

## **Privacy Policy**

### **1 Introduction**

This Privacy Policy, describes how we process personal information received during the course of our business. This Policy may be amended from time to time and new versions will be published on this page.

### **2 Who we are**

This Privacy Notice applies to all personal information processing activities carried on by the businesses of Garfield-Bennett Trust Company Limited and its affiliates “GBTC”. It also extends to directors and employees who act as data controllers on behalf of GBTC. GBTC is the data controller of all personal information you provide during your relationship with us.

Garfield-Bennett Trust Company Limited also trades as Garfield-Bennett and GBTC.

Our business address is First Floor, Durell House, 28 New Street, St. Helier, Jersey JE2 3RA.

Our services are not offered to any person in any jurisdiction where their advertisement, offer or sale is restricted or prohibited by law or regulation or where we are not appropriately licensed.

GBTC is registered under the Data Protection (Jersey) Law 2018 (the “Law”). GBTC will process personal information in accordance with the provisions of the Law.

GBTC is regulated by the Jersey Financial Services Commission in the carrying on of Trust Company Business and Funds Services Business.

### **3 Key Definitions**

For clarification the following items are defined:

“Clients” means the persons defined as “Clients” in GBTC’s Terms of Business;

“Law” means the Data Protection (Jersey) Law 2018, as amended, and other applicable laws and regulations;

“Entity” means a trust, company, foundation, fund or other entity which GBTC forms, manages or to which GBTC provides Services.

### **4 The information we process**

**4.1** We collect and process various categories of personal information at the start of and during your relationship with us. We limit the collection and processing of information to information necessary to achieve one or more legitimate purposes as identified herein. Personal information may include:

- Identification information such as name and residential address, date of birth, occupation, contact details; signature, marital status;
- Photographic images (through copies of passports or other forms of ID);
- Information about you such as your occupation, profession, any disputes or legal proceedings you may be involved in;
- Information about your family (including spouse, dependants and next of kin), lifestyle etc. including connections with politically exposed persons;

- Financial information including personal wealth, assets and liabilities, income and expenditure, education, qualifications and employment information, financial needs and considerations together with information to make payments and transactional history; and
  - Information on goods and services that we provide you together with associated information on billing and fee collection.
- 4.2 We may collect personal information relating to the beneficiaries or potential beneficiaries of a trust without their knowledge or consent, but only where we are lawfully permitted to do so, for example under Article 47 of the Law which gives certain exemptions to trustees in relation to transparency, or if it is in the legitimate interest of such beneficiaries or potential beneficiaries. In cases where we hold information on beneficiaries, we normally only hold minimal identity information, such as their name, date of birth and relationship to the trust or settlor or other relevant parties and, for minor beneficiaries, their parents' contact details. On occasion, we may be provided with information relating to potential beneficiaries such as copies of passports and verifications of address and other information considered to be relevant to the nature of the trustees' discretions which we keep on file in the legitimate interests of that beneficiary.
- 4.3 We may also collect special category information for specific and limited purposes such as detecting and preventing financial crime or making decisions as trustee. We will only process special category information where we have your specific consent or are otherwise lawfully permitted to do so, for example due to the legitimate interest of a beneficiary or potential beneficiary. Examples of special category information that we may collect include:
- Physical or psychological health details and /or medical conditions;
  - Information about racial or ethnic origin; or
  - Religious or philosophical beliefs.
- 4.4 Where permitted by law, we may process information about criminal convictions or offences and alleged offences for specific purposes. Primarily this is to enable us to perform and record checks to prevent and detect crime and comply with laws relating to money laundering, fraud, terrorist financing, bribery and corruption and international sanctions. It may involve investigating and gathering intelligence on suspected financial crime, fraud and threats and sharing data with law enforcement and regulatory bodies.

## **5 How we obtain information**

- 5.1 Individuals provide us with personal information when they apply for services using our application forms and throughout the business relationship in various ways, including through correspondence, telephone calls and meetings and undertaking transactions with you or between you and relevant Entities.
- 5.2 We may obtain information from third parties including third parties who provide services to your Entities and other parties such as family members connected with the Entity. If you provide information in respect of a third party, we may need to make them aware of how their information was obtained. However, we do not make potential beneficiaries aware of information we hold relating to them unless it is considered necessary and relevant to do so.

