

**DATA PRIVACY NOTICE****Effective Date:** from 25 May 2018**The scope and purpose of this Privacy Notice**

This Privacy Notice explains how Safehaven International Limited and its associated companies (“Safehaven”) collect, process and disclose personal data and your rights in relation to the personal data it holds.

Safehaven is regulated by the [Guernsey Financial Services Commission](#) (“GFSC”) and is the lead licensee of the group. The joint licensees include Bach and Associates Limited, Keats Limited, Safehaven Trustees Limited and Wordsworth Limited.

Safehaven is registered with the office of the Data Protection Commissioner pursuant to the [Data Protection \(Bailiwick of Guernsey\) Law, 2017](#) (the “Data Protection Law”).

In this Privacy Notice “you”, “your”, “Client” may include and refer to one or more persons who own, or act in respect of, an entity to be administered by Safehaven including, as directors, officers, employees and/or beneficial owners. An entity in this Privacy Notice may be a company, trust, or other form of legal person to which Safehaven has been requested to provide administration services and is referred to herein as an “Entity”.

Safehaven (in this Privacy Notice, “us”, “we” and “our”) will act, to this end, as data controller and as data processor in accordance with local applicable data protection laws, namely Data Protection Law, with which Safehaven must comply (and which are equivalent to the EU General Data Protection Regulation 2016/679), in processing your personal information as provided to us as a consequence of Safehaven providing to you fiduciary administration services, including but not limited to, the services of Administration, Trustee, Director, Secretary, Registered Office, Resident Agent and other agreed services.

We take privacy and security of your personal information seriously and will only use such personal information as set out in this Privacy Notice.

This Privacy Statement supersedes any previous Privacy Statements or equivalent which you may have been provided with or seen prior to the Effective Date stated above.

**What information constitutes personal data**

- Your name(s), including previous or any known aliases;
- Contact information including home and/or business address(es), employment title(s), email address(es) and telephone number(s);
- Biographical data which can be used to confirm your identity including, but not limited to: date of birth, birth certification, tax and/or social identification number, passport details, identity card details and countries of domicile, nationality and/or residence;
- Financial data which can be used to verify your financial situation, including but not limited to: sources of income, payslips, expenditure, assets and liabilities, origin of wealth and personal and/or business(es) bank account information;
- Statements that you provide to us that will allow us to understand your goals and objectives in using our services;
- Personal information relating to employment (including references), education, qualifications (including professional), personal interests and family or personal circumstances, and any religious information shared; and
- Information supplied by you, or sourced by us, to verify if you can be classified as a commercially and/or politically exposed person or similar.

The processing of special category data shall only be in order to comply with legislation and regulatory obligations relating to anti-money laundering and countering terrorist financing and other related legislation. Special category data includes racial and ethnic origin information, political opinion, religious or philosophical belief, trade union membership or criminal data.

**Purposes of processing your data, performance of a contract with you, legitimate interests, and legal obligations**

Your personal data may be processed by us (or any employees, consultants, delegates or sub-contractors) for the following purposes:

**(i) Performance of a contract with you**

We process your personal data because it is necessary for the performance of a contract to which you are a party or in order to take steps at your request prior to entering into a contract.

- To prepare a proposal for you regarding the services we offer;
- To provide you with the services as set out in our Letter of Engagement with you or as otherwise agreed with you from time to time;
- To deal with any complaints or feedback you may have;
- For any other purpose for which you provide us with your personal data.

**(ii) Legitimate interests**

We also process your personal data because it is necessary for our legitimate interests, or sometimes where it is necessary for the legitimate interests of another person.

In this respect, we use your personal data for the following:

- For marketing to you, advising you of updates in our services or notifying you of the Boat and Aircraft Shows where representatives of Safehaven will be available for meetings;
- Training our staff or monitoring their performance;
- For the administration and management of our business, including recovering money you owe to us, and archiving or statistical analysis;
- Seeking advice on our rights and obligations, such as where we require our own legal advice.

**(iii) Legal Obligations**

We also process your personal data for our compliance with a legal obligation which we are under.

In this respect, we will use your personal data for the following:

- To report relevant information to tax or other authorities in order to comply with our duties and obligations;

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- To disclose information to other third parties such as service providers, auditors, regulatory bodies and technology providers or through third parties to whom we may have a legal obligation or where the provision of information is required to enable us to undertake necessary administrative services;
- To carry out anti-money laundering, countering terrorist financing and other regulatory checks, as appropriate, in order to meet any regulatory and legal obligations imposed on us;
- To assist us in the prevention of fraud, money laundering, terrorist financing, bribery, corruption, tax evasion and to prevent the provision of financial and other services to persons who may be subject to regulatory sanctions;
- To update and maintain our records with relevant screening of such records in relation to the services provided by us; and
- For any other purpose for which you provide us with your personal data.

We may also collect, hold and process your personal data in other circumstances where we have obtained your separate consent and (on rare occasions) where it is needed in the public interest. If we need to use your personal information 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 information without your knowledge or consent, in compliance with the above instances, where these are required or permitted by law.

