

## PRIVACY POLICY

We take the privacy of your personal data very seriously and are committed to protecting the confidentiality of the information entrusted to us. We act in accordance with applicable data protection law, in particular the Federal Act on Data Protection (FADP) or any applicable data protection law, as amended from time to time.

This Privacy Policy is designed to help you understand what information we collect, why and how we use it, with whom we share it as well as how we store, process, and protect it. Please read it carefully to learn more about your data protection rights and whom to contact in relation to your personal data in case of queries or concerns.

## DEFINITIONS

- **“Activities”** means any of our activities related to a fund managed or advised by BlueOrchard, a job application process or an employment at BlueOrchard.
- **“BlueOrchard”, “we” or “us”** means each and any subsidiary or branch (unless explicitly exempted) of BlueOrchard Finance Ltd., a company limited by shares according to Swiss Law with its registered office at Seefeldstrasse 233, 8008 Zurich, Switzerland. BlueOrchard is member of the Schroders Group.
- **“You”** means each person to whom this policy is addressed to and whose Personal Data we process in relation with our commercial activities and related activities. This may be (a) a client or prospective client of ours, a person related to a client or prospective client as well as representatives, agents or appointees; (b) a visitor to the BlueOrchard website; or (c) a job applicant, employee, director, officer or representative of another organization with which we have a business relationship or otherwise interact with (no exhaustive enumeration).
- **“Data Protection Laws”** means the Federal Data Protection Act and any other applicable data protection regulation.
- **“Data Subject”** means natural and legal person whose data is processed.
- **“Personal Data”** means any information relating to an identified or identifiable person, in particular all information which you submit to BlueOrchard via our Website, or that we collect from you in the course of our activities or your application process as an employee of BlueOrchard. This definition incorporates any definitions provided in the applicable Data Protection Laws.
- **“Processing”** means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, or destruction.
- **“Products”** means any of the funds managed or advised by BlueOrchard.



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### 1. WHEN DO WE HANDLE YOUR PERSONAL DATA?

We typically collect or obtain Personal Data directly from you, your authorized representatives or third parties unless it is unreasonable or impracticable to do so. The collection of Personal Data usually may take place as follows (no exhaustive enumeration):

- If you use our website;
- If you subscribe to one of our newsletters or product news;
- If you register for one of our webinars;
- If you attend one of our meetings;
- If you visit our premises or participate in our events;
- If we establish a business relationship with you;
- If you complete an application form for one of our products;
- If we provide a product or service to you;
- If we work or interact with a company or authority you work for;
- If we are involved in administrative or judicial proceedings;
- If you apply for a vacancy at BlueOrchard and during your employment with us
- If you communicate with our employees or authorized representatives;
- Through publicly available sources (websites, public directories e.g. commercial registers, newspaper articles, sanction lists online searches etc.).
- Through business contacts who may engage us to provide services that share your personal information with us.
- Through Personnel Service Providers: e.g. recruitment agencies, background check agencies, former employers, benefit providers and other third parties.

## 2. TYPES OF PERSONAL DATA WE MAY COLLECT

The following types of Personal Data may be collected by us, whether through direct interaction with us or through third parties. The nature of our relationship with you will determine the categories of Personal Data that we might ask for or that you will provide to us. This is information we collect from you or generate about you or information we obtain from other sources. The enumerations are not exhaustive. Such information may include:

- **Personal Data:** The following is an overview of the Personal Data that we may typically collect in the course of our business activities:
  - Contact details (e.g. first name, family name, company name, occupation and job title, business and personal telephone numbers, business and personal e-mail addresses, postal address including city postcode and country);
  - Professional data (e.g professional background, educational background and memberships in professional associations, publications, sanction listings);
  - data of relatives and beneficiaries in the areas of mobility, official authorizations, insurance and old-age provision (e.g. names and dates of birth);
  - Financial data (e.g taxes, payroll, investment interests, pensions, investments, banking information, insolvency documents).
- **Sensitive Personal Data:** Sensitive Personal Data will only be processed with the consent of the data subject, unless the data has been transferred to us indirectly and for lawful purposes. The enumerations are not exhaustive. Examples of sensitive Personal Data we may receive include:
  - Personal identification documents, which may also provide information about nationality, date and place of birth, health related information, disability status, racial or ethnic origin, religious and ideological beliefs, social security measures, biometric data of private individuals, applicants or beneficial owners of legal persons, sanction listings;
  - Negative information about potential employees who provide information about administrative or criminal proceedings or sanctions;
  - Data that our clients provide to us as part of a business cooperation;
  - Food preferences when registering for events that provide information about religious beliefs or health status;
  - Any other Personal Data that you choose to share with us.
- **Third Party Data:** We also process Personal Data that you provide to us about any individual on whose behalf you act (or who works with a company on whose behalf you act) or who is otherwise related to you, for example investment beneficiaries, beneficial owners, family members, representatives, attorneys, co-workers, etc. **By providing us with their Personal Data, you confirm that this Personal Data is accurate and that you have provided these persons with the information set out in this Privacy Policy, and we may assume that you are authorized to make such disclosure.**



- **Location-based data:** We may process location-based data, for example when you use the location search function on our website.

