

DATA PROTECTION PRIVACY POLICY

NEW DATA PROTECTION REGULATION:

Data Protection Legislation means (i) before 25 May 2018, the EU Data Protection Directive 95/46 and all national implementing laws (including the UK Data Protection Act 1998); and (ii) on or after 25 May 2018, the EU General Data Protection Regulation 2016/679 ("**GDPR**"); together with all other applicable and national implementing legislation relating to privacy or data protection; and where we use the terms "**personal data**", "**data subject**", "**controller**", "**processor**" and "**process**" (and its derivatives), such terms shall have the meanings given to them in the Data Protection Legislation.

INTRODUCTION:

Elara Capital PLC is strongly committed to protecting the privacy of its customers and has taken all necessary and reasonable measures to protect the confidentiality of the customer information. We shall process any personal data we collect from you in accordance with Data Protection Legislation and the provisions of this Privacy Policy. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

DATA CONTROLLER:

For the purpose of the GDPR, Elara is the data controller of your information. This means that we are responsible for deciding how we hold and use your personal data. We are required under Data Protection Legislation to notify you of the information contained in this Data Protection Privacy Policy. The MLRO of Elara will be collecting and processing the personal data you provide us through application forms, our website, face-to-face and electronic communication (including telephone conversations) in order to provide our services to you.

THE KIND OF INFORMATION WE HOLD ABOUT YOU:

We may collect, store, and use the following categories of personal data about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses and other identifying addresses for electronic communications;
- Date of birth;
- Gender;
- Account details and related contact information;

- Details from Passports and other Government or state issued forms of personal identification (including National Insurance; Driver's License; Social Security and other identifying numbers);
- Employment status and salary;
- Marital status and dependants;
- Source of Wealth of Beneficial Owner(s)
- Financial information;
- Pay records;
- Location of employment or workplace;
- Copies of driving licences or other IDs like passports;
- Other information about an individual that you or they disclose to us when communicating with us;
- Photographic or video images;
- Telephonic or electronic recordings;
- IP addresses;
- Information we obtain from third parties, such as information that we obtain when verifying details supplied by you and information collected from publicly available sources such as Companies House. Such third parties may include fraud prevention agencies, banks, merchants and credit reference agencies.

Please note, however, that in certain circumstances it may be still lawful for us to continue processing this information even where consent has been withdrawn, if one of the other legal bases described below is applicable.

LAWFUL GROUNDS FOR USING YOUR INFORMATION:

We are permitted to process your personal data in compliance with Data Protection Legislation by relying on one or more of the following lawful grounds:

- You have explicitly agreed to us processing such information for a specific reason.
- The processing is necessary to perform the agreement we have with you or to take steps to enter into an agreement with you.
- The processing is necessary for compliance with a legal obligation we have.
- The processing is necessary for the purposes of a legitimate interest pursued by us, which might be :
 - to provide services to you;
 - to ensure that our customer accounts are well-managed;
 - To prevent, detect, investigate and prosecute fraud and alleged fraud, money laundering and other crimes and to verify your identity in order to protect our business and to comply with laws that apply to us and/or where such processing is a contractual requirement of the services or financing you have requested;
 - to protect our business interests;
 - to ensure that complaints are investigated;
 - to evaluate, develop or improve our services; or
 - to keep our customers informed about relevant services, unless you have indicated at any time that you do not wish us to do so.

PURPOSES OF PROCESSING:

Specifically, we and our other group companies may use your information for the following purposes and under the following legal bases:

How we use your information	Legal basis
To provide and manage your account(s) and our relationship with you	<ul style="list-style-type: none">• Where necessary for the performance of our agreement or to take steps to enter into an agreement with you;• Where the law requires this;• Where it's in our legitimate interests to ensure that our client accounts are well-managed, so that our clients are provided with a high standard of service, to protect our business interests and the interests of our clients;
To give you statements and other information about your account or our relationship	<ul style="list-style-type: none">• Where necessary for the performance of our agreement or to take steps to enter into an agreement with you;• Where the law requires this;
To handle enquiries and complaints	<ul style="list-style-type: none">• Where necessary for the performance of our agreement or to take steps to enter into an agreement with you;• Where the law requires this;• Where it's in our legitimate interests to ensure that complaints are investigated, for example, so that our clients receive a high standard of service and so that we can prevent complaints from occurring in future;• In the case of sensitive information, such as medical information, where you have agreed;
To provide our services to you	<ul style="list-style-type: none">• Where necessary for the performance of our agreement or to take steps to enter into an agreement with you;• Where the law requires this;
To evaluate, develop and improve our services to you and other customers	<ul style="list-style-type: none">• Where it's in our legitimate interests continually to evaluate, develop or improve our products as well as the experiences of users of our sites, so that