- 5.3 To check the identity of an individual and to prevent or detect fraud or money laundering we may also search the files of address validation directories, the electoral register, internet databases (and similar) and may contact an individual's referees, bankers, persons certifying or providing relevant documentation or information, to confirm details given to us and may make such other enquiries of relevant third parties e.g. of another financial institution or party providing funds, as we deem necessary either in connection with our take-on process or at any other time in connection with the provision of Services to you.

## **6 Use of your information**

### **6.1 Legitimate interests**

Under the Law, we may process your information where it is in our legitimate interests to do so as a business, as long as it does not prejudice your interests and fundamental rights and freedoms. We process the personal information of Clients and persons associated with Entities because it is in our legitimate interest to do so in order to run a business providing services to Clients or to Entities.

In most circumstances, our legitimate interest to process your personal data aligns with your interest to be able to avail yourself of our services or benefit from Entities that we manage. We need certain personal data in order to provide services and undertake transactions on your behalf or for your benefit. In other words, being able to process your data is usually in both of our interests.

We continually seek to develop and improve as an organisation, adapt our services to the commercial and legal environment and offer the most appropriate and beneficial services to Clients, Entities and those who benefit from Entities. To achieve this, we may need to process your information to enable us to send you relevant updates and information about services we offer. We may also use your information to assist us to monitor and review Entities under management to assess the performance and effectiveness of products and services, undertake staff training, analyse customer complaints and shortfalls in standards and risk management generally. Our legitimate interest to process your personal data to ensure that we review and assess services and inform you of options, updates and changes that may benefit you, aligns with your interest in remaining informed of such options, updates and changes which in turn will assist you to make informed choices in relation to services you require. You can always indicate you do not want to receive updates and information from us and such notice will override the legitimate interest and your information will be excluded from processing until you indicate your consent.

### **6.2 Other lawful bases for processing**

Whilst we consider that our legitimate interest provides us with a lawful basis for processing most of your data, we may also rely on the following lawful bases to process data:

- Processing data to fulfil a contractual obligation: the contractual arrangements that we enter into on behalf of Entities may give rise to certain contractual obligations in relation to how we use your personal information, including obligations to share information with third parties such as banks and other regulated financial institutions providing services.

- Processing data to fulfil a legal or regulatory obligation: we may be required to process data to fulfil a legal or regulatory obligation, for example, to meet our obligations to verify the identity of an individual, for the purposes of participating in any proceedings, enquiries or disputes arising from the business relationship with an individual and to meet our international reporting obligations as provided in paragraph 12 below.

### 6.3 Using Data as Processor

GBTC also processes data on behalf of Clients and/ or Entities, for example if we provide services to an entity which is itself a data controller. Data we process may include information about officers and other parties associated with underlying investments as well as tenants of properties and suppliers. GBTC processes information and screens such parties to ensure there is no risk known in the public domain with regard to money laundering or sanctions.

## 7 How long we keep your information

Following the termination of the business relationship to which an individual is connected, in order to satisfy legal requirements in Jersey we will normally keep all personal information for a minimum of 10 years from the date of termination. At the expiration of the 10-year period, if there are outstanding proceedings, enquiries or disputes concerning that business relationship, we will keep the records of connected Individuals for such additional time as is reasonable in all the circumstances and otherwise we shall destroy your records in such a manner as we see fit.

## 8 How we protect your personal information

- 8.1 We are committed to ensuring that your information is secure with us and with the third parties who act on our behalf. Our processes for security include organisational and physical security measures as well as protection of networks and information systems.
- 8.2 Unencrypted email is not secure. We recommend that where possible you use a secure email function or contact us to find out your options for secure communication with us. We never recommend you include personal or confidential information in an unencrypted email.
- 8.3 If you receive an unsolicited call that claims to be from Garfield-Bennett which you do not recognise, do not continue but instead call back our general telephone number (or the mobile phone of your usual contact).
- 8.4 We will not rely on information for the purposes of transactions without verifying it with you in person.

## 9 Disclosing or transferring information to 3rd parties

Personal information of an individual is confidential and we will only disclose that information in the following situations:

- 9.1 with an individual's consent or, if the individual is a minor, with the consent of the individual's parent or guardian;
- 9.2 to third parties who are providing a service directly to the Entity, for example financial institutions which provide banking or investment services;
- 9.3 to persons acting as our agent for the provision of services;
- 9.4 if we are obliged to do so, by regulations or law or pursuant to an order of a competent court, government department, regulatory authority or auditor or to meet our regulatory or legal obligations;

- 9.5 if we consider that disclosure is necessary for GBTC to fulfil its internal policies and its regulatory obligations in respect of anti-money laundering, combatting terrorist financing, anti-bribery and anti-corruption legislation and such other regulations and laws that may apply from time to time;
- 9.6 if we consider that disclosure is necessary to defend ourselves in any legal action threatened or brought against us or any Entity; and
- 9.7 where failure to disclose information would expose GBTC to civil liability or the risk of prosecution in any jurisdiction.