### **3. ON WHAT LEGAL BASIS DO WE PROCESS PERSONAL DATA?**

The law specifies certain ‘lawful bases’ for which we are allowed to use Personal Data. Most commonly, we will rely on one or more of the following lawful bases for Processing Personal Data:

- where it is necessary for the fulfilment of our contractual obligations;
- where it is necessary for the performance and fulfilment of an employment contract;
- where it is necessary for compliance with and fulfilment of a legal obligation to which we are subject;
- in relation to the prevention of money laundering and terrorism financing and the prevention and detection of crime and fraud;
- to disclose information to service providers which are required by law to perform checks in relation to the prevention of money laundering and terrorism financing;
- to disclose information to regulators, government bodies and tax authorities. This includes the disclosure to the Swiss Financial Market Supervisory Authority (“FINMA”), foreign regulators, Commercial Registry;
- to disclose information to authorities as may be required from time to time in case of the automatic exchange of information with other countries in the field of taxation;
- to protect the employee’s vital interests or those of a third party;
- for a task carried out in the public interest;
- where you have voluntarily consented to the Processing at the time of providing your Personal Data.
- where it is necessary for the purposes of the legitimate interests pursued by us or a third party, except where such interests are overridden by the interests or fundamental rights and freedom of our Data Subjects, which require their protection. These interests include:
  - *Providing Services and Products* – To provide the services and products commissioned by our clients;
  - *Marketing* – To provide timely market insights and expertise, as well as to submit offers and invitations that we believe are of interest to our clients, prospects, readers and others;
  - *Recruitment* – To search for qualified applicants.

### **4. WHY DO WE NEED PERSONAL DATA?**

We will only use your Personal Data within the scope of our activities and/or the fulfilment of our contractual or statutory obligations. Personal data may be used by us for the following reasons:

- To communicate with you in relation to your current or planned investment (these communications may take place in various forms, including telephone, mobile (SMS), email and mail);
- To provide continuous service to you (such as the transmission of information or marketing materials that may be of interest for you);
- To promote our professional services, products and offers to you;



- To send invitations and admission of guests to our events and webinars or to events sponsored by us;
- To personalize our online landing pages and communications that we deem relevant due to the ability to interact with you;
- To administer, maintain, develop and ensure the security and functionality of our IT systems, applications and websites;
- To register you as a user for certain areas of our websites;
- To process your online enquiries, including responding to communications you as well as your product news requests;
- To contact journalists in connection with market insights, company announcements, invitations to press conferences or notices on communications that may be of interest with regard to specific investment topics;
- To comply with legal or regulatory obligations regarding sanctions, the assessment of embargoes, the fight against money laundering, terrorist financing, fraud and other financial offences;
- To prevent fraud or criminal activity, securing our IT systems and handling claims;
- To implement personnel and work processes;
- To search for qualified applicants and check their suitability for a job opening;

Please note that you may opt-out of receiving marketing communications from us at any time. In this case, please contact us by using either the contact details below or the opt-out facilities provided in the marketing communications you receive.

## **5. DO WE SHARE PERSONAL DATA WITH THIRD PARTIES?**

In certain instances, we may share your Personal Data among the entities of BlueOrchard Group or with trusted third parties for the purpose of providing efficient and high-quality services and products. Also, some of your Personal Data may be disclosed to BlueOrchard entities in the context of our employee administration activities. Personal Data may be used or disclosed if we are required by law or regulation to do so and/or to comply with judicial or regulatory proceedings, a court order or other legal process or where it has another legitimate interest in doing so. We may further share Personal Data with third parties, for example in the context of reasonable anti money laundering, KYC or our investor due diligence requirements or those of third parties.

