

PRIVACY NOTICE

Last updated on 1 November 2018.

The Company is established under the laws of Malta with registered address at Vision Exchange Building, Territorials Street, Mrieħel, Birkirkara, Malta, BKR 3000 (“We”/“Us”/“Our”).

We are committed to respecting your privacy. If you wish to contact Us about Our privacy practices please feel free to do so by post at the above registered address or by email at investors@accolade.eu You may also wish to contact Us by telephone on +420 220 303 019.

Please read this Privacy Notice carefully to understand Our practices with respect to your Personal Data.

References to “Data Controller”, “Data Subject”, “Personal Data”, “Process”, “Processed”, “Processing”, “Data Protection Officer” and “Data Processor” in this policy have the meanings set out in, and will be interpreted in accordance with the Applicable Laws. “Applicable Laws” shall mean the relevant data protection and privacy laws, including but not limited to, the Data Protection Regulation (EU) 2016/679, and the Data Protection Act, Chapter 586 of the Laws of Malta and subsidiary legislation thereto, as may be amended from time to time.

All capitalised terms used but not defined herein shall bear the meaning assigned thereto in the offering memorandum of Accolade Fund SICAV plc dated 28 September 2018.

1. UPDATES

We may update this Privacy Notice in Our sole discretion including as a result of a change in Applicable Laws or processing activities. Any such changes will be communicated to you prior to the commencement of the relevant processing activity.

2. WHAT AMOUNTS TO PERSONAL DATA?

The term “Personal Data” refers to all personally identifiable information about you, such as your name, surname and address, and includes all personal information which may be processed and that can be identified with you personally.

3. HOW DO WE COLLECT PERSONAL DATA?

We are Data Controllers of your Personal Data and shall process your Personal Data for any purpose in connection with your investment in the Fund/sub-funds of Accolade Fund SICAV plc (the “Fund”), and for the other reasons set out in this notice.

Generally, third parties such as nominees and business partners, may have provided your Personal Data to Us. However, in some instances, We may collect Personal Data about you from third party sources, such as online searches or from public registers. There may also be instances where you would have provided your Personal Data directly to Us.

We typically collect Personal Data and process it for the following purposes:

- as part of Our client engagement/onboarding procedures including all Personal Data collected in the process leading up to your subscription in the Fund, including any information supplied in the Commitment Agreement or in connection therewith and any documents or information which you may be required to supply to Us the purposes of your investment;
- any information supplied to Us in connection with any redemption, switch or transfer of shares in the Fund;
- to provide you with statements and/or reports insofar as required by law;
- for the detection and prevention of fraud and other criminal activity which We are legally bound to report;
- for the development and improvement of Our systems, products and services;
- when you or your company (as the case may be) transfer Personal Data to Us;
- Personal Data that We may process as a result of legal obligations imposed on Us, including (amongst others) MiFID II (Directive 2014/65/EU), the AIFM Directive (Directive 2011/61/EU), money-laundering detection and reporting, obligations under FATCA and CRS, and other obligations imposed upon Us in terms of applicable law;
- any Personal Data lawfully generated by Us in relation to your investment;
- any Personal Data which you may voluntarily provide to Us;
- for safety and security purpose insofar as necessary or required, including (amongst others) safety of Our premises, property and employees/officers, and the establishment, exercise or defence of legal claims; and
- for purposes of a legitimate interest pursued by Us or by a third party, provided such interest is not overridden by your interests, fundamental rights and freedoms.

Irrespective of the manner that We have collected your Personal Data, We will only process such data for any purpose in connection with your investment and/or purposes which are inherently related thereto, including the fulfilment of any legal or regulatory obligation imposed on Us.

4. LEGAL BASES OF PROCESSING PERSONAL DATA

The legal bases of processing your Personal Data are the following:

- Entering into and performance of a contract as a result of your investment in the Fund pursuant to your signature of the subscription documents. Providing such Personal Data is necessary for your investment in the Fund. The consequence for not carrying Our such processing would be that you would be unable to invest in the Fund;
- Our legitimate interests – in particular legitimate interests which may arise directly or indirectly in relation to your instructions and in keeping you updated with information in relation to the Fund, including marketing. We also have a legitimate interest to process your Personal Data for safety and security. When We process your Personal Data on the basis of Our legitimate interests, We ensure that your interests, rights and freedoms are not overridden by the legitimate interests pursued by Us ;
- Your explicit consent – in which case, Our processing shall be limited to the purposes specifically indicated when your consent was requested; and
- Compliance with legal obligations imposed on Us – in particular as a result of MiFID II (Directive 2014/65/EU), AIFM Directive (Directive 2011/61/EU), money-laundering detection and reporting, obligations under FATCA and CRS, and other obligations imposed upon Us in terms of applicable law.

On the basis of Our legitimate interests or compliance with legal obligations, as applicable, We may also process your Personal Data for the purposes of establishing, exercising or defending legal proceedings.

5. RECIPIENTS OF YOUR PERSONAL DATA

We may share your Personal Data with third party recipients who are:

- selected individuals within Our Company, on a need-to-know basis;
- any affiliates;
- any service providers that may have access to your Personal Data in rendering Us with their support services, including IT, audit, legal, tax, registered office, company secretarial and accounting service providers;
- third parties to whom disclosure may be required as a result of your investment in the Fund;
- any business partners to whom you may have requested that We transfer your Personal Data;
- third parties to whom disclosure may be required as a result of legal obligations imposed on Us;
- your beneficiaries, intermediaries, correspondent and agent banks; and,
- appointed Administrators, Portfolio Managers, Compliance Officer, Money Laundering Reporting Officer, Prime Brokers, Custodians, Investment Researchers and/or Distributors respectively (insofar as same are appointed from time to time), as Our Data Processors for the collection, storage and processing of Personal Data relating to prospective investors and shareholders.

