

# NOTICE TO INVESTORS ON PERSONAL DATA PROTECTION

## PRIVACY NOTICE

*Last updated on 28 April 2022*

**Accolade Fund SICAV p.l.c.**, with its registered office at Vision Exchange Building Territorials Street, Zone 1, Central Business District, Birkirkara CBD 1070, is incorporated under the laws of the Republic of Malta. Accolade Fund SICAV p.l.c.'s investment fund and sub-fund manager (administrator) is **Accolade Investment Company Limited** (C 94600), with its registered office at Vision Exchange Building, Territorials Street, Zone 1, Central Business District, Birkirkara CBD 1070, Malta, incorporated under the laws of the Republic of Malta, authorised by the Malta Financial Services Authority ("MFSA") to provide investment services under Directive 2011/61/EU.

Accolade Fund SICAV p.l.c. and Accolade Investment Company Limited are collectively referred to herein as **"We"/"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](mailto:investors@accolade.eu). You may also 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 Notice have the meanings set out in, and shall be interpreted in accordance with, Applicable Laws. "Applicable Laws" shall mean the relevant data protection and privacy laws including, but not limited to, EU Data Protection Regulation 2016/679/EU, data protection laws and relevant legislation as may be amended from time to time. All capitalised terms used but not defined herein shall bear the meanings assigned thereto in the Offering Memorandum of Accolade Fund SICAV p.l.c. dated 20 April 2022.

## 1. UPDATES

We may also update the Privacy Notice based on any amendments to Applicable Laws or changes in data Processing. We shall inform you of any such changes before the relevant Processing process is commenced.

## 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 which 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 in connection with your investment in the fund/sub-funds of Accolade Fund SICAV plc (the **"Fund"**) and, as the case may be, for other reasons set out in this Notice.

Your Personal Data may have been provided to Us directly by you or from third parties, such as our sales representatives and business partners. In some cases, we may also collect your Personal Data obtained through third party sources, such as online search engines and public registries.

**We typically collect Personal Data and Process them 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 of shares in the Fund, 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 for 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;
- detection and prevention of fraud and other criminal activity which We are legally bound to report;
- development and improvement of Our systems, products and services;
- compliance with legal requirements and obligations including, but not limited to, MiFID II (Directive 2014/65/EU), if relevant, AIFM (Directive 2011/61/EU), directive on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing (Directive 2015/849/EU), obligations under FATCA and CRS, and other obligations imposed upon Us by Applicable Laws;
- safety and security purposes insofar as necessary or required including, but not limited to, safety of Our premises, assets and employees/executives, and the initiation, exercise or defence of litigation; and
- a legitimate interest pursued by Us or by a third party, provided such interest is not overridden by your interests, fundamental rights and freedoms (you may object to such Processing).

Irrespective of the manner that We have collected your Personal Data, We shall 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 BASIS FOR PROCESSING PERSONAL DATA**

**The legal bases for the Processing of 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 of not carrying 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, unless you have refused such information). 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 legitimate interests are not overridden by the interests, rights and freedoms pursued by Us;
- Your explicit consent, in which case Our Processing of data shall be limited to the purposes specifically indicated when your consent to the Processing of data was requested;
- Compliance with legal obligations imposed on Us - in particular as a result of MiFID II (Directive 2014/65/EU), if relevant, AIFM (Directive 2011/61/EU), directive on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing (Directive 2015/849/EU), obligations under FATCA and CRS, and other obligations imposed upon Us by Applicable Laws.

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 establishment, exercise or defence of legal claims.

## 5. RECIPIENTS OF YOUR PERSONAL DATA

### **We may share your Personal Data with third parties, namely:**

- administrator of the investment fund and sub-funds of Accolade Fund SICAV p.l.c., which is [Alter Domus Services Malta Limited](#), Company ID No.: C 50530, with its registered office at Vision Exchange Building, Territorials Street, Zone 1, Central Business District, Birkirkara CBD 1070, Malta, which is an independent controller of your Personal Data; more information on the Processing of Personal Data by AlterDomus can be found [here](#);
- selected individuals within Our Company, on a need-to-know basis for the performance of their job;
- Our contracted service providers such as providers of IT services, administration of Our website, auditing, accounting, legal, tax and administrative services, as well as services in connection with the administration of Our registered office, but only to the extent necessary for the fulfilment of the individual purposes of Processing and on the basis of the corresponding legal title for the Processing of Personal Data;
- 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 contractual Data Processors for the collection, storage and Processing of Personal Data relating to prospective investors and shareholders.

A specific list of recipients of Personal Data is available in the current version upon request via the contact details above. 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 shall 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 investment, We may collect information from you in order to, amongst others, comply with Our obligations and, as the case may be, for any other purpose connected with the Commitment Agreement or other documents provided in connection therewith. We may Process such Personal Data to perform the Commitment Agreement and/or obligations under law. As stated above, no automated decision-making shall result from Our use of such systems.

## 7. DATA RETENTION

We shall 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 or 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 the Czech Republic, this is the Office for Personal Data Protection (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 the 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 the Processing of 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 handwritten format, in which case such Personal Data shall 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 are 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 were not provided to Us directly by you, you may also have the right to be informed of the source from which your Personal Data originate.

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 by Applicable Laws.

Note that We may contact you on the basis of our legitimate interests and regularly inform you about legal and business news and send you a newsletter. In this regard, you have the right to unsubscribe from such communications. You may exercise your rights set out in this section by contacting us using the above contact addresses and telephone number or by contacting the AlterDomus Data Protection Officer by email at [dataprotection@alterdomus.com](mailto:dataprotection@alterdomus.com) or by telephone on +356 22 05 1000.

## 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, 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 using any of the above contact telephone number or address. You also have the right to lodge a complaint with the supervisory authority, i.e. for the Czech Republic the Office for Personal Data Protection, Pplk. Sochora 27, 170 00 Prague 7 ([www.uouu.cz](http://www.uouu.cz)) and for the Republic of Malta the Office of the Information and Data Protection Commissioner ([www.idpc.gov.mt](http://www.idpc.gov.mt)).

## 11. PERSONAL DATA OF DATA SUBJECTS PROVIDED BY A THIRD PARTY

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 Processing of such Personal Data by you fully complies with Applicable Laws;
- as Data Controller you remain fully liable towards such Data Subjects and shall adhere to all Applicable Laws;
- you collect all necessary notices, approvals, consents and other required documents before you provide us with Data Subjects' Personal Data;
- you remain responsible for making sure the information you give Us is accurate and up to date, and you are obliged to notify us immediately of any changes.

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.