We take reasonable steps to ensure that such third parties are bound by confidentiality and privacy obligations in relation to the protection of your Personal Data. Such third parties may include:

- Business partners of ours where they are contractually obliged to comply with appropriate data protection obligations;
- Representatives, agents, custodians, intermediaries and/or other third-party product providers appointed by a client or prospective client (such as accountants, professional advisors, custody service providers and product providers);

- Depository, stock exchange, clearing or settlement system, counterparties, dealers and others where disclosure of your Personal Data is reasonably intended for the purpose of effecting, managing or reporting transactions or establishing a relationship with a view to such transactions;
- Enforcement authorities or supervisory authorities (e.g. FINMA) as well as other third parties, if this serves to comply with applicable laws and regulations;
- Other governmental authorities and auditors, to the extent required by law or regulation, for example if we are under a duty to disclose your Personal Data in order to comply with any legal obligation (including, without limitation, in order to comply with tax reporting requirements and other disclosure requirements);
- Courts and other persons involved in administrative or legal proceedings;
- External service providers and agents who assist us in providing services (such as IT services companies, telecommunications system providers, post office management, IT system support, document creation services, cloud-based software services and scanning services);
- External advisors (such as accountants, lawyers, consultants, auditors, insurers etc.);
- Providers of marketing services;
- Providers of personnel services;
- Other third parties where required, or allowed under law, or in connection with legal proceedings.

BlueOrchard will/may need to share employee Personal Data with (no exhaustive enumeration):

- its payroll company (i.e. bank details, address, social security identification number, ID copy or passport etc.);
- insurance brokers;
- service providers;
- benefits providers (e.g. health/dental insurance, life insurance, pension);
- accountants & auditors;
- tax authorities;
- social security administration;
- its legal and compliance advisers;
- medical experts;
- IT support;
- Regulators.

BlueOrchard engages Schroders group companies in Switzerland and/or abroad for the provision of IT services. BlueOrchard may share Personal Data with Schroders Group and other BlueOrchard group entities as part of its regular business and reporting activities connected with its performance, in the context of a business organization or group structuring exercise, for internal communications, for IT system maintenance support and for hosting of data.

## **6. DO WE TRANSFER PERSONAL DATA TO RECIPIENTS OUTSIDE SWITZERLAND?**

BlueOrchard is a global business with clients, investors, investees and operations around the world. As a result, we may collect and transfer Personal Data within our subsidiaries and branches and from time to time to our third-party service providers. That means that we may transfer your Personal Data to locations outside of Switzerland.

We store Personal Data on servers located in Switzerland, in the EU and outside the EU.

During the Processing of Personal Data, we may transfer Personal Data to a country other than Switzerland and the European Economic Area (“EEA”), namely one of our below mentioned subsidiaries or branches. Such countries may not have an adequate level of data protection as determined by the Federal Data Protection and Information Commissioner. However, BlueOrchard has established appropriate safeguards for such cross-border data transfers to ensure adequate level of protection for the rights of Data Subjects by way of:

- the existence of binding corporate rules;
- the recipient country having been subject to an “adequacy decision” by the European Commission;
- the entry into a data transfer agreement between BlueOrchard and the non-EEA recipient of the Personal Data which contains standard contractual clauses that have been approved by the European Commission (and recognized by the Swiss Data Protection and Information Commissioner, such as the EU Commission’s approved EU model clauses).

We may also transfer your Personal Data otherwise, where the law explicitly permits such a transfer, for example where the transfer is necessary for the establishment, exercise or defense of legal claims.

## **7. HOW IS YOUR PERSONAL DATA PROTECTED?**

Data is a critical business asset and must be protected appropriate to its risk as well as its importance or value.

In order to keep your Personal Data secure, we have put in place appropriate physical, technical and organizational safeguards to protect your Personal Data from misuse, loss, interference, unauthorized access, modification or disclosure. We use safeguards such as firewalls, intrusion detection, anti-virus technology and password log-in to prevent unauthorized access. The

effectiveness of these safeguards is periodically tested. We also have appropriate controls and mechanisms in place to detect, respond and recover in case of adverse events.

Access to and the use of Personal Data is restricted to authorized personnel and regulated to prevent misuse or unlawful disclosure of such data. Persons who have access to the data are obliged to maintain the confidentiality of the data accessed. In order to protect Personal Data even better, we may make use of procedures such as pseudonymization, obscuration or anonymization.

If you have access to parts of our website or use our services, you are responsible for maintaining the confidentiality of your login details if available. Please remember that the transmission of data over the Internet is never completely secure. Although we do our utmost to protect your personal data, we cannot guarantee the security of the data you submit through our website. Any transmission is at your own risk.

## **8. FOR HOW LONG DO WE KEEP PERSONAL DATA?**

We retain personal information in order to provide our continuous services to you, to meet any of our contractual obligations, to make offers, stay in touch with you, and comply with applicable laws and regulations and professional obligations to which we are subject. We retain personal data for as long as it is used for the purpose for which it was collected or for a period of time to which we are obliged by applicable laws and regulations or contractual agreements.

## **9. WHAT DATA PROTECTION RIGHTS DO YOU HAVE?**

If BlueOrchard processes Personal Data about you, you have the rights listed below. Before we respond to your request, we may ask you for proof of identity. In this way, we can ensure that Personal Data is not passed on to unauthorized persons. We may also ask you for sufficient information about your interactions with us so that we can locate your Personal Data.

- **Right to Information:** You have the right to obtain information about whether we process Personal Data about you and, if necessary, to more detailed information about the use of your Personal Data.
- **Right to receive Personal Data:** You have the right to receive a copy of any Personal Data, which we collect and process from you including the right to receive Personal Data in a structured, commonly used and machine-readable electronic format;
- **Right to Rectification:** If you believe that Personal Data we store about you is incorrect, incomplete, inaccurate or misleading, you may ask us to amend it.



- **Right to Erasure:** You have the right to have your Personal Data deleted by us if you revoke your consent to their Processing or if we no longer need the data for the original purpose of its use and are not obliged to retain it.
- **Right to temporary Processing restrictions:** You have the right to have the Processing of your personal data temporarily restricted by us if you doubt the accuracy of the Personal Data or restrict the use of the data instead of having it deleted.
- **Right to receive data electronically:** If you have provided us with Personal Data, you may have the right to have us transmit it to you electronically, if this is technically possible.
- **Right to review automated individual decision-making:** You have the right to review decisions about you that have been made solely through automated data Processing, including profiling, and that have had legal consequences related to you or other material effects on you.
- **Right to object to marketing, including profiling:** You have the right to object to our use of your Personal Data for marketing purposes, including profiling. We may need to retain some basic information in order to comply with your request to refrain from marketing activities.
- **Right to object to Active Sourcing:** You have the right to object to our use of your Personal Data for active sourcing purposes. We may need to retain some basic information in order to comply with your request to refrain from recruitment activities.
- **Right to withdraw consent:** You have the right to withdraw your previously given consent to the Processing of your Personal Data for one or more specific purposes. This does not affect the lawfulness of Processing operations that took place before the revocation. In the event of a revocation, we may no longer be able to provide you with certain services or products, which we will point out.
- **Right to lodge a complaint:** You have the right to lodge a complaint with the relevant data protection authority, if you think that any of your rights have been infringed by BlueOrchard.

We endeavor to keep your Personal Data accurate, complete, up to date and relevant. For this purpose, we kindly ask you to let us know if any of your details change.

As our website is linked to the internet, and the internet is inherently insecure, we cannot provide any assurance regarding the security of transmission of information or data you communicate to us online. We cannot guarantee that the information you supply will not be intercepted while being transmitted over the internet. Accordingly, any Personal Data or other information which you transmit to us online is transmitted at your own risk.

## **10. WHO TO CONTACT IN CASE OF QUESTIONS OR CONCERNS ABOUT DATA PROTECTION?**

If you have any questions or comments about this Privacy Policy or our handling of Personal Data, if you believe that your privacy has been breached, please contact our Data Protection Contact Person using the contact information below and provide details of the incident so that we can investigate it.



We request that complaints about suspected breaches of privacy be made in writing, which will also enable us to keep in touch with you in relation to your complaint.

Please contact our **Data Protection Contact Person** as follows:

Telephone: +41 (0)22 596 47 70

Email: [DPCP@blueorchard.com](mailto:DPCP@blueorchard.com)

We strive to respond to privacy requests within 30 days of receipt.

No fee will be charged for processing your request unless the request is clearly unfounded or disproportionate. In certain circumstances, we may not be able to comply with your request for other legal reasons.

If you have contacted us and believe that we have not handled your matter properly, you may contact the Data Protection Authority in the country where the BlueOrchard company you are dealing with is located and if such does not exist any other local authority bestowed with the responsibility of the protection of data:

## Our Head Office

Switzerland

Federal Data Protection and Information Commissioner

<https://www.edoeb.admin.ch/edoeb/en/home.html>

## Our subsidiaries

Luxembourg

National Commission for Data Protection

<https://cnpd.public.lu/en.html>

Peru

Directorate for the Protection of personal data, General Directorate of Transparency, Access to Public Information and Protection of Personal Data

<https://www.gob.pe/minjus>

Singapore

Personal Data Protection Commission

<https://www.pdpc.gov.sg>

## **11. CHANGES TO THIS PRIVACY POLICY**

We reserve the right to change this privacy policy as we may deem necessary from time to time or as may be required by law. Any changes will be posted on the website and you are deemed to have accepted the terms of the Privacy Policy on your first use of the website following the alterations.

This Privacy Policy was last updated in August 2022.

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