Senvion S.A., having our registered office at 46a, Avenue John F. Kennedy, L1855 Luxembourg, and registered with the Trade and Companies Register of Luxembourg under number B186599 (hereafter “**Senvion**”, “**we**”, “**us**” or “**our**”), in our capacity of controller or by our subcontractors and service providers as further described in this Privacy Notice in their capacity as processors

If you, or related individuals to you, have any questions or comments or want to exercise their rights, they may contact IR@senvion.com

In addition, other entities involved in the management of your investment may process Personal Data in their capacity as data controllers (for instance the financial intermediaries). These processing activities are done under the sole responsibility of these independent data controllers and are governed by separate privacy notices.

### 2. WHAT PERSONAL DATA IS PROCESSED?

We process the data we receive through our business relationship with you, as an Investor, as an Analyst, banker, trader or any other stakeholder and any individual related to you (hereafter “**Investor**”, “**you**”, or “**You**”).

In particular, the personal data (“**Personal Data**”) we process about you might include the following:

- identification data (e.g.: name, e-mail, postal address, telephone number, country of residence,);
- personal characteristics (e.g.: date of birth, marital status);
- government issued identifiers (e.g.: tax identification number);
- employment and occupation (e.g. job title and responsibilities );
- financial situation and knowledge and experience in investment matters, including investments previously made;
- origin of funds and assets with which you invested in Senvion;
- tax domicile and other tax related documents and information;

- any relevant details regarding dividend, interest or any other money paid to you;
  - communication data (e.g. exchange of letters, e-mails sent or received through our computer systems);
  - images and sound (e.g.: photos and videos); and
  - any other personal information you have provided directly to us.
- 3. ON WHICH LEGAL BASIS AND FOR WHICH PURPOSES ARE THE INFORMATION COLLECTED?**

Hereinafter we inform you about the purposes and legal basis of the processing of your Personal Data by us:

**3.1 For the conclusion and performance of a contract if you are an individual being an Investor**

This includes the processing of Personal Data for the purpose of the provision of Investor-related services including account administration, management of subscription, redemption and transfer of units, maintaining the register of Investors and distributions, managing distributions including the allocations of profit and loss between Investors, internal audit validations, communications and more generally performance of services requested by and operations in accordance with the instructions of the Investor.

**3.2 Purposes that are in our legitimate interest**

(i) Personal Data will be processed for risk management and fraud prevention purposes, for the evaluation of the Investor's financial needs, monitoring the Investor's financial situation including assessing its creditworthiness and solvency, to manage litigation and for marketing purposes (including notably the sending of newsletters). We may disclose Personal Data to service providers for the purpose of processing the data on our behalf. We will use such information to the extent required for the exercise or defence of legal claims or for the protection of the rights of another natural or legal person.

(ii) If Personal Data was provided to us by the Investor (especially where the Investor is a legal entity), we may also process Personal Data relating to Investor-related individuals in its legitimate interest for the purpose of the provision of Investor-related services including account administration, evaluation of the Investor's financial needs, monitoring the Investor's financial situation including assessing its creditworthiness and solvency, management of subscription, redemption and transfer of Units, maintaining the register of Investors and distributions, managing distributions including the allocations of profit and loss between Investors, internal audit validations, communications and more generally the performance of services requested by and operations in accordance with the instructions of the Investor.

Additionally, your Personal Data can be processed for the following reasons:

- Maintain records of our Investors;
- Sending you newsletters to update you regularly on our activity;
- Carry out research and statistical analysis about our activity.

### **3.3 For the compliance with legal and regulatory obligations**

This includes the processing of Personal Data for the purpose of compliance with applicable laws such as Know-Your-Customer (**KYC**), and Anti-Money Laundering and Combating the Financing of Terrorism (**AML/CFT**), accounting obligations, complying with requests from, and requirements of, local or foreign regulatory or law enforcement authorities, tax identification and, as the case may be, reporting, notably under the act of 18 December 2015 concerning the automatic exchange of financial account information in tax matters implementing Council Directive 2011/16/EU on Administrative Cooperation in the field of Taxation (as amended by Council Directive 2014/107/EU), which notably is aimed at the implementation by financial institutions of reporting and due diligence rules which are fully consistent with those set out in OECD's standard for automatic exchange of financial account information (commonly referred to as the "Common Reporting Standard" or CRS), the act of 24 July 2015 approving the Agreement between the Grand Duchy of Luxembourg and the Government of US in view to improve international tax compliance and relating to the dispositions of the United States of America concerning the exchange of information commonly called the FATCA, as the afore mentioned laws may be modified from time to time, and any other automatic exchange of information (AEI) regimes to which we may be subject from time to time. Where required, such data will be shared with Luxembourg tax authorities and may be forwarded by them to foreign tax authorities.

With respect to FATCA and/or CSR purposes (i) Personal Data may be processed and transferred to the Luxembourg Direct Tax Authority who may transfer such data to the competent foreign tax authorities, including the US Internal Revenue Service or any other US competent authority, only for the purposes provided for in the FATCA and the CRS rules as well as to service providers for the purpose of effecting the reporting on our behalf and (ii) for each information request sent to the Investors, addressing such information requests is mandatory and failure to respond may result in incorrect or double reporting;

### **3.4 With your consent**

This includes the use and further processing of Personal Data with the Investor's or the Investor-related individual's consent (which consent may be withdrawn at any time, without affecting the lawfulness of processing based on consent before its withdrawal), e.g. for the purpose of receiving marketing materials (about our products and services or from Senvion group, or those of our commercial partners), or recommendations about services.

