

**HERMES LINDER FUND, SICAV**  
*Société d'investissement à capital variable*  
Registered office: 14, Porte de France  
L-4360 Esch-sur-Alzette, Grand Duchy of Luxembourg  
Luxembourg RCS: B249446  
(the "**Company**"/"**Us**" / "**Our**")

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## Privacy Notice

Last updated on December 9, 2022

The Company was established under the laws of the British Virgin Islands. It transferred its domicile to Malta on March 25, 2009. Then, it transferred its domicile to Luxembourg on November 27, 2020.

The Company is managed by Waystone Management Company (Lux) S.A., a public limited liability company (*société anonyme*), incorporated and existing under the laws of the Grand Duchy of Luxembourg, having its registered office at 19, rue de Bitbourg, L-1273 Luxembourg, Grand Duchy of Luxembourg and registered with the Luxembourg Register of Commerce and Companies (*Registre de Commerce et des Sociétés*) under number B96744 ("**Waystone**").

Waystone has appointed Praude Asset Management Limited as the investment manager responsible for the portfolio management of the Hermes Linder Fund SICAV – Hermes Linder Fund's portfolio of assets, a limited liability company, existing under the laws of Malta, incorporated on December 3, 2009, registered with the Malta Business Register under number C48324, with registered address at Level 14, Portomaso Business Tower, Portomaso, St Julians STJ4011, Malta (the "**Investment Manager**").

The Company is committed to respecting your privacy. If you wish to contact Us about Our privacy practices, please feel free to do so by post at the above registered address or by email at [antonia.zammit@praude.com.mt](mailto:antonia.zammit@praude.com.mt). You may also wish to contact Us by telephone on 0035621374313.

Please read this Privacy Notice carefully to understand Our practices with respect to your Personal Data.

References to "Data Controller", "Data Subject", "Personal Data", "Process", "Processed", "Processing" and "Data Processor" in this policy have the meanings set out in and will be interpreted in accordance with the Applicable Laws. "Applicable Laws" shall mean the relevant data protection and privacy laws, including but not limited to, the Data Protection Regulation (EU) 2016/679 ("**GDPR**"), the Data Protection Act, the Luxembourg law of 1 August 2018 organizing the National Commission for data protection and of the general system on data protection, as it may be amended from time to time and the Regulation n°2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and laws, circular regulation in the context thereto as may be amended from time to time and any laws, circulars or regulations in the context of GDPR.

All capitalised terms used but not defined herein shall bear the meaning assigned thereto in the prospectus of the Company dated December 2022.

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### **1. Who is the data controller and who to contact?**

The Company acts as sole Data Controller, determining the purpose and means of processing.

The Company, as Data Controller collects, stores and processes by electronic or other means the personal data supplied by the Data Subjects, for the purpose of fulfilling the services related to an investment in the Company by the investors and to comply with their legal obligations and specifically in compliance with the provisions of GDPR.

### **2. Updates**

The Company may update this Privacy Notice in Our sole discretion including as a result of a change in Applicable Law or processing activities. Any such changes will be communicated to you prior to the commencement of the relevant processing activity.

### **3. What amounts to Personal Data?**

The term "Personal Data" refers to all personally identifiable information about you, such as your name, surname, address, national identifiers, date and country of birth, account information, contractual and other documentation and transaction information and includes all personal information which may be processed and that can be identified with you personally.

### **4. How does the Company collect Personal Data?**

The Company is the Data Controller of your Personal Data and shall process your Personal Data for any purpose in connection with your investment in the sub-fund of the Company named Hermes Linder Fund SICAV – Hermes Linder Fund (the "**Sub-Fund**"), and for the other reasons set out in this notice.

The data processed is received through the business relationship with the Data Subject. The Company receives the data either directly from the Data Subject or through the service providers. Generally, third parties such as nominees, the Company's business partners, may have provided your Personal Data to Us. However, in some instances, the Company may collect Personal Data about you from third party sources, such as online searches or from public registers. There may also be instances where you would have provided your Personal Data directly to Us.

The Company typically collects Personal Data and processes it for the following purposes:

- as part of Our client engagement/on boarding procedures including all Personal Data collected in the process leading up to your subscription in the Sub-Fund, including any information supplied in the Subscription Form or in connection therewith and any documents or information which you may be required to supply to Us for the purposes of your investment;
- any information supplied to Us in connection with any redemption, switch or additional subscription of Shares in the Company;

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- to provide you with statements and/or reports insofar as required by law;
- for the detection and prevention of money laundering, fraud and other criminal activity which the Company is legally bound to report;
- for the development and improvement of Our systems, products and services;
- when you or your company (as the case may be) transfer Personal Data to Us;
- Personal Data that the Company may process as a result of legal obligations imposed on Us, including (amongst others) MiFID II (Directive 2014/65/EU), the UCITS Directive (Directive 2009/65/EU), money-laundering detection and reporting, obligations under FATCA and CRS, and other obligations imposed upon Us in terms of applicable law;
- any Personal Data lawfully generated by Us in relation to your investment;
- any Personal Data which you may voluntarily provide to Us; and
- for safety and security purposes insofar as necessary or required, including (amongst others) safety of Our premises, property and employees/officers, and the establishment, exercise or defence of legal claims.

