

KINGSWAY CAPITAL PARTNERS LIMITED

PRIVACY NOTICE

ABOUT THIS DOCUMENT

Kingsway Capital Partners Limited (“Kingsway”) is a data controller of your personal data and subject to the UK General Data Protection Regulation (the “GDPR”).

This document outlines your data protection rights under the GDPR. If you provide Kingsway with personal data about other individuals (including your representatives, agents, trustees and/or beneficiaries) you agree to provide each individual, whose data you provide to Kingsway, with a copy of this Policy.

This Policy sets out how Kingsway collects, uses and shares personal data.

1. HOW WE COLLECT YOUR PERSONAL DATA

We collect your personal data in various ways, principally:

- a) from information you provide to us when you interact with us before becoming a Client, for example when you contact us to request information about our services and when you provide us with indicative information about your investment objectives, so that we may understand your investment profile;
- b) when you ask us to provide services to you and provide us with your personal data in application forms for investment management services (and in accompanying identification documents);
- c) from third parties and publicly available sources, for example when we carry out due diligence checks on you before we can accept you as a Client;
- d) from third party introducers or other intermediaries, and from your agents and representatives, where they are interacting with us on your behalf;
- e) through your use of this website or in applying for employment or in working with Kingsway;
- f) by providing Kingsway with products and/or services; and/or,
- g) in other ways as you interact with us during your time, for example when you meet with us or when we exchange formal correspondence and other communications with you.

2. BASIS FOR PROCESSING YOUR PERSONAL DATA

(A) CLIENTS

The kind of information we hold about you

We may collect the following types of personal data about you:

- a) Contact information, including your name, address, email address and telephone number;
- b) Identification and due diligence information, including your date of birth, nationality, passport information, proof of address, national insurance number (or other tax identification number) and due diligence information such as the results of anti-money laundering and ‘know your client’ background checks; and
- c) Financial related information, including information relating to your financial situation such as your assets, net worth, income, source of wealth and your investment objectives.

We may also collect special categories of personal data, including more sensitive personal data, such as data relating to criminal convictions and offences, where relevant for the purposes set out below.

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How we will use the information about you

Your personal data may be processed for the following purposes:

- a) to provide you with information on our services and funds (including performance updates);
- b) to facilitate the opening of an account in a fund and to allow us to administer and manage your holding in the funds (e.g., processing subscriptions, redemptions and transfers);
- c) to update and maintain records for the funds including with regulators and fund administrators. Please note that for Clients who are investors in funds, you will have a direct contractual relationship with the fund administrator. The fund administrator will also be a data controller in respect of your personal data and will process your personal data because it is necessary for the performance of the contract between you and them, in accordance with any privacy notice or privacy policy they may issue to you separately.;
- d) to carry out anti-money laundering checks and related actions which Kingsway considers appropriate to meet any legal, regulatory or tax obligations or as required by public interest and/or legitimate business interests (e.g., the prevention of fraud, money laundering, terrorist financing, bribery, corruption, tax evasion and to help ensure compliance with economic or trade sanctions);
- e) to prepare tax related information and to comply with legal, tax or regulatory obligation;
- f) to (i) process and verify instructions, (ii) investigate and prevent fraud, (iii) detect, prevent, investigate and prosecute crime, (iv) enforce or defend our rights or responsibilities, in order to comply with any legal, regulatory or tax obligation, (v) pursue legitimate interests or (vi) where the processing is in the public interest;
- g) to scan emails and attachments sent to us for viruses or malicious software, to process and encrypt personal data to protect and manage email traffic, and to store personal data on our systems to pursue our legitimate interests including document retention purposes; and,
- h) to take other actions as are reasonably necessary to manage activities and/or comply with the legal and regulatory obligations of the Client and Kingsway, including by processing instructions, monitoring and recording electronic communications (including telephone calls and emails) and enforcing or defending the rights and/or interests of the Clients or Kingsway, to comply with the Client or Kingsway's legal, tax or regulatory obligations and/or to pursue legitimate interests.

We may also process your personal data because it is necessary for our or a third party's legitimate interest. Our "legitimate interests" include our commercial interests in operating our business in a client-focused, efficient and sustainable manner, in accordance with all applicable legal and regulatory requirements. In this respect, we may use your personal data:

- to monitor and evaluate the performance and effectiveness of our services;
- outsourcing selected functions to third parties (for example, suppliers of hosted software solutions or cloud storage providers) for the purposes of efficient, fast and secure access to data; and
- for our marketing purposes, including in order to keep you informed (by letter, telephone, and email) of our investment approach and strategies or events which may be of interest to you.

Note: If you do not wish to receive such marketing information, please let us know now or at any time in the future, and your details will be removed from our mailing list(s). If you have already told us that you do not wish to receive marketing information from us, we will of course continue to respect your wishes.

