



## **GDPR Procedure**

**This Procedure has been set up in the framework of the European Data Protection Regulation of 27th April 2016 (Regulation (EU) 2016/6791 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and of the free movement of such data, and repealing Directive 95/46/EC) (the “GDPR”) which came into force on the 25th May 2018.**

GDPR Procedure updated on January 2023

## 1. Definitions

**“Data Subject”** an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

«**Personal Data**» includes any information that relates to an identified or identifiable natural person, i.e. to a Data Subject.

«**Data Processor**» means, in accordance with article 4 of GDPR, the natural or legal person, public authority, agency or other body which processes Personal Data on behalf of the Data Controller.

«**Data Controller**» means, in accordance with article 4 of GDPR, the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of Personal Data.

**"Data breach"** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise processed.

«**CNPD**» means the Luxembourg Data Protection Authority, the « Commission Nationale pour la Protection des Données ».

## 2. Data Controller

Data Controller: EYNAV GESTION

As Data Controller, EYNAV GESTION has implemented appropriate organisational measures which are designed to implement data protection principles in an effective manner and to integrate the necessary safeguards into the processing in order to meet the requirements of the GDPR and protect the rights of the Data Subjects, ensuring that only Personal Data which are necessary for each specific purpose of the processing are processed.

## 3. Data Processor

The following Data Processors have been appointed by the Data Controller and process data on behalf of the Data Controller:

- Our service providers and agents (list available on request at [contact@eynavgestion.com](mailto:contact@eynavgestion.com));
- Our professional advisers (auditors and legal, list available on request at [contact@eynavgestion.com](mailto:contact@eynavgestion.com));
- Our asset manager (list available on request at [contact@eynavgestion.com](mailto:contact@eynavgestion.com));
- Identity authentication and fraud prevention agencies;
- Relevant and applicable regulators (i.e CSSF)
- Your financial adviser(s) (with your authority);
- Companies you ask us to share your information with.

EYNAV GESTION only uses Data Processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that processing will meet the requirements of the GDPR and ensure the protection of the rights of the Data Subject.

#### **4. Purpose of Personal Data processing**

As part of the management of financial products, the Personal Data will be processed for the purpose of:

- The processing subscriptions, conversions, transfers and redemption orders of shares,
- The execution of AML/KYC checks on investors
- The maintenance of shareholder registers
- The sending of investment information to existing shareholders
- Commercial relationship with existing shareholders
- The execution of corporate actions
- The distribution of cash flows (dividends and redemption proceeds)
- Performing controls on late trading and market timing practices
- The provision of corporate secretariat services
- Tax reporting (FATCA, CRS,...)

#### **5. Information to Investors**

The Offering Memorandums of the managed Funds have been modified so as to update the Section relating to Data Protection and contain the information relating to the processing of Personal Data, in line with the GDPR.

#### **6. Person responsible of the GDPR at the Board of Managers level**

EYNAV GESTION will not appoint a DPO. Indeed, the core activity of EYNAV GESTION is not consisting in the processing of special categories of data or criminal convictions at large scale; nor is it consisting in the processing of operations which, by virtue of their nature, their scope and/or their purposes, require systematic monitoring of Data Subjects at large scale.

The person responsible of the GDPR within the Board of Managers is the director of EYNAV GESTION ([contact@eynavgestion.com](mailto:contact@eynavgestion.com)).

## **7. Data Protection Impact Assessment (DPIA)**

EYNAV GESTION considers that a DPIA is required because the data processed can entail a high risk for the rights and freedoms of natural persons:

### DPIA-Data Protection Impact Assessment

#### CONTEXT:

As part of the management of financial products, EYNAV GESTION has the obligation to precisely identify its clients in order to comply with the ML / FT rules.

For this, EYNAV GESTION will ask for a set of personal information upon entering into a relationship with a client and regularly updated information.

Customers are notified of the data processing and will have to sign their acceptances of the GDPR procedure set up by EYNAV GESTION.

This data is collected in electronic and / or paper format and can be exchanged with EYNAV GESTION's partners, in order to carry out its missions, as described above. Apart from its partners, EYNAV GESTION will never transfer this information to third parties. This data is stored on company computers, in secure clouds or in physical copy.

#### MEASURES:

Our customers' data is kept on secure computer servers, in secure clouds and hard copies in EYNAV GESTION offices which are also secure.

We use computer protection software and regularly change server access passwords.

We check that our partners also have a GDPR procedure that allows us to meet our requirements. In general, we limit the information shared to what is strictly necessary.

#### RISKS:

The risk of disclosure or loss of data exists. This risk is an issue for the safety of our customers.

