

## BLUE DIAMOND ASSET MANAGEMENT DATA PRIVACY NOTICE<sup>1</sup>

We, at **Blue Diamond Asset Management** (“Blue Diamond”, “we”, “us”, including its affiliates) value our relationship with each of our customers and business partners (“you”), and we appreciate the trust that you have placed in us. Data protection is of a particularly high value for Blue Diamond.

This notice sets out how Blue Diamond as a data controller collects, uses and processes personal data in accordance with the General Data Protection Regulation (EU) 2016/679 (“GDPR”).

This notice is effective as of 25 May 2018. Blue Diamond may amend this Data Privacy Notice unilaterally at any time. The most recent version is available at [www.bd-am.com](http://www.bd-am.com).

The controller for the purpose of the GDPR, other data protection laws and provisions is: Blue Diamond Asset Management AG, Bahnhofstrasse 2, 6300 Zug, Switzerland, email: [dataprivacy@bd-am.com](mailto:dataprivacy@bd-am.com).

**We do not disclose any nonpublic personal data to anyone, except as required or permitted by law. Blue Diamond does not sell personal data obtained about you to third parties that are not associated with us for the purpose of marketing their products or services to you.**

### Definitions

- **Personal data:** Personal data means any information relating to an identified or identifiable natural person. An identifiable natural 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, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
- **Controller:** Controller or controller responsible for the processing is Blue Diamond. Blue Diamond determines the purposes and means of the processing of personal data

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<sup>1</sup> For investors in our Blue Diamond Non-Directional Funds, a separate Cayman Island Data Privacy Notice applies and may be obtained from Blue Diamond.

- **Processor:** Processor is a natural or legal person, or other body which processes personal data on behalf of the controller; e.g. the fund administrator or any other agent appointed by us (together the “**Service Providers**”)

### Collection of personal data

We collect and process personal data from the following sources:

- When you communicate or transact with us in person, writing, electronically or by phone
- When you submit subscription forms or other applications
- From Service Providers providing services to us
- From public sources

### Purposes and legitimate interests

Generally, we do not rely on your consent as a lawful basis for processing your personal data other than in relation to sending direct marketing communications to you via email. You have the right to withdraw consent to marketing at any time by contacting us on the details given at the beginning of this notice. We may process your personal data without your knowledge or consent, in compliance with the above rules, if we have a legitimate interest for doing so because we are required by law or contract to do so or if we reasonably believe that it is necessary to protect our contractual rights or to meet our contractual obligations and/or to comply with judicial or regulatory proceedings, a court order or other legal process. This is typically the case if you invest into our Blue Diamond Funds domiciled in Cayman Islands and/or the United States of America, where anti-money-laundering (AML) regulations, trade sanctions regulations or tax reporting obligations (like OECD Common Reporting Standards) arise and we must use your personal data to discharge our contractual and regulatory obligations.

We will only use your personal data for the purposes for which we collected it as identified above, unless we reasonably consider that we need to use it for another reason which is compatible with the original purpose for which you provided it to us.

You are required to provide personal data for statutory, regulatory, tax compliance and contractual purposes. If you do not provide us with certain personal data when requested, we will not be able to perform all or part of the contract we have entered into with you, or we may be prevented from complying with our legal obligations. This may result in terminating our relationship with you.

### **Automated decision making**

Blue Diamond does not use automatic decision-making or profiling.

### **Processing personal data outside the EU:**

The personal data we collect about you may be transferred outside of the EU including to Service Providers. If such a transfer occurs, we are required to ensure that the processing of your personal data is done so with physical, electronic and procedural safeguards in place that are reasonably designed to protect your personal data from unauthorized access and use in order to ensure that your personal data is treated in a manner that is consistent with and which respects the EU laws on data protection.

### **Retention of personal data**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, accounting or reporting requirements. 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 unauthorized 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. Once we no longer require your personal data for the purposes we collected it for, we will securely destroy your personal data in accordance with applicable laws and regulations.

### **Sharing of information**

We will need to share your personal data with:

- Other entities in our group to service your accounts or if they act as a Service Provider, as well as for system maintenance support and for hosting of data
- Service Providers, including banks, securities broker-dealers, auditors, lawyers, IT service providers
- Regulators or to otherwise comply with applicable law or judicial process.

We may share your personal data with third parties where this is required by law, regulation or tax reporting requirements, where it is necessary to perform our contract with you, or where we have another legitimate interest in doing so. We may disclose your personal data if we are required by law, regulation or tax reporting requirements to do so or if we reasonably believe that disclosure is necessary to protect our rights and/or to comply with judicial or regulatory proceedings, a court order or other legal process.



BLUE DIAMOND

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### Protecting the confidentiality of your personal data

All Blue Diamond's employees are instructed to use strict standards of care regarding the confidentiality of your nonpublic personal data. We maintain physical, electronic and procedural safeguards that comply with applicable laws to protect your personal data.

### Your rights in relation to your personal data

You have rights as an individual which you can exercise in relation to the information we hold about you under certain circumstances. These rights are to:

- Request **access** to your personal data (commonly known as a “data subject access request”) and request certain information in relation to its processing
- Request **rectification** of your personal data
- Request the **erasure** of your personal data
- Request the **restriction** of processing of your personal data
- **Object** to the processing of your personal data
- Request the **transfer** of your personal data to another party
- Request to **withdraw** data protection consent

If you want to exercise one of these rights, please contact us at [dataprivacy@bd-am.com](mailto:dataprivacy@bd-am.com).

If you have any questions or comments about our data privacy notice, please contact us by email at [dataprivacy@bd-am.com](mailto:dataprivacy@bd-am.com).

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