How we use your information	Legal basis
	our customers are provided with a high standard of service;
To protect our business interests and to develop our business strategies	<ul style="list-style-type: none"> • Where it's in our legitimate interests to protect our people, business and property and to develop our strategies; • Where necessary for the performance of our agreement or to take steps to enter into an agreement with you; • Where the law requires this; • In the case of sensitive information, such as medical information, where you have agreed;
<p>To contact you, by post, phone, text, email and other digital methods. This may be:</p> <ul style="list-style-type: none"> • to help you manage your accounts • to meet our regulatory obligations • to keep you informed about products and services you hold with us and to send you information about products or services (including those of other companies) which may be of interest to you. 	<ul style="list-style-type: none"> • Where the law requires this • Where we have agreed to contact you in our agreement • Where you agree • Where it's in our legitimate interests to share information with our clients about products / services that may be relevant and beneficial to them. Where we send you marketing messages, you can always tell us when you no longer wish to receive them.
To collect any debts owing to us	<ul style="list-style-type: none"> • Where it's in our legitimate interests to collect any debts owing to us; • In the case of sensitive information, such as medical information, where you have agreed;
To meet our regulatory compliance and reporting obligations and to prevent, detect, investigate and prosecute fraud and alleged fraud, money laundering and other crimes.	<ul style="list-style-type: none"> • Where the law requires this; • Where it's in our legitimate interests to prevent and investigate fraud, money laundering and other crimes; • Where such processing is a contractual requirement of the services or financing you have requested;
To assess any application you make, including carrying out fraud, money laundering, identity,	<ul style="list-style-type: none"> • Where you have made data public; • Where such actions are in our legitimate interests, for the protection of

How we use your information	Legal basis
sanctions screening and any other regulatory checks.	<p>our business interests;</p> <ul style="list-style-type: none"> • Where the law requires this; • In the case of sensitive information, such as medical information, where you have agreed;
To monitor, record and analyse any communications between you and us, including phone calls	<ul style="list-style-type: none"> • Where it's in our legitimate interests, to check your instructions to us, to prevent and detect fraud and other crime, to analyse, assess and improve our services to customers, and for training, for the enhancement of our customer service provision and protection of our business interests; • In the case of sensitive information, such as medical information, where you have agreed;
To transfer your information to or share it with any third party to whom your account has been or may be transferred following a restructure, sale or acquisition of any group company	<ul style="list-style-type: none"> • Where necessary for the performance of our agreement with you; • Where we have a legitimate interest in restructuring or selling part of our business;
To share your information with UK or other relevant tax authorities, credit reference agencies, fraud prevention agencies, and UK and overseas regulators and authorities	<ul style="list-style-type: none"> • Where the law requires this; • Where we have a legitimate interest in performing certain credit checks so that we can make responsible business decisions. As a responsible organisation, we need to ensure that we only provide certain products to companies and individuals where the products are appropriate, and that we continue to manage the services we provide, for example if we consider that you may have difficulties making a payment to us. • Where we have a legitimate interest in assisting with the prevention and detection of fraud and other crime; • Where we have a legitimate interest in assisting UK and overseas regulators, who monitor banks to ensure that they comply the law and regulations; • More detail on our data sharing with

How we use your information	Legal basis
	these organisations is set out below;
To share your information with our group companies and service providers	<ul style="list-style-type: none"> • Where necessary for the performance of our agreement; • Where we have a legitimate interest in using third parties to provide some services for us or on our behalf;

INFORMATION SHARING:

We keep all your personal data confidential. However, in order to be able to service your needs to the best of our ability, we may share any information you provide to us with our group companies and their agents, counterparties and support service or data providers, wherever located. If you have provided information to other members of our group, those entities may also share that information with us. We will ensure that if we share such information with third parties, any such disclosure is at all times in compliance with Data Protection Legislation.

To help us provide services, your data will be processed internally and externally by other third parties. We use third parties for administrative, servicing and monitoring purposes. We will outsource some services to third parties whom we consider capable of performing the required processing activities so that there is no reduction in the service standard provided to you by us.