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Basis on which we process your data

Processing is necessary for compliance with our legal and contractual obligations. Processing is also carried out because it is necessary for pursuing legitimate interests and such legitimate interests are not overridden by your interests, fundamental rights or freedoms. We do not anticipate being required to obtain your consent for the processing of your personal data. If we wish to use your personal data for new purposes which require your consent, Kingsway will contact you to request this.

(B) JOB APPLICANTS

The following section sets out how Kingsway may process personal data (as a controller) about job applicants and in relation to placements, potential workers and contractors. Kingsway is the data controller of any personal data provided or collected by Kingsway during this process.

The kind of information we hold about you

We may collect, store, and use your name, marital status, address and post code, contact numbers, email addresses, and summary of findings, and information provided to us during telephone calls, interviews and/or meetings with you.

How we collect your data

We may collect personal data about candidates from the following sources: you, the candidate directly; recruitment agencies; background check providers; credit reference agencies; disclosure and barring services regarding criminal convictions, your named referees; and data from third parties if from a publicly accessible source including Companies House records and social media (such as LinkedIn).

How we will use the information about you

Your personal data may be processed for the following purposes:

- a) to assess your skills and qualifications, to consider your suitability for the position and to decide whether to enter into a contract with you;
- b) to carry out background and reference checks, where applicable;
- c) to communicate with you about the recruitment process;
- d) to keep records related to our hiring processes;
- e) to comply with legal or regulatory requirements;
- f) to scan emails and attachments sent to us for viruses or malicious software, to process and encrypt personal data to protect and manage email traffic, and to store personal data on our systems to pursue our legitimate interests including document retention purposes; and,
- g) such other actions as are reasonably necessary to manage our activities, including by processing instructions, monitoring and recording electronic communications (including telephone calls and emails) for regulatory purposes and enforcing or defending our rights and interests, to comply with our legal obligations and/or to pursue our legitimate interests.

Basis on which we process your data

We process this personal data based on our legitimate interests (to decide whether to appoint you to work for us) and/or to comply with laws. Once we receive your CV and/or covering letter, we may process that information to decide whether Kingsway has any suitable vacancies and if you meet the basic requirements for that role. If you do, we will decide whether your application is strong enough to invite you for an interview. If we call you for an interview, we will use the information you provide to

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us at the interview to decide whether to offer you the work. If we offer you the work, we will then take up references and we may carry out a criminal record or other checks before confirming your appointment. If you fail to provide information when requested, we will not be able to process your application. You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making. We may share your personal data with these third parties for the purposes of processing your application: employee screening and IT service providers.

(C) BUSINESS CONTACTS AND SERVICE PROVIDERS

The following sets out how Kingsway may process personal data (as a controller) about its business contacts and (current, previous and/or potential) service providers, their employees and data subjects.

The kind of information we hold about you

We may collect, use, store and transfer different personal data which you provide to us including your name, date of birth, contact details, place of work and job title.

How we will use information about you

We will use your personal data where it is necessary for our legitimate interests and where your interests and fundamental rights are not overridden or where we need to comply with a legal or regulatory obligation.

Basis on which we process your data

Your personal data may be processed for the following purposes:

- a) to hold your personal data on our system and to contact you based on our legitimate interests (including in connection with using the services you provide);
- b) to allow us to process payments and orders regarding any goods and services provided;
- c) to send you updates on the performance of the funds, newsletters, invitations to events and other electronic marketing communications which we will do (i) on the basis of our legitimate interests if you are an investor in the Fund or ii) with your consent;
- d) to comply with legal or regulatory requirements;
- e) to scan emails and attachments sent to us for viruses or malicious software, to process and encrypt personal data to protect and manage email traffic, and to store personal data on our systems to pursue our legitimate interests including for document retention purposes; and,
- f) such other actions as are reasonably necessary to manage our activities, including by processing instructions, monitoring and recording electronic communications (including telephone calls and emails) for regulatory purposes and enforcing or defending our rights and interests, to comply with our legal obligations and/or to pursue our legitimate interests.

Such processing is carried out because it is reasonably necessary to pursue our legitimate interests, such legitimate interests do not override your interests, fundamental rights or freedoms.

(D) VISITORS TO OUR WEBSITE

The following sets out how we may process personal data (as a controller) about visitors to our website.

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How we collect and process your data

We do not collect personal data about you through your use of our website and our website does not use cookies. Personal data may be collected about you from direct interactions with you, including by filling in forms and any email or other correspondence. This includes personal data you provide when you request information to be sent to you. Information on how, and in what circumstances, we use this information is set out above.

Links to websites

Where the website provides links to other websites, Kingsway is not responsible for the data protection, privacy and/or cookie usage policies of these websites, and you should check their policies if you have any concerns about them. If you use one of these links to leave our website, note that we have no control over that other website. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting a linked website and such websites are not governed by this policy. Always exercise caution and review the privacy policy applicable to the website in question.

3. SHARING YOUR INFORMATION WITH OTHERS

We may disclose your personal data to others, including our associated firms, to third parties providing services to us and/or the funds, including custodians, fund administrators, accountants, auditors, legal advisors, and similar, IT service providers, event management, PR and marketing providers, background and/or credit reference services, processors of the funds (including printers, registrars, company secretarial services, administrators), telephone service providers, document storage, backup and disaster recovery service providers.

We may also disclose personal data we hold to third parties in circumstances where we are required or authorised by law (including applicable data protection laws), court order, regulatory or governmental authorities to disclose your personal data.

4. HOW LONG YOUR PERSONAL DATA IS KEPT

How long Kingsway holds your personal data for will vary. The retention period will be determined by various criteria, including the purposes for which Kingsway is using it (as it will need to be kept for as long as is necessary for any of those purposes) and legal obligations (as laws or regulations may set a minimum period for which Kingsway has to keep your personal data).

5. CHANGE OF PURPOSE

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis that allows us to do so. We may process personal information without your knowledge or consent, where this is required or permitted by law or regulation.

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6. INTERNATIONAL TRANSFERS

Your personal data may be transferred to external service providers. Where these service providers are based outside the United Kingdom and/or European Economic Area (EEA) and your personal data is transferred outside of these areas by us, we ensure a similar degree of protection is afforded to it. Please contact us if you want further information on the transfer of your personal data out of the United Kingdom and/or EEA.

7. DATA SECURITY

Kingsway has put in place measures to ensure the security of the personal data it collects and stores about you. It will use its reasonable endeavours to protect your personal data from unauthorised disclosure and/or access, including through network and database security measures, but it cannot guarantee the security of data it collects and stores. We have put in place procedures to deal with any suspected personal data breach and will notify you and any regulator where legally required to do so.

8. YOUR LEGAL RIGHTS

You have a number of legal rights in relation to the personal data that Kingsway holds about you. These rights include the following:

- a) The right to obtain information regarding the processing of your personal data and access to the personal data that Kingsway holds about you.
- b) In some circumstances, the right to receive some personal data in a structured, commonly used and machine-readable format and the right to request that Kingsway transmits that data to a third party where this is technically feasible. Please note that this right only applies to personal data which you have provided to Kingsway.
- c) The right to request that Kingsway rectifies your personal data if it is inaccurate or incomplete.
- d) The right to request that Kingsway erases your personal data in certain circumstances. Please note that there may be circumstances where you ask Kingsway to erase your personal data but Kingsway is legally entitled to retain it.
- e) The right to object to, and the right to request that Kingsway restricts, its processing of your personal data in certain circumstances. Again, there may be circumstances where you object to, or ask Kingsway to restrict, its processing of your personal data but Kingsway is legally entitled to continue processing your personal data or to refuse that request.
- f) The right to lodge a complaint with the data protection regulator (details of which are provided below) if you think that any of your rights have been infringed by Kingsway.

You can exercise your rights by contacting Kingsway using the details set out under “Contacting Kingsway” below. You can find out more information about your rights by contacting an EU data regulator such as the UK’s Information Commissioner’s Office, or by searching their website at ico.org.uk.

You may make a complaint to the Information Commissioner's Office, the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the regulator. Please contact Kingsway using the details listed below.

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9. ACCESSING YOUR DATA

You will not have to pay a fee to access your personal data (or to exercise the other rights). However, we may charge a reasonable fee if your request is unfounded, repetitive or excessive. We may also refuse to comply with your request in these circumstances. We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for information to speed up our response. We try to respond to legitimate requests within one month. Occasionally it may take us longer than a month if your request is complex or you have made several requests. In this case, we will notify you and keep you updated.

10. CHANGES TO THIS POLICY

We may update this data protection policy from time to time and will communicate such updates through our website. We may also notify you from time to time about the processing of your data.

11. CONTACTING KINGSWAY

If you have any queries about this policy or your personal data, or you wish to exercise any of the rights set out above, including submitting an access request or raise a complaint about the way your personal data has been handled, please do so in writing and address this to Conor McNaughton (cm@kingswaycap.com; +44-20-7659-4130), Kingsway Capital Partners Limited, 9th Floor Smithson Tower, 25 St James's Street, London, SW1A 1HA, UK.

Kingsway Capital Partners Limited is a limited company registered in England and Wales (10644372). Registered office address: Eighth Floor, 6 New Street Square, New Fetter Lane, London EC4A 3AQ, UK.