

# Beresford Funds plc.

## BERESFORD FUNDS PLC

### DATA PROTECTION NOTICE FOR EXISTING INVESTORS

1. In accordance with the General Data Protection Regulation (697/2016/EU) (the "GDPR") and applicable Irish data protection legislation (currently the Irish Data Protection Acts 1988 to 2003) as may be amended from time to time (collectively, "Data Protection Legislation") the Company being the data controller for the purposes of your proposed investment for shares in the Company, must provide you with information on how the personal data that you provide as part of your application to subscribe for shares will be processed.

As a consequence of your investment, the Company acting as a data controller may itself (or through third parties including but not limited to the Administrator) process your personal information or that of your directors, officers, employees, intermediaries and/or beneficial owners. In this regard, please note the following:

2. **Purposes of processing and legal basis for processing**

The personal data collected from you or provided by you or on your behalf in connection with your application for shares in the Company will be held, disclosed and processed by the Administrator for the purposes of:

*Performance of the contract*

- (a) the performance of the contract between you and the Company whereby; upon the Company accepting your application to subscribe for shares in the Company and you having paid the full subscription monies to the Company and having provided to the Administrator the required documentation as specified in this Application Form, the Company shall issue you with shares in the Company and enter your details onto the register of members;
- (b) managing and administering your holdings in the Company and any related account on an ongoing basis which involves processing your personal data for redemption, conversion or transfer requests, distribution payments and for future subscriptions to the Company;
- (c) circulating periodic reports relating to the Company.

*Compliance with a legal obligation*

- (d) complying with any applicable legal, tax or regulatory obligations imposed on the Company including legal obligations under company law, tax law and anti-money laundering / counter-terrorist financing legislation including but not limited to:
  - (i) AML / CTF legislation: in line with anti-money laundering requirements operating in various jurisdictions, all investors are required to be identified. For this purpose certain documentation will be required at the time of application as set out in the Application Form.
  - (ii) CRS / FATCA: the Company is obliged to collect certain information about each investor
  - (iii) investor's tax arrangements for CRS/FATCA reporting

Beresford Funds plc. An umbrella fund with segregated liability between sub-funds.

Beresford Funds plc is regulated by the Central Bank of Ireland.

Registered in Dublin, Ireland. No. 427898.

Directors: John O'Connell (Chairman), Gerry Keenan, Colm O'Neill, Patrick Burke, Alison Letters, Frank O'Riordan.

## **Beresford Funds plc.**

Pursuing the legitimate interests of the Company including relevant and appropriate relationship between the investor and the Fund or the legitimate interests of a third party to whom we provide your personal data. We will not process your personal data for these purposes if our or the third party's legitimate interests should be overridden by your own interests or fundamental rights and freedoms. The legitimate interests pursued by us in this regard including:

- (i) Carrying out statistical analysis and market research;
- (ii) Recording, maintaining, storing and using recordings of telephone calls and electronic communications that you make to and receive from the Company, the Investment Managers, the Administrator and their delegates or duly appointed agents and any of their respective related, associated or affiliated companies for any matters related to investment in the Company, dispute resolution, record keeping, security and/or training purposes;
- (iii) direct marketing purposes;
- (iv) Conducting our business in a responsible and commercially prudent manner and dealing with any disputes that may arise;
- (v) Preventing, investigating or detecting theft, fraud or other criminal activity;
- (vi) Pursuing our corporate and social responsibility objectives.

### **3. Contact details**

The Company, as data controller, has appointed the Administrator to act as transfer agent. The Administrator, acting in its' capacity as transfer agent for the Fund is a data processor. The Company can be contacted via the Administrator at the following address:

Citibank Europe PLC

3<sup>rd</sup> Floor, 1 North Wall Quay,

IFSC, Dublin 1

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### 4. Profiling and Screening

The Company and the Administrator engage in OFAC and PEP screening for the purposes of complying with anti-money laundering and counter terrorist financing legislation and with UN, EU and other applicable sanctions regimes.

5. The implementation of such PEP and financial sanctions screening programmes may result in the Company or the Administrator refusing an application for Shares in the Company or delaying or refusing to make any redemption payment or distribution payment to you if you, your directors or any beneficial owner of your Shares appear on such screening programmes. In the event that you are identified as a PEP as a result of the screening process, you may be required to provide additional information and/or documentation to the Company and the Administrator.

### 6. Disclosures to Data Processors and / or Third Parties

Personal data relating to you which is collected from you or provided by you or on your behalf may be handled by Data Processors appointed by the Company and its or their duly appointed agents and any of their respective related, associated or affiliated companies for the purposes specified above.

Such Data Processors include the Administrator (acting in its's capacity as transfer agent to the Fund), the Investment Manager and their delegates, agents or affiliates. These Data Processors will be obliged to adhere to the data protection laws of the countries in which they operate.

The Company may disclose your personal data to other third parties where required by law or for legitimate business interests. This may include disclosure to third parties such as auditors and the Central Bank of Ireland, regulatory bodies, taxation authorities and technology providers.

### 7. Transfers Abroad

Personal data collected from you or provided by you or on your behalf may be transferred outside of Ireland including to companies situated in countries outside of the European Economic Area which may not have the same data protection laws as in Ireland. Such countries include India

Where data transfers outside of the EEA take place, the Company has taken the necessary steps in accordance with GDPR to ensure that appropriate safeguards have been put in place to protect the privacy and integrity of such personal data, in particular, by ensuring the implementation of model contracts by the Data Processors and their affiliates.

### 8. Retention period

The Company and the Administrator will retain all documentation provided by you in relation to your investment in the Company for such period of time as may be required by Irish legal and regulatory requirements, but not for less than six years after the period of your investment has ended or the date on which you had your last transaction with us.

### 9. Failure to provide personal data

The provision by you of personal data, as outlined in the section titled "Purposes of processing and legal basis for processing" is required for us to accept your subscription application and manage and administer your holdings in the Company and so that we can comply with the legal, regulatory and tax requirements referenced

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above. Where you fail to provide such personal data we will not be able to accept your application or to the extent that we do accept your application and the required personal data is not provided within the specified timeframe we will be prohibited from making redemptions or any applicable dividend payments to you and/or you may be required to discontinue our business relationship with you by compulsorily redeeming your shareholding in the Company.

### 10. Your data protection rights

Please note that you have the following rights under the GDPR. In each case, the exercise of these rights is subject to the provisions of the GDPR:

- (i) You have a right of access to and the right to amend and rectify your personal data.
- (ii) You have the right to have any incomplete personal data completed.
- (iii) You have a right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of personal data relating to you carried out by the Company infringes the GDPR.
- (iv) You have a right to be forgotten (right of erasure of personal data).
- (v) You have a right to restrict processing.
- (vi) You have a right to data portability.
- (vii) You also have the right to object to processing where personal data is being processed for marketing purposes and also where the Company is processing personal data for legitimate interests.