

# 1<sup>st</sup> Policy - Data protection

Genève Invest (Europe) S.A.

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Responsible for this document:

The Data Protection Officer  
from Genève Invest (Europe) S.A.

Thomas Freiberg

## 1. History of change

Version	Date	Comment
0.9	2021-07-22	Preparation of the 1st draft by the Data Protection Officer
1.0	2021-08-13	Approval by the Executive Board
1.1	2021-08-22	Approval by the Board of Directors
2.0	2023-05-21	Approval by the Board of Directors
3.0	2024-06-30	Approval by the Board of Directors
3.1	2025-03-25	Amendments by Daniel Di Genova
3.2	2025-08-31	Approval by the Board of Directors

## 2. Definitions

CNPD:	the National Data Protection Commission of the Grand Duchy of Luxembourg. ( <i>Commission nationale pour la protection des données</i> )
Data Controller:	the natural or legal person, public authority, agency, or other body that determines the purposes and means of the processing of personal data.
Data Processor:	a natural or legal person, public authority, agency or other body that processes personal data on behalf of Genève Invest.
Data Subject:	any identifiable natural person whose personal data is collected, held, or processed by an organization.
Data Protection Officer:	data protection officer within the meaning of the GDPR.
GDPR:	General Data Protection Regulation.
Personal data:	certain information about natural persons who can be identified from that information, whether directly or indirectly, and in particular by reference to one or more factors specific to their physical, physiological, mental, economic, cultural or social identity.
Personal data breach:	means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.
Processing:	any operation or set of operations which is performed on personal data or on sets of personal data, whether by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

### 3. Legal basis and regulatory requirements

- General Data Protection Regulation (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016).
- Act of 1 August 2018 on the organisation of the National Data Protection Commission and the general data protection framework.
- Article 41 of the Luxembourg Law of 5 April 1993 on the financial sector.

### 4. Subject of the policy

Within the framework of this Policy, we, as data controller (the "**Data Controller**"), would like to inform our customers, prospective customers or other contractual partners, including their employees (the "**Data Subjects**" and each a "**Data Subject**") about (i) the processing of their personal data and (ii) their rights under applicable data protection laws. Relevant details result from Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (GDPR).

The specific data processed and its usage largely depend on the services requested or agreed upon.

The latest version of this policy is attached to the OHB and is available on our website at:

OHB: **03 - CF - 26 - 1<sup>st</sup> Policy - Data protection**  
website: **Policy - Data Protection**

### 5. Addressees

The Policy applies to and is communicated to all members of the Board of Directors and the Executive Board, directors, employees, agents and other persons working for Genève Invest, including temporary employees and interns ("the Employees" and each an "Employee").

## 6. Responsibility for data processing

Genève Invest (Europe) S.A. is a public limited company (société anonyme) incorporated under the laws of Luxembourg, with its registered office at 10, rue Michel Rodange, L-2430 Luxembourg. It is registered with the Luxembourg Register of Commerce and Companies (Registre de Commerce et des Sociétés) under number B 168640 ("Genève Invest").

### Genève Invest (Europe) S.A.

10, rue Michel Rodange  
L-2430 Luxembourg  
Tel.: +352 278 603 29

E-Mail: [client-support-lux@geneveinvest.com](mailto:client-support-lux@geneveinvest.com)

Website: [www.geneveinvest.com](http://www.geneveinvest.com)

Our company **data protection officer** - Mr Thomas Freiberg - can be reached at:

Thomas Freiberg - Data Protection Officer  
c/o Genève Invest (Europe) S.A.  
10, rue Michel Rodange  
L-2430 Luxembourg

Telefon: +352 278 603 29  
E-Mail: [thomas.freiberg@geneveinvest.com](mailto:thomas.freiberg@geneveinvest.com)

## 7. Exclusion of legal entities

Any legal person transferring Personal Data of its managers, directors, employees, agents or any other person, to the Data Controller ensures that these persons have been duly informed about this transfer of their respective Personal Data to the Data Controller, and that the relevant legal person has been duly authorised to do so in accordance with the GDPR and any other applicable laws.

Any legal person transferring Personal Data to the Data Controller guarantees that such transfer of Personal Data to the Data Controller will not put the latter in breach of the GDPR or any other applicable data protection laws.

## 8. General principles

Genève Invest is committed to:

- Protecting privacy and personal data,
- Processing personal data lawfully, transparently, and securely, and
- Respecting the rights of data subjects under the GDPR and other applicable data protection laws.

Furthermore, the Data Controllