



**MFM Mirante Fund Management SA, Switzerland**

**MFM Fund Services Limited, Malta**

## **Privacy Notice for Investors**

This Privacy Notice is dated February 1<sup>st</sup> 2019.

### **1. Introduction**

The MFM entities:

- MFM Mirante Fund Management SA of 4 rue Etraz, 1003 Lausanne, Switzerland
- MFM Fund Services Limited (C 84082) of Vision Exchange Buildings, Territorials Street, Mriehel, Birkirkara, BKR 3000, Malta

Hereafter (the “Fund”; “MFM”; “we”, “us” or “our”), respect your privacy and are wholly committed to protecting your personal data.

MFM Mirante Fund Management SA is a manager of collective investment schemes duly authorised by the FINMA, the Swiss Financial Market Supervisory Authority.

MFM Fund Services Limited is duly authorised by the Malta Financial Services Authority (“MFSA”) to receive and transmit orders in relation to financial instruments (the “Services”).

In that regard, this Privacy Notice (the “Notice”) explains how MFM processes personal data about individuals:

- who invest in the Fund, including any sub-fund or portfolio of the Fund;
- who apply to invest in the Fund; and/or
- who apply for, and receive, our Services.

Where the applicant, or investor, is an institutional investor, then we will process personal data about the directors, representatives, officers, authorised signatories, shareholders and ultimate beneficial owners (UBOs) of that institutional investor. This Notice also explains how we process personal data about those individuals and should therefore be circulated accordingly.

In this Notice, “you” is used to refer to any of the above individuals, i.e. the investor (if a natural person) and in the case of institutional investors, their directors, representatives, officers, authorised signatories, shareholders and UBOs.

## **2. Controller**

We (MFM) are the controller of your personal data. We process your data in an appropriate and lawful manner, in accordance with Swiss Federal Act on Data Protection , the Data Protection Act (Chapter 586 of the Laws of Malta) (the “Act”) and the General Data Protection Regulation (Regulation (EU) 2016/679) (the “Regulation” or the “GDPR”).

This Notice aims to ensure that you are fully informed on how MFM will collect and process your personal data. It informs you about the items of personal data which we (MFM) will collect about you and how we will handle it, and in turn, also tells you about (i) our obligations in regard to processing your personal data responsibly, (ii) your data protection rights as a data subject and (iii) how the law protects you.

It is important that you read this Notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are fully aware of how and why we are using your data. This Notice supplements the other notices and is not intended to override them.

This Notice should be read in conjunction with any offering documentation which may be provided to you by MFM at the time of your investment.

If you have any questions relating to this Notice, or more generally the processing of your personal data, you may contact your Relationship Manager or the Data Protection Officer, by email or in writing, using the contact details set out below:

**For Switzerland:**

MFM Mirante Fund Management SA  
4 rue Etraz  
1003 Lausanne  
Switzerland  
Email address: [compliance@mirante.ch](mailto:compliance@mirante.ch)

**For Europe:**

MFM Fund Services Limited (C 84082)  
Vision Exchange Building, Territorials Street Mriehel  
Birkirkara, BKR 3000, Malta  
Email address: [compliance@mfm.fund](mailto:compliance@mfm.fund)

Please use the words ***“Data Protection Matter”*** in the subject line.

### **3. Some key definitions**

Set out below are key definitions of certain data protection terms which appear in, and apply to, this Notice.

- “data subjects” means living individuals (i.e. natural persons) about whom we collect and process personal data;
- “data controller” or “controller” means any entity or individual who determines the purposes for which, and the manner in which, any personal data is processed;
- “data processor” or “processor” means any entity or individual that processes data on our behalf and on our instructions (we being the data controller);
- “legitimate interest” means our interest to conduct and manage our business affairs appropriately and responsibly, to protect the reputation of our business, and to provide our applicants and investors with the best possible service. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us directly;
- “performance of a contract” means processing your personal data where it is necessary for the performance of a contract to which you or your respective entity (in case of institutional investors) are a party, or to take steps at your request before entering into such a contract;

- “personal data” means data relating to a living individual (i.e. natural person) who can be identified from the data (information) we hold or possess. This includes, but is not limited to, your name and surname (including maiden name where applicable), address, date of birth, nationality, gender, civil status, tax status, identity document number, contact details (including mobile and home phone number and personal email address), photographic image, bank account details, emergency contact information and online identifiers. The term “personal information”, where and when used in this Notice, shall have the same meaning as personal data;
- “processing” means any activity that involves use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including, organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties;
- “sensitive personal data” or “sensitive data” or “special categories of personal data” includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. This type of sensitive data can only be processed under strict conditions;
- “comply with a legal obligation” means processing your personal data where it is necessary to comply with a legal or regulatory obligation to which we are subject.

Note that personal data does not include information relating to a legal person (such as institutional investors). Information such as a company name, its company number, registered address and VAT number does not amount to personal data under applicable data protection legislation, including the GDPR. Consequently, the collection, use and processing of information which strictly relates to a legal person does not give rise to ‘controller obligations’ at law. We will still naturally treat any and all such information in a confidential manner, in accordance with our standard applicant and investor practices and obligations at law.

#### **4. The data we collect about you**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). We may collect, use, store and disclose different kinds of personal data about you which we have grouped together as follows.

- Identity Data: includes your name, surname, title, address, marital status, date of birth and age, gender, nationality, identity card and/or passport number.

- **Contact Data:** includes your personal and business contact details (both electronic and mailing), e.g. work and residential address, phone number and e-mail.
- **Employment Data:** includes your job title and employment details (e.g. industry role, business activities and name of current employer).
- **Financial Data:** includes your bank account details, tax calculations and/or returns, history of investment holdings and transactions, summary of assets and liabilities, credit checks and other similar information.
- **Compliance (KYC and AML) Data:** includes copies of your passport or national identification documents, proofs of name, address or authority to act (verification), source of funds and source of wealth and assets information, bank references letters and certificates of good standing.
- **General Due Diligence Data:** includes due diligence information on you collected from third-party and publicly available sources, primarily relating to your creditworthiness and the existence of any Court orders, judicial acts or pending litigation against you.
- **Tax Data:** includes tax-related information, such as your tax residency and tax identification information.
- **Transaction Data:** includes records containing details of your investments with us and details about payments made to and received from you.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences.

Furthermore, we also collect, use and share Aggregate Data such as statistical or demographic data for any purpose. Aggregate Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. However, if we combine or connect Aggregate Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Notice.

### **If you fail to provide personal data**

Where we need to collect personal data about you by law, or pursuant to our terms of business, and you fail to provide that data when requested, we may not be able to (i) accept you or your respective entity as an investor in the Fund or otherwise (ii) continue the business relationship (if already commenced).

We will duly inform and notify you if this is the case at the time.

### **Sensitive Personal Data**

We do not seek to collect or otherwise process your sensitive personal data; save for instances where we receive personal data relating to your political affiliations as part of our politically-exposed-persons (PEP) checks and/or sanctions information. Any processing of such sensitive

personal data about you will be necessary for reasons of substantial public interest, on the basis of an applicable law that is proportionate to the aim pursued and provides for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

There may be other occasions where we may need to process your sensitive personal data, namely where:

- the processing is necessary for the detection or prevention of crime (including the prevention of fraud) to the extent permitted by applicable law or regulation;
- the processing is necessary for the establishment, exercise or defence of legal rights;
- we will only process information about your criminal convictions and offences (actual or alleged) to the extent required or permitted by applicable law.

## **5. How is your personal data collected ?**

The personal data that we process about you, as listed above, is collected and generated from a variety of sources, in accordance with applicable laws and regulations, as follows.

- (i) When you provide us with your personal data in an application form, declaration form, questionnaire or in other documents that we may (from time to time) require you to complete and submit to us (as part of our application process or at other times), by email, phone or otherwise.
- (ii) When you submit the Compliance (KYC and AML) Data which we request.
- (iii) In the course of managing and administering our business relationship with you. This might include your (or an applicant's) investments in the Fund and changes to the information provided as part of the application process, and records of our interactions with you (including copies of communications exchanged between you and us).
- (iv) We also receive General Due Diligence Data about you from third parties, such as your advisors and intermediaries and from publicly available sources such as public court documents, the RoC, company house and company registers of other jurisdictions, and from electronic data searches, online KYC search tools (which may be subscription or license based), anti-fraud databases and other third party databases, sanctions lists and general searches carried out via search engines (e.g. Google). This generally relates to information which we obtain for the purposes of our "know-your-client" procedures (which includes AML procedures, CTF procedures, politically-exposed-persons checks, sanctions checks, amongst others).

## 6. How we use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely upon to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data pursuant to more than one lawful ground or basis, depending on the specific purpose for which we are using your data.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
<p><b>New investor onboarding</b></p> <p>(a) to onboard new business relationships and comply with our internal policies and procedures;            (b) to assess and take an informed decision on whether we will enter into a business relationship with you.            (c) to decide on your or your application to invest with us;            (d) to enter into a business relationship with you.</p>	<p>(a) Identity            (b) Contact            (c) Employment            (d) Financial            (e) Compliance            (f) General Due Diligence            (g) Tax</p>	<p>(a) Performance of a contract with you.            (b) Necessary to comply with a legal obligation.            (c) Necessary for our legitimate interests (to determine whether we want to enter into a relationship with you, to determine whether we can take you on as investor, to verify ability to meet financial commitments).</p>
<p><b>AML, anti-bribery, “KYC” and MiFid processes</b></p> <p>(a) To fulfil our regulatory and legal obligations relating to the prevention of money laundering, anti-bribery, fraud prevention, counter-terrorist financing, politically-exposed-persons checks, sanctions checks and any other “know your client” checks.            This includes: confirming and verifying your identity; and screening against lists maintained by a third party which assists with this process (such as sanctions lists).            (b) To fulfil our other due diligence and KYC internal compliance policies and requirements;            (c) To fulfil any external mandatory reporting obligations that we may, from time to time, have to the local and overseas public and regulatory authorities and/or law enforcement agencies;            (d) To establish your financial situation, knowledge and experience and to determine your risk profile and risk tolerance.</p>	<p>(a) Identity            (b) Contact            (c) Employment            (d) Financial            (e) Compliance            (f) General Due Diligence            (g) Tax</p>	<p>(a) Performance of a contract with you.            (b) Necessary to comply with a legal obligation (including compliance with Markets in Financial Instruments Directive).            (c) Where we have a legitimate interest in carrying out the Processing for undertaking “know your client” processes such as for the purpose of preventing money laundering, bribery, sanctions violations and detecting and protecting against fraud (to the extent that a legal obligation does not apply to us).</p>

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
<p><b>Administration of your investment</b></p> <p>To enable the Fund, the Investment Manager and the Fund's administrator to:</p> <p>(a) assess and process your application/s;  (b) administer your investments;  (c) issue and redeem shares to you;  (d) receive and make payments to you;  (e) manage payments, fees and charges.</p>	<p>(a) Identity  (b) Contact  (c) Employment  (d) Financial  (e) Compliance  (f) General Due Diligence  (g) Tax  (h) Transaction</p>	<p>(a) Performance of a contract with you.</p>
<p><b>Provision of investor services</b></p> <p>To enable the Fund, the Investment Manager and the Fund's service providers to inform you about your investment in the Fund, to perform investor servicing functions in respect of your investment; and to update and maintain records and to provide the net asset value calculation of the Fund and other calculations.</p>	<p>(a) Identity  (b) Contact  (c) Financial  (d) Transaction</p>	<p>(a) Performance of a contract with you.  (b) Necessary to comply with a legal obligation (including compliance with Markets in Financial Instruments Directive).</p>
<p><b>For accounting purposes</b></p> <p>(a) To collect and recover money which is owed to us (debt recovery).  (b) Internal record keeping (including files).</p>	<p>(a) Identity  (b) Contact  (c) Employment  (d) Financial  (g) Tax  (h) Transaction</p>	<p>(a) Performance of a contract with you.  (b) Necessary to comply with a legal obligation (accounting and other record-keeping requirements).  (c) Necessary for our legitimate interests (to recover debts due to us, to keep track of your investments, including their status and outcome, and to be able to revisit such matters if new issues arise).</p>
<p><b>Relationship management</b></p> <p>(a) to enable us to manage our relationship with you or your business in an efficient manner;  (b) to keep our records up to date;  (c) to maintain records of your investments with us and our interactions with you;  (d) to respond to any queries or complaints we may receive from you and to seek to resolve these;  (e) to notify you of any changes to our terms or policies.</p>	<p>(a) Identity  (b) Contact  (c) Financial  (d) Transaction  (g) Marketing and Communications</p>	<p>(a) Performance of a contract with you  (b) Necessary to comply with a legal obligation</p>



Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
<p><b>Risk Management</b></p> <p>(a) To detect, investigate and prevent and/or report breaches of internal and regulatory policies, fraudulent activity and/or any other criminal activity.  (b) To assist and cooperate in any criminal or regulatory investigations against you, as may be required of us.  (c) To assist and cooperate in any criminal or regulatory investigations against you, as may be required of us.</p>	<p>(a) Identity  (b) Contact  (c) Employment  (d) Financial  (e) Compliance  (f) General Due Diligence  (g) Tax  (h) Transaction</p>	<p>a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security and prevention of hacks and other attacks, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)  (b) Necessary to comply with a legal obligation.</p>
<p><b>Business and financial management</b></p> <p>(a) To run our business in an efficient and proper manner  (b) To enable third parties to provide us (or our applicants / investors) with services or financial products  (c) To respond to investor due diligence requests  (d) To investigate and respond to investor complaints.</p>	<p>(a) Identity  (b) Contact  (c) Marketing and Communications</p>	<p>a) Necessary for our legitimate interests (for administering, managing and operating the affairs of our business properly, including managing our financial position, business capability, planning, communications, corporate governance, audit, insurance, sales, to prevent fraud and to maintain the confidentiality of communications, and in the context of a business reorganisation or group restructuring exercise)  (b) Necessary to comply with a legal obligation</p>
<p><b>IT Management</b></p> <p>(a) To manage the performance and security of our equipment, IT systems and electronic platforms, including administering access rights;  (b) to operate IT security audits</p>	<p>(a) Identity  (b) Contact  (c) Transactions</p>	<p>Necessary for our legitimate interests (for running and administering our business (including IT support), to ensure systems administration and network security).</p>
<p><b>Legal Requirements</b></p> <p>To permit MFM to pursue available remedies or limit any damages that MFM may sustain.</p>	<p>(a) Identity  (b) Contact  (c) Employment  (d) Financial  (e) Compliance  (f) General Due Diligence  (g) Tax  (h) Transaction</p>	<p>(a) Performance of a contract with you.  (b) Necessary for our legitimate interests.</p>

Please contact us directly if you need details or wish to enquire about the specific lawful basis we are relying on to process your personal data where more than one lawful basis has been set out in the table below.

## **Change of purpose**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose, or we are obliged to process your data by applicable laws or court or regulatory orders.

If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us directly.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal data without the need to obtain your consent, in compliance with the above rules, where this is required or permitted by law.

## **7. Marketing**

You may receive marketing communications from us where:

- you or your respective entity have entered into a business relationship with MFM;
- you have consented to receive factsheets and marketing communications from us, provided you have not opted out of receiving marketing from us (see your right to object below).

## **8. Marketing disclosures of your personal data**

We may transfer your personal data between our entities located in Switzerland and Malta namely:

- to facilitate and administer your business relationship with us;
- as part of our regular reporting activities on company performances;
- to consolidate our reporting and accounting procedures;
- to ensure business efficiency (all of the above being part of our legitimate interests);
- where necessary to achieve or further any of the purposes in Section 6 above

In this regard, Switzerland has been recognised by the European Commission as having an adequate level of data protection (“adequacy decision”).

In addition, we may also have to grant access to, disclose or share your personal data with the parties set out below, including your submitted applications, questionnaires and declaration forms, for the purposes in Section 6 above:

- the Investment Manager, FundPartner Solutions (Europe) SA, Luxembourg and their respective affiliates;
- third party service providers to the Fund (including the administrator, registrar, transfer agent and the company secretary for the Fund) and companies which such service providers appoint to assist them in administering the Fund, including technology service providers;
- suppliers and external agencies that we engage to process information on our or your behalf, including to provide you with the information and/or materials which you may have requested;
- to any relevant party in connection with our anti-money laundering, anti-bribery, anti-fraud or 'KYC' requirements or policies (including third party service providers which carry out sanctions checks on our behalf);
- third-party payment processors, such payment services providers and banks;
- our professional advisers (such as our auditors, accountants, financial advisers and legal counsel);
- to regulators, government bodies and tax authorities (local and overseas) when required by applicable laws and/or regulations);
- to any relevant party, claimant, law enforcement agency or court, to the extent necessary for the establishment, exercise or defence of legal claims in accordance with applicable law and regulation;
- to any relevant party for the purposes of prevention, investigation, detection or prosecution of criminal offences in accordance with applicable law and regulation;
- third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets (successors in title). Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, the new owners may use your personal data in the same way as set out in this Notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law.

Furthermore, we do not allow our third-party service providers, including the Fund Administrator FundPartner Solutions (Europe) SA to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our documented instructions.

As indicated, we may also disclose your data if we are under a duty to disclose or share your personal data to comply with any legal obligation, judgment or under an order from a court, tribunal or authority. This includes exchanging information with regulatory bodies in Switzerland, Malta or if applicable, overseas, public bodies including the Police and other organisations and may undertake credit or fraud searches with relevant agencies for the purposes of fraud detection and prevention. We may also transfer your personal data to applicable governmental and

regulatory authorities, agencies and other public bodies in order to comply with our legal obligations.

We may also disclose your data to enforce our contractual terms with you or your entity, or to protect our rights, property or safety, that of our partners or other applicants or investors. This includes exchanging information with other companies and organisations for the purposes of fraud protection.

## **9. Other international transfers**

Due to the international nature of our business and service providers, your personal data may be transferred and stored in countries outside of the EEA and Switzerland. Some of these countries may have been deemed by the European Commission to have the same level of protection as countries in respect of which EU data protection law applies.

For any such transfer, we will ensure that at least one of the following safeguards applies or is otherwise implemented:

- we will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission;
- in the absence of an adequacy decision, we will use specific contracts approved by the European Commission which give personal data the same protection it has in Europe,
- where we use providers based in the U.S., we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US.

Please contact us directly if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA and Switzerland.

## **10. Data security**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed (safeguard its integrity and confidentiality). We also regularly review and, where practicable, improve upon these security measures.

Additionally, we have also put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **11. Data retention**

### **How long will you use my personal data for?**

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

We will only retain your personal data for as long as necessary to fulfil the purposes for which we collected it, i.e. the performance and management of our business relationship with you (whilst ongoing), and thereafter:

- for the purpose of satisfying any legal, accounting, tax or reporting obligations to which we may be subject;
- to the extent that we may also need to retain your personal data to be able to assert, exercise or defend possible future legal claims against or otherwise involving you.

By and large, we will maintain and retain your personal data throughout the period of your business relationship with us and for a further period of ten (10) years from the date of its termination. This retention period enables us to make use of your personal data to satisfy any applicable reporting obligations to public authorities and/or for the assertion, filing or defence of possible legal claims by or against you or your respective entity (taking into account applicable prescriptive periods). In certain cases, we may need to retain personal data for a period of up to eleven (11) years to comply with applicable accounting and tax laws (this will primarily consist of your Transaction Data and records)

There may also be other instances where the need to retain certain items of personal data about you for longer periods, as dictated by the nature of the business relationship and the products and/or services provided.

In some circumstances you can ask us to delete your data. See Request erasure below for further information.

### **Data Minimisation**

Whenever and to the extent possible, we anonymise the data which we hold about you when it is no longer necessary to identify you from the data which we hold about you. In some circumstances, we may even anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## 12. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

- request access to your personal data;
- request correction (rectification) of your personal data;
- request erasure of your personal data;
- object to processing of your personal data;
- request restriction of processing your personal data;
- request transfer of your personal data;
- right to withdraw consent.

If you wish to exercise any of the rights set out above, please contact us directly.

### **No fee is usually charged.**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may simply refuse to comply with your request in such circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within a period of one month from the date of receiving your request. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

You have the right to:

(i) **request access to your personal data** (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are processing it in a lawful manner.

You may send an email to the relevant address in the Contact details set out above requesting information as the personal data which we process. You shall receive one copy free of charge via email of the personal data which is undergoing processing.

(ii) **information** when personal data about you is collected or processed from publicly accessible or third party sources. Upon request, we will inform you, within a reasonable and practicable timeframe, if such data has been collected and for what purpose it is being used.

(iii) **request correction or rectification of the personal data** that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected and/or updated, though we may need to verify the accuracy of the new data you provide to us. As mentioned, it is in your interest to keep us informed of any changes or updates to your personal data which may occur during the course of your business relationship with us.

(iv) **request erasure of your personal data**. This enables you to ask us to delete or remove personal data where:

- there is no good reason for us continuing to process it;
- you have successfully exercised your right to object to processing (see below);
- we may have processed your information unlawfully; or
- we are required to erase your personal data to comply with local law.

Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request. These may include instances where the retention of your personal data is necessary to:

- comply with a legal or regulatory obligation to which we are subject;
- establish, exercise or defend a legal claim.

(v) **Object to processing of your personal data** where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes (as under the 'Marketing' in Section 7 above).

In some cases, we may demonstrate that we have compelling legitimate grounds to process your personal information that override your rights and freedoms.

(vi) **Request restriction of processing of your personal data**. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- if you want us to establish the data's accuracy;
- where our use of the data is unlawful but you do not want us to erase it;
- where you need us to hold onto the data even if we no longer require it, as you need it to establish, exercise or defend legal claims;
- where you have objected to our use of your personal data, but we need to verify whether we have overriding legitimate grounds to use it.

(vii) **Request the transfer (data portability) of your personal data** to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured,

commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

(viii) **Withdraw your consent** at any time where we are relying on consent to process your personal data (which will generally not be the case). This will not however affect the lawfulness of any processing which we carried out before you withdrew your consent. Any processing activities that are not based on your consent will remain unaffected.

Kindly note that none of these data subject rights are absolute, and must generally be weighed against our own legal obligations and legitimate interests. If a decision is taken to override your data subject request, you will be informed of this by our data protection team along with the reasons for our decision.

### **13. Complaints**

You have the right to lodge a complaint at any time to a competent supervisory authority on data protection matters, such as in particular the supervisory authority in the place of your habitual residence or your place of work. In the case of Malta, this is the Office of the Information and Data Protection Commissioner (the "IDPC") (<https://idpc.org.mt/en/Pages/Home.aspx>). We would, however, appreciate the opportunity to deal with your concerns before you approach the supervisory authority, so please contact us directly in the first instance.

### **14. Changes/Updates to this notice**

This Notice may be updated from time to time.

The latest version of the Notice is available at [www.mirante.ch](http://www.mirante.ch) and [www.mfm.fund](http://www.mfm.fund) and is also available upon request using the Contact Details indicated in this Notice.

It is imperative that the personal data we hold about you is accurate and current at all times. Please keep us informed if your personal data changes during your relationship with us.

### **15. Conclusion**

If you have any questions regarding this Notice, or if you would like to send us your comments, please contact us.