**How we collect your data**

We collect your personal data in a variety of ways, for example:

- Information that you supply to us via face to face meetings;
- Information that you supply to us via completion of Client Application Form(s), Administration Agreement(s), Application(s) to create or register an Entity or for the registration or management of a vessel and any other forms that we may require you to complete to enable us to provide administration to an Entity from time to time;
- Information that is supplied to us by your company or an intermediary, client representative, banker(s), adviser(s), company(ies) or employer(s) as well as any other third party communicating to us on your behalf;

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- Information that you supply to us in writing (via fax, email or post), by telephone or other forms of electronic communication including information supplied to us via our website;
- Information that is available via the use of public sources (i.e. internet) or from third parties engaged by us;
- Other financial institutions who hold and process your personal data to satisfy their own regulatory requirements;
- From publicly available sources or from third parties, most commonly where we need to conduct background checks about you, which might include credit reference agencies, regulatory and financial crime databases for the purposes of complying with our regulatory requirements; and
- We may also collect and process your personal data in the course of dealing with advisors, regulators, official authorities and service providers by whom you are employed or engaged or for whom you act.

You should advise us, as soon as possible, where your personal data (including correspondence details) changes. If we are not provided with updated and accurate information, where we are obliged to hold such information for anti-money laundering, countering terrorist financing and automatic exchange of information requirements, we may have to cease provision of services to you and/or an Entity.

**Data Subject Rights**

Under GDPR and local data protection law you have the following rights, in certain circumstances, in relation to your personal information:

- Right to be informed.
- Right to access your personal information.
- Right to rectify your personal information.
- Right to request that your personal information is erased (in certain specific circumstances).
- Right to object to or to withdraw specific consent to the processing of your personal information (in certain specific circumstances).
- Right to data portability (in certain specific circumstances).

- Rights in relation to automated decision making and profiling.

Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply.

In circumstances where we require your personal information to comply with regulatory and legal requirements, failure to provide or allow us to maintain and process this information means that we may not be able to continue providing services.

You have the right to lodge a complaint with the Office of Data Protection Commissioner in Guernsey or a supervisory authority in the EU Member State of your habitual residence, place of work or, in the place of the alleged infringement, if you consider that the processing of personal data relating to you carried out by us or other third parties as defined, have breached applicable data protection laws.

#### **Our Data Protection commitments**

Our continued commitment to operate responsibly with your personal data under the Data Protection Law and GDPR specifically reaffirms that:

- We will ensure robust security controls and processes are in place to protect your data against unauthorised access, processing, loss or accidental destruction;
- We will process your data in a manner that is consistent with the original purpose for its collection;
- We will maintain the accuracy of any personal data captured and ensure our processes can rectify inaccurate data without undue delay; and
- We establish robust governance, operational procedures and staff training to maintain compliance with all data protection legislation.

Safehaven stores your personal data with a professional cloud-based hosting service provider based in Guernsey and Jersey, Channel Islands (Jersey has introduced an equivalent GDPR), who have confirmed a corresponding program to ensure the provider meets its obligations to protect the rights and freedoms of individuals relating to personal data both in its capacity as data controller, as well as data processor on behalf of its customers, including Safehaven.

However, we cannot guarantee the security of your personal data transmitted over the internet, via email or via our website nor do we accept, where so permitted by law, any

liability for loss of or errors in data transmission, machine, software or operating error or any other cause in such circumstances.

### **Transfer and processing of your personal data, including outside the EEA**

We may disclose your personal information as follows:

- To our service providers (including those noted above), auditors, regulatory bodies and technology providers or through third parties (as defined) to whom we have a legal obligation; and
- To competent authorities, including tax authorities, courts and bodies of competent jurisdiction as may be required by law or as appropriately requested for internal investigations and reporting and to comply with any obligations to include FATCA and CRS.

The potential disclosure to third parties as defined may involve the transfer of data to other jurisdictions outside of Guernsey and the European Economic Area (EEA) in accordance with the requirements of The Data Protection (Bailiwick of Guernsey) Law 2017, as amended or replaced from time to time (the “Data Protection Law”). Such countries may not have the same data protection laws as the jurisdiction in which you reside, however, there may be an obligation or duty to provide the personal information.

Those third parties may also process your personal data abroad and may have an obligation under applicable law and regulation to disclose it to foreign authorities.

Your personal data may be transferred on one of the following basis:

- The recipient country is approved by the European Commission as being able to provide an adequate level of protection for your data;
- The recipient of the data is in the United States of America (USA) and they have registered under the EU/US Privacy Shield; or
- The recipient of the data has entered into the standard contractual clauses provided by the European Commission.

### **Retention period**

We will only retain your personal data for as long as we have a lawful reason to do so. In most cases we will retain your personal data for a period of seven years after the termination of

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our contractual relationship or following the date of the last transaction. Where we have collected your personal data as required by anti-money laundering legislation, including for identification, screening and reporting, we will retain that personal data for seven years after the termination of our relationship, unless we are required to retain this information by another law or for the purposes of court proceedings to enable us to defend ourselves in any particular circumstances.

Records may be retained in any manner or form provided they are readily retrievable. They must be made available promptly as required by anti-money laundering legislation including identification, screening and reporting.

**How to contact us**

If you have any questions about our use of your personal information or you wish to exercise any of the rights set out above, please contact us using the following:

- By post – Tracey Ozanne or Jackie Mauger of Safehaven International Limited, PO Box 179, 2<sup>nd</sup> Floor, Upland Business Centre, Upland Road, St Peter Port, Guernsey, GY1 4HH
- By email – [Tracey Ozanne](#) or [Jackie Mauger](#)
- By telephone - +44 (0) 1481 723925
- By fax: +44 (0) 1481 727778

If you are not satisfied with how we are processing your personal data, you can make a complaint to [The Officer of the Data Protection Commissioner](#).

**Further information**

Specific data protection and GDPR regulatory information can be obtained from the regulatory authorities stated below:

- [The Office of the Data Protection Commissioner](#)
- [Guernsey Financial Services Commission](#)