The recipients or categories of recipients, of your information may be:

- Any revenue service or tax authority including to HMRC, if obliged to do so under applicable regulations. For Common Reporting Standards and FATCA, we may also have to report your account(s) to the necessary tax authorities.
- UK and overseas regulators and authorities in connection with their duties (such as crime prevention).
- Anyone to whom we may transfer our rights and/or obligations;
- Any other person or organisation after a restructure, sale or acquisition, as long as that person uses your information for the same purposes as it was originally given to us or used by us (or both).
- Fraud prevention agencies and law enforcement agencies who will use it to prevent fraud and money-laundering and to verify your identity if false or inaccurate information is provided by you and fraud is identified.

DETAILS OF DATA TRANSFERS OUTSIDE THE EU:

Information about you in our possession may be transferred to other countries outside the European Economic Area for any of the purposes described in this Privacy Policy.

You and they understand and accept that these countries may have differing (and potentially less stringent) laws relating to the degree of confidentiality afforded to the information it holds and that such information can become subject to the laws and disclosure requirements of such countries, including disclosure to governmental bodies, regulatory agencies and private persons, as a result of applicable governmental or regulatory inquiry, court order or other similar process. In addition, a number of countries have agreements with other countries providing for exchange of information for law enforcement, tax and other purposes.

When we, or our permitted third parties, transfer information outside the European Economic Area, we or they will impose contractual obligations on the recipients of that data to protect such information to the standard required in the European Economic Area. We or they may require the recipient to subscribe to international frameworks intended to enable secure data sharing. In the case of transfers by us, we may also transfer your information where the transfer is to a country deemed to provide adequate protection of your information by the European Commission or you have consented to the transfer.

If we transfer your information outside the European Economic Area in other circumstances (for example because we have to provide such information by law), we will use best endeavours to put in place appropriate safeguards to ensure that your information remains adequately protected.

RETENTION AND DISPOSAL OF DATA AND OUTPUT:

We will only keep the information we collect about you on our systems or with third parties for as long as required for the purposes set out above or as required to comply with any legal obligations to which we are subject. This will involve us regularly reviewing our files to check that information is accurate and up-to-date and still required.

We will normally destroy or erase data after statutory timelines lapse. However, we may retain your information, or information relating to your account after you cease to be a customer for longer than this, provided it is necessary for a legal, regulatory, fraud prevention or other legitimate business purpose.

STORAGE OF YOUR PERSONAL DATA AND DATA SECURITY:

We are committed to ensuring that your information is secure. In order to prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect.

All information you provide to us is stored in our secure servers. Your data is only accessible to authorised employees on a need to know basis and is protected using appropriate security controls, policies and checks in place.

Where we have given you (or where you have chosen) a password which enables you to access certain parts of our systems or website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. We will ensure all personal and company data is non-recoverable from any computer system previously used within the organisation which has been passed on/sold to a third party

In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know basis. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have also put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

RIGHTS OVER YOUR PERSONAL DATA:

Under certain circumstances, by law you have the right to:

- Be informed about the processing of your personal data (i.e. for what purposes, what types, to what recipients it is disclosed, storage periods, any third party sources from which it was obtained, confirmation of whether we undertake automated decision-making, including profiling, and the logic, significance and envisaged consequences).
- Object to your personal data being processed for a particular purpose or to request that we stop using your information.
- Request not to be subject to a decision based on automated processing and to have safeguards put in place if you are being profiled based on your personal data.
- Ask us to transfer a copy of your personal data to you or to another service provider or third party where technically feasible and otherwise required by applicable regulations.
- Withdraw, at any time, any consent that you have previously given to us for our use of your personal data.
- Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected. It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.
- Request the erasure of your personal data. This enables you to ask us to delete or remove personal data where you think that we do not have the right to process it.

Any request for access to or a copy of your personal data must be in writing and we will endeavour to respond within a reasonable period and in any event within one month in compliance with Data Protection Legislation. We will provide this information free of charge unless the request is manifestly unfounded or excessive. We will comply with our legal obligations as regards any individual's rights as a data subject.

If you would like to contact us in relation to any of the rights set out above please contact us at compliance.uk@elaracapital.com. To protect your privacy and security, we may take reasonable steps to verify your identity before providing you with the details.

RIGHT TO COMPLAIN:

To exercise all relevant rights, queries of complaints please in the first instance contact the Chief Compliance Officer, Gazala Khan at:
6th Floor, The Grove
248A Marylebone Road
London NW1 6JZ

Or email at compliance.uk@elaracapital.com

You can contact the Information Commissioners Office via their helpline on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.