## **4. OBLIGATION TO PROVIDE THE PERSONAL DATA**

The Personal Data that is required for the performance of the contract with the Investor and that required for us to comply with our legal obligations is mandatory information to be provided by the Investor. Without the provision of this Personal Data, we will not be able to enter into or continue the execution of the contract with you.

## **5. DATA RECIPIENTS**

Personal Data may be shared with selected third parties as set out above.

In some circumstances, Senvion may also disclose Personal Data to the recipients such as:

- any third parties as may be required or authorized by law (including but not limited to public administrative bodies and local or foreign public and judicial authorities, including any competent regulators);

- any third parties acting on Senvion's behalf, such as service providers, the administrator, the depositary bank, including their respective advisers, auditors, delegates, agents and service providers and any other subsidiary or affiliated companies (the **Service Providers**) or on the basis of a prior authorization provided by Investors;
- any of Senvion's respective shareholders, representatives, employees, advisers, agents, delegates, auditors, service providers, any subsidiary or affiliate of Senvion (and their respective representatives, employees, advisers, agents, delegates);
- persons acting on behalf of Investors, (payment recipients, beneficiaries, account nominees, intermediaries, correspondent and agent banks, clearing houses, clearing or settlement systems, market counterparties, upstream withholding agents, swap or trade repositories, stock exchanges, companies in which the client has an interest in securities); and
- in connection with any business reorganization, transfer, disposal, merger or acquisition on the level of Senvion or the Senvion group.

## **6. TRANSFER OF PERSONAL DATA**

For the purposes listed above, your Personal Data will be transferred to any of the aforementioned recipients and service providers in countries located in or outside of the European Economic Area (the **EEA**).

Certain countries in which recipients and data processors may be located and to which Personal Data may be transferred may not have the same level of protection of Personal Data as the one afforded in the EEA. Personal Data transferred to countries outside of the EEA will be protected by appropriate safeguards such as standard contractual clauses approved by the European Commission and you may obtain a copy of such safeguards by contacting us at the contact details set out in section 1 above.

## **7. DATA RETENTION PERIOD**

We will hold your Personal Data only for as long as you are an Investor of Senvion or if you expressed your interest in Senvion.

In addition, Personal Data will be retained for ten (10) years after the closing of the end of the financial year to which they relate or any longer period as may be imposed or permitted by law, in consideration of the legal limitation periods (including for litigation purposes).

## **8. AUTOMATED DECISION-MAKING PROCESS INCLUDING PROFILING**

We do not use Personal Data for automated decisions in individual cases, including profiling. Profiling is any type of automated processing of your data with the aim of using it to evaluate certain personal aspects. Should we use these procedures in individual cases, it will inform Investors separately.

## **9. WHAT ARE MY RIGHTS?**

### **9.1 Right to information, rectification, erasure and restriction of processing**

You may request to obtain at no costs, within reasonable intervals, and in a timely manner, the communication of your personal data being processed, as well as all information on the origin of those data.

You also have the right to rectify your personal data held about you that is inaccurate.

In cases where the accuracy of the personal data is contested, the processing is unlawful, or where you have objected to the processing of your personal data, you may ask for the restriction of the processing of such personal data. This means that personal data will, with the exception of storage, only be processed with or for the establishment, exercise or defence of legal claims, for the protection of the rights of another natural or legal person or for reasons of important public interest of the European Union or of an EU Member State. In case a processing is restricted, you will be informed before the restriction of processing is lifted.

You may request the deletion of personal data held about you, without undue delay when the use or other processing of such personal data is no longer necessary for the purposes described above, and notably when consent relating to a specific processing has been withdrawn or where the processing is not or no longer lawful for other reasons.

## **9.2 Right to object**

You may object to processing of your personal data which is based on the legitimate interests pursued by us or by a third party. In such a case we will no longer process your personal data unless we have compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Your right to object is not bound to any formalities.

## **9.3 Right to withdraw consent**

You have the right to withdraw your consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal. This also applies to any consent given before the coming into force of the GDPR on 25 May 2018. The withdrawal only affects future processing.

## **9.4 Right to data portability**

Where the processing of your data is based on consent or the execution of a contract with you, you also have the right to data portability for information you provided to us – this means that you can obtain a copy of your data in a commonly use electronic format so that you can manage and transmit it to another data controller.

## **9.5 Right to lodge a complaint**

You can exercise your rights any time by contacting us at the contact details set out in section 1 above.

In the event that you wish to make a complaint about how we process your personal data, please contact us in the first instance at the email address indicated above and we will endeavour to deal with your request as soon as possible. This is without prejudice to your right to file a complaint with the Luxembourg data protection authority, the *Commission nationale pour la protection des données*, or another European data protection authority (e.g. in your country of residence), in the event you have concerns on the processing of your personal data.

## **10. AMENDMENT OF THIS PRIVACY NOTICE**

This Privacy Notice may be amended from time to time to ensure that full information about all processing activities is provided. Changes to the Privacy Notice will be notified by appropriate means.