Unless specifically instructed and consented by you, We do not share your Personal Data with any entity located outside of the EU or EEA.

6. AUTOMATED DECISION-MAKING AND PROFILING

Your Personal Data will not be used for any decision solely taken on the basis of automated decision-making processes, including profiling, without human intervention.

In the steps leading up to your investment in the Fund and during Our relationship with you, We may collect information from you in order to, amongst others, comply with Our obligations and/or for any other purpose connected with the Commitment Agreement or other documents provided in connection therewith. We may process such personal data on the basis of and/or pursuant to the performance of the Commitment Agreement and/or the performance of Our obligations at law. As stated, no automated-decision will result from Our use of such systems.

7. DATA RETENTION

We will retain your Personal Data for the duration of your investment in the Fund and for six (6) years afterwards. Thereafter, your Personal Data shall be destroyed, unless We have a statutory obligation imposed on Us, a business need to retain the Personal Data, and/or require the Personal Data to exercise or defend legal claims.

Any Personal Data which We may hold on the basis of your consent shall be retained exclusively until the time at which you withdraw your consent.

8. YOUR RIGHTS

For as long as We retain your Personal Data, you have certain rights in relation to your Personal Data including:

- **Right of access** – you have the right to ascertain the Personal Data We hold about you and to receive a copy of such Personal Data;
- **Right to complain** – you have the right to lodge a complaint regarding the processing of your Personal Data with the supervisory authority for data protection matters. In Malta this is the Information and Data Protection Commissioner (contact details provided below);

- **Right to Erasure** – in certain circumstances you may request that We delete the Personal Data that We hold about you;
- **Right to Object** – you have a right to object and request that We cease the processing of your Personal Data where We rely on Our, or a third party's legitimate interest for processing your Personal Data;
- **Right to Portability** – you may request that We provide you with certain Personal Data which you have provided to Us in a structured, commonly used and machine-readable format (except where such personal data is provided to Us in hand-written format, in which case such personal data will be provided to you, upon your request, in such hand-written form). Where technically feasible, you may also request that We transmit such Personal Data to a third party controller indicated by you;
- **Right to Rectification** – you have the right to update or correct any inaccurate Personal Data which We hold about you;
- **Right to Restriction** – you have the right to request that We stop using your Personal Data in certain circumstances, including if you believe that We are unlawfully processing your Personal Data or the Personal Data that We hold about you is inaccurate;
- **Right to withdraw your consent** – where Our processing is based on your consent. Withdrawal of your consent shall not affect the lawfulness of the processing based on your consent prior to the withdrawal of your consent; and,
- **Right to be informed of the source** – where the Personal Data We hold about you was not provided to Us directly by you, you may also have the right to be informed of the source from which your Personal Data originates.

Please note that your rights in relation to your Personal Data are not absolute and We may not be able to entertain such a request if We are prevented from doing so in terms of applicable law.

Note that We may contact you about Our legal updates, newsletters and events on the basis of Our legitimate interests and to keep you informed of such legal matters. In this respect, you have a right to opt-out and to object to receiving any further such communications from Us.

You may exercise the rights indicated in this section by contacting Us or Our Data Protection Officer at the details indicated above.

9. KEEPING YOUR DATA SECURE

We shall implement and maintain appropriate and sufficient technical and organisational security measures, taking into account the nature, scope, context and purposes of the processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, to protect your personal data against any unauthorised accidental or unlawful destruction or loss, damage, alteration, disclosure or access to personal data transmitted, stored or otherwise processed and shall be solely responsible to implement such measures.

We shall ensure that Our staff who process your data are aware of such technical and organisational security measures and We shall ensure that such staff are bound by a duty to keep your personal data confidential.

The technical and organisational security measures in this clause shall mean the particular security measures intended to protect your personal data in accordance with any privacy and data protection laws.

10. COMPLAINTS

If you have any complaints regarding Our processing of your Personal Data, please note that you may contact Us on any of the details indicated above. You also have a right to lodge a complaint with the Office of the Information and data Protection Commissioner in Malta (www.idpc.gov.mt).

11. WHERE A NON-NATURAL PERSON PROVIDES US WITH PERSONAL DATA RELATED TO THIRD PARTY DATA SUBJECTS

If you are a company, intermediary or other corporate entity (including a bank or broker), and you provide Us with Personal Data of third party Data Subjects such as your employees, affiliates, service providers, underlying clients/customers, directors or any other individuals connected to your business, you shall be solely responsible to ensure that:

- you immediately bring this Privacy Notice to the attention of such Data Subjects and direct them to it;
- the collection, transfer, provision and any Processing of such Personal Data by You fully complies any applicable laws;
- as Data Controller You remain fully liable towards such Data Subjects and shall adhere to the Applicable Law;
- you collect any information notices, approval, consents or other requirements that may be required from such Data Subject before providing Us with their Personal Data;
- you remain responsible for making sure the information you give Us is accurate and up to date, and you must tell Us if anything changes as soon as possible.

You hereby fully indemnify Us and shall render Us completely harmless on first written demand against all costs, damages or liability of whatsoever nature resulting from any claims or litigation (instituted or threatened) against Us as a result of your provision of said Personal Data to Us.