## **10 Transferring information overseas**

Most of the information we hold on you will be used and stored in Jersey and Guernsey. We will only transfer data to persons in jurisdictions that do not have equivalent data protection laws, with consent or in such manner which is otherwise compliant with the Law.

## **11 Use of Data Processor**

GBTC uses Alternative Solutions Limited which is based in Guernsey as its principal data processor (the “Data Processor”). The Data Processor is responsible for the provision of our network platform and for all operational support with regard to our IT systems processing, including arrangements for back-up and disaster recovery. The Data Processor may not make any decisions on day to day data management and accuracy, may not perform any data processing for its own purposes and shall only store and retain the personal data in accordance with the contractual arrangements established by GBTC as data controller.

GBTC also uses other data processors for screening services using limited information or information processed on a one-off temporary basis. It also uses an external data processor to collate information for tax returns.

Each data processor will be subject to a legal agreement and may not enter into any sub-contract arrangements without the prior knowledge and consent of GBTC.

## **12 Automatic exchange of information**

If Jersey enters into any agreements with other jurisdictions for the automatic exchange of tax or other information, we may be required to collect and disclose reportable information in respect of an Individual or Entity or other relevant person connected to the individual or Entity, to foreign tax or governmental authorities either directly or via relevant Jersey statutory bodies. This obligation to obtain, disclose and exchange reportable information extends beyond the ultimate beneficial owner of the Entity to other relevant parties such as the directors, minority shareholders and persons who receive certain payments from the Entity.

## **13 Marketing**

Unless you have told us not to we will send you marketing information relating to our services that we think will be of interest and relevant to you. It is our legitimate interest as a business to process personal information to communicate with you regarding issues, developments and topics that may be of interest to you. If you change your mind and no longer wish to receive these communications, please exercise your right.

GBTC does not share information with third parties for their own marketing purposes without your express permission.

## 14 Your rights

You have rights under the Law which are summarised below together with the circumstances in which they arise. As we are a regulated business such rights cannot override our legal obligation to hold certain minimum data and information about our customers. If this information is not available, we will not be able to continue to provide services. If you wish to exercise your rights or have any other queries about the use of your personal information then please speak to your usual contact at GBTC or contact the data protection officer using [dpo@garfieldbennett.com](mailto:dpo@garfieldbennett.com).

Under the Law, you have the following rights:

**Right of access to personal data** - If you would like to access your personal data please send a written request to: the Data Protection Officer, Garfield-Bennett Trust Company Limited, First Floor, Durell House, 28 New Street, St. Helier, Jersey JE2 3RA or to [dpo@garfieldbennett.com](mailto:dpo@garfieldbennett.com). Please note for your security we may need to verify the request and depending on the nature of the request we may need to collect more information as to your specific requirements.

**Right of rectification** - You have a right to rectification of inaccurate personal information and to update incomplete personal information. If you believe something we hold is inaccurate please contact us so we can correct the information. We may require supporting information to ensure such changes are valid. We can provide more information if required.

**Right of erasure** - You have a right to request that we delete your information but please note that this may impact on the services we can provide and certain information is held in order to comply with our legal and regulatory obligations and cannot therefore be deleted if transactions have taken place. We can provide more information if required.

**Right to restrict processing** - You have a right to request us to restrict the processing of your personal information but please note that this may result in us having to suspend the operation of your Entity or transactions.

**Right to objection** - You have the right to object to us processing your personal information (and restrict processing, see above) unless we can demonstrate compelling and legitimate grounds for the processing which may override your own interests or where we need to process your information to investigate and protect us or others from legal claims.

**Marketing** - You have a right to object to direct marketing.

**Withdraw consent** - You have a right to withdraw consent where we rely on your permission to process your personal information. Please note that this may result in further operation of the entity or transactions may not be possible for legal reasons.

**Lodge complaints** - You have a right to lodge a complaint in the first instance we recommend you contact our Data Protection Officer who will investigate the matter. We would hope to be able to address your concerns but you can always contact the Jersey Information Commissioner. For more information, please visit [www.dataci.je](http://www.dataci.je).