The IT risk is the most important:

- Risk of data loss: in the event of a problem on a server, we have external hard drives for backups that allow most of the data to be recovered

- Risk of data disclosure: in the event of a computer attack, part of our data could be stolen. To counter this, we work with external hard drives which are kept in different places and we limit the data kept on servers connected to the Internet. We remove unnecessary customer data from internet-connected computers as soon as possible.

**DECISION:**

The risks for our customers are present. However, taking into account the risk mitigation measures taken by EYNAV GESTION, the probability of their occurrence is limited and acceptable to EYNAV GESTION.

This analysis will be reviewed on a regular basis and whenever there is a change in the organization or partners of EYNAV GESTION.

## **8. Personal Data breaches and follow up**

*“A ‘personal data breach’ means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed”*

The Data Processor shall inform the Data Controller without undue delay when it becomes aware of security breaches affecting Personal Data.

The Data Controller shall notify the security breaches (except for breaches unlikely to give rise to any risk) to the CNPD.

The Data Controller shall inform the Data Subjects of security breaches likely to result in a “high risk” to their “rights and freedoms”.

### **8.1 Timing of report:**

The Data Controller has to notify the breach to the CNPD within 72 hours of becoming aware of security breaches, except if the breach is unlikely to be a risk to individuals.

If there is a high risk to the individuals, the Data Controller will also have the obligation to notify those individuals of the breach without undue delay. The communication will describe the nature of the Personal Data breach as well as recommendations for the natural person concerned to mitigate potential adverse effects. Such communications to Data Subjects should be made as soon as reasonably feasible and in close cooperation with the CNPD, respecting guidance provided by it or by other relevant authorities such as law-enforcement authorities.

## **8.2 Person in charge of the notification of Data breach:**

The director of EYNAV GESTION ([contact@eynavgestion.com](mailto:contact@eynavgestion.com)) will be the person in charge of the decision to notify or not.

In case of notification to be done to the CNPD, the necessary information shall be collected in order to fill in the CNPD data breach notification form available under:

<https://cnpd.public.lu/fr/professionnels/obligations/violation-de-donnees/violation-donnees-rgpd.html>

## **8.3 Data breach register:**

The Data Controller shall record the Data breach on a Data breach register, comprising the facts relating to the Personal Data breach, its effects and the remedial actions taken.

The Data Breaches will be reported to the Managers of EYNAV GESTION at the next Board of Managers meeting.

## **9. Register of Personal Data**

We collect personal information directly from our clients or indirectly from third parties, and through your use of our website.

### **PERSONAL INFORMATION HOLD:**

In the course of use of our website and otherwise in interactions and correspondences with EYNAV GESTION and its representatives, we will collect the personal information outlined below:

- Information about our clients: name, age, gender, title, date of birth and nationality.

We need this information to help us identify you, but also to allow us to contact you, for example, for regulatory reasons.

- Government identifiers: identification document information (driving licence, passport) and National Insurance Number.
- Contact information: email, address, postcode and phone number.
- Financial information: bank account details for any payments you make to us or we make to you.

- Contractual information: details about products and benefits.
- Third party information: where relevant, we will have information such as the executor or power of attorney connected to your investment.

In some circumstances, the collection of your personal data is optional. In the event you need clarification on why your personal data is being collected and how it will be useful to us, you can contact us to confirm that you are happy for us to collect this personal data.

### **PURPOSE OF PERSONAL DATA PROCESSING:**

Depending on the type of relationship, we have different processing activities which may be carried out by us directly or trusted third party companies that we use. The ways in which we use your information are outlined below:

- To provide our services and fulfil our contractual obligations towards you.
- For internal business administration and record keeping purposes.
- For legal and regulatory compliance purposes. This includes responses to governmental, regulatory or law enforcement agency requests as required.
- To verify your identity and prevent fraud.
- To keep you updated regarding our services and to manage our relationship.

### **LAWFUL BASIS OF THE PROCESSING:**

We are entitled to use your personal data in the ways set out in this GDPR Procedure on the following bases:

- The use of personal data is necessary for the performance of contractual obligations;
- We have legal obligations that we have to discharge;
- The use of personal data is necessary for our legitimate interests in:
  - Ensuring the quality of the products and services we provide;
  - Communicating with you;
- To establish, exercise or defend our legal rights for the purpose of legal proceedings.



If you choose not to provide personal data which is necessary to enter into a contract with us or is a legal or contractual requirement, then we may not be able to perform all of the tasks necessary to provide certain products or services to you.

**STORAGE PERIOD OF THE PERSONAL DATA:**

Your personal data will be retained by EYNAV GESTION for as long as necessary depending on the purpose for which it was provided. You can benefit from a right of access, modification, erasure, limitation of processing, data portability, opposition.

For details on personal data retention periods please contact us ([contact@eynavgestion.com](mailto:contact@eynavgestion.com)).