Irrespective of the manner that the Company has collected your Personal Data, the Company will only process such data for any purpose in connection with your investment and/or purposes which are inherently related thereto, including the fulfilment of any legal or regulatory obligation imposed on Us.

## **5. Legal Bases of Processing Personal Data**

The legal bases of processing your Personal Data are the following:

- Entering into and performance of a contract as a result of your investment in the Company pursuant to your signature of the Subscription Form. Providing such Personal Data is necessary for your investment in the Company. The consequence for not carrying Our such processing would be that you would be unable to invest in the Company; and
- Compliance with legal obligations imposed on Us – in particular as a result of MiFID II (Directive 2014/65/EU), UCITS Directive (Directive 2009/65/EU), money-laundering detection and reporting, obligations under FATCA and CRS, and other obligations imposed upon Us in terms of applicable law.

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## 6. Recipients of Your Personal Data

The Company may share your Personal Data with third party recipients who are:

- selected individuals within Our group of companies, on a need-to-know basis and more particularly the Investment Manager;
- any affiliates;
- any service providers that may have access to your Personal Data in rendering Us with their support services, including depository, administrator, registrar and transfer agent, IT, audit, legal, tax, registered office, company secretarial and accounting service providers;
- third parties to whom disclosure may be required as a result of your investment in the Company;
- any business partners to whom you may have requested that the Company transfers your Personal Data;
- third parties to whom disclosure may be required as a result of legal obligations imposed on Us or any other service provider of the Company;
- your beneficiaries, intermediaries, correspondent and agent banks; and
- appointed Administrator, Depository and/or distributors respectively (insofar as same are appointed from time to time), as Our Data Processors for the collection, storage and processing of Personal Data relating to prospective investors and shareholders.

The above-mentioned parties are to be referred to as the "**Recipients**". The Recipients may, under their own responsibility, disclose the Personal Data to their agents and/or delegates in or outside their group (the "**Sub-Recipients**"), which shall process the Personal Data for the sole purposes of assisting the Recipients in providing their services to the Company, the Management Company and/or assisting the Recipients in fulfilling their own legal obligations.

## 7. Data Transfer

The Recipients and Sub-Recipients may be located within or outside the European Economic Area (the "**EEA**"), in countries whose data protection laws may not offer an adequate level of protection, such as Malaysia.

In case of a transfer of Personal Data to Recipients and/or Sub-Recipients located outside the EEA in a country that does not provide an adequate level of protection, the Company will comply with GDPR and may contractually ensure that the Personal Data relating to you is protected in a manner which is equivalent to the protection offered pursuant to the Data Protection Law, which may take the form of EU

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Commission approved "Model Clauses" or appropriate or suitable safeguards. In this respect, you have a right to request copies of the relevant document for enabling the Personal Data transfer(s) towards such countries by writing to the Company's address.

In particular, you are informed that as part of those outsourcing arrangement, the Administrator may be required to disclose and transfer personal and confidential information and documents about you as a shareholder of the Company and individuals related to you (the "**Related Individuals**") (the "**Data Transfer**") to the sub-contractors.

A description of the purposes of the said outsourcing arrangements, the confidential information that may be transferred to sub-contractors thereunder, as well as the country where those sub-contractors are located is therefore set out in the below table.

Type of Confidential Information transmitted to the Sub-contractors	Country where the Sub-contractors are established	Nature of the outsourced activities
Confidential Information (as defined above)	Belgium Canada  Hong Kong India  Ireland Jersey Luxembourg Malaysia Poland Singapore  United Kingdom  United States of America	<ul style="list-style-type: none"> <li>• Transfer agent/ shareholders services (incl. global reconciliation)</li> <li>• Treasury and market services</li> <li>• IT infrastructure (hosting services, including cloud services)</li> <li>• IT system management / operation Services</li> <li>• IT services (incl. development and maintenance services)</li> <li>• Reporting</li> </ul>

Confidential information may be transferred to sub-contractors established in countries where professional secrecy or confidentiality obligations are not equivalent to the Luxembourg professional secrecy obligations applicable to the Administrator. In any event, the Administrator is legally bound to, and has committed to the Company that it will, enter into outsourcing arrangements with sub-contractors which are either subject to professional secrecy obligations by application of law or which will be contractually bound to comply with strict confidentiality rules. The Administrator further committed to

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the Company that it will take reasonable technical and organisational measures to ensure the confidentiality of the Confidential Information subject to the Data Transfer and to protect confidential information against unauthorised processing. Confidential information will therefore only be accessible to a limited number of persons within the relevant sub-contractor, on "a need to know" basis and following the principle of the "least privilege". Unless otherwise authorised/required by law, or in order to comply with requests from national or foreign regulatory authorities or law enforcement authorities, the relevant confidential information will not be transferred by the Administrator to entities other than the sub-contractors.

The Recipients and Sub-Recipients may, as the case may be, process the Personal Data as data processors (when processing the Personal Data upon Our instructions), or as distinct data controllers (when processing the Personal Data for their own purposes, namely fulfilling their own legal obligations). The Company may also transfer Personal Data to third parties such as governmental or regulatory agencies, including tax authorities, in or outside the EEA, in accordance with applicable laws and regulations. In particular, such Personal Data may be disclosed to the Luxembourg tax authorities, which in turn may, acting as data controller, disclose the same to foreign tax authorities.

#### **8. Automated Decision-Making and Profiling**

Your Personal Data will not be used for direct marketing or any decision solely taken on the basis of automated decision-making processes, including profiling, without human intervention.

In the steps leading up to your investment in the Company and during Our relationship with you, the Company may collect information from you in order to, amongst others, comply with Our obligations and/or for any other purpose connected with the Subscription Form or other documents provided in connection therewith. The Company may process such personal data on the basis of and/or pursuant to the performance of the Subscription Form and/or the performance of Our obligations at law. As stated, no automated decision will result from Our use of such systems.

#### **9. Data Retention**

The Company will retain your Personal Data for the duration of your investment in the Company in accordance with Our internal retention policies. Thereafter, your Personal Data shall be destroyed, unless the Company has a statutory obligation imposed on Us, a business needs to retain the Personal Data, and/or require the Personal Data to exercise or defend legal claims. Luxembourg laws relating to KYC and AML/CFT requires that documents be retained for a period of five (5) or ten (10) years (depending on the specific processing) after the relationship has come to an end and as advisable in light of an applicable statute of limitations.

#### **10. Your Rights**

For as long as the Company retains your Personal Data, you have certain rights in relation to your Personal Data including:

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- *Right of access* – you have the right to ascertain the Personal Data the Company holds about you and to receive a copy of such Personal Data;
- *Right to complain* – you have the right to lodge a complaint regarding the processing of your Personal Data with the supervisory authority for data protection matters. In Luxembourg this is the Commission Nationale pour la Protection des Données – CNPD ;
- *Right to Erasure* – in certain circumstances you may request that the Company deletes the Personal Data that the Company holds about you;
- *Right to Object* – you have a right to object and request that the Company cease the processing of your Personal Data in accordance with article 21 of GDPR;
- *Right to Portability* – you may request that the Company provide you with certain Personal Data which you have provided to Us in a structured, commonly used and machine-readable format (except where such personal data is provided to Us in hand-written format, in which case such personal data will be provided to you, upon your request, in such hand-written form). Where technically feasible, you may also request that the Company transmit such Personal Data to a third party controller indicated by you;
- *Right to Rectification* – you have the right to update or correct any inaccurate Personal Data which the Company holds about you;
- *Right to Restriction* – you have the right to request that the Company stop using your Personal Data in certain circumstances, including if you believe that the Company is unlawfully processing your Personal Data or the Personal Data that the Company holds about you is inaccurate; and
- *Right to be informed of the source* – where the Personal Data the Company holds about you was not provided to Us directly by you, you may also have the right to be informed of the source from which your Personal Data originates.

Please note that your rights in relation to your Personal Data are not absolute and the Company may not be able to entertain such a request if the Company is prevented from doing so in terms of an applicable law.

Note that the Company may contact you about Our legal updates, newsletters and events on the basis of Our legitimate interests and to keep you informed of such legal matters. In this respect, you have a right to opt-out and to object to receiving any further such communications from Us.

You may exercise the rights indicated in this section by contacting Us at the details indicated above.

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### **11. Keeping your data secure**

The Company shall implement and maintain appropriate and sufficient technical and organisational security measures, taking into account the nature, scope, context and purposes of the processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, to protect your personal data against any unauthorised accidental or unlawful destruction or loss, damage, alteration, disclosure or access to personal data transmitted, stored or otherwise processed and shall be solely responsible to implement such measures.

The Company shall ensure that Our staff who process your data are aware of such technical and organisational security measures, ensuring that such staff are bound by a duty to keep your personal data confidential.

The technical and organisational security measures in this clause shall mean the particular security measures intended to protect your personal data in accordance with any privacy and data protection laws.

### **12. Complaints**

If you have any complaints regarding Our processing of your Personal Data, please note that you may contact Us on any of the details indicated above. You also have a right to lodge a complaint with the Commission Nationale pour la Protection des Données (CNPD).

### **13. Where You Provide Us with Personal Data Related to Third Party Data Subjects**

If you are a company, intermediary or other corporate entity (including a bank or broker), and you provide Us with Personal Data of third party Data Subjects such as your employees, affiliates, service providers, underlying clients/customers, directors or any other individuals connected to your business, you shall be solely responsible to ensure that:

- you immediately bring this Privacy Notice to the attention of such Data Subjects and direct them to it;
- the collection, transfer, provision and any Processing of such Personal Data by you fully complies with any applicable laws;
- as Data Controller You remain fully liable towards such Data Subjects and shall adhere to the Applicable Law;
- you collect any information notices, approvals, consents or other requirements that may be required from such Data Subject before providing Us with their Personal Data; and
- you remain responsible for making sure the information you give Us is accurate and up to date, and you must tell Us if anything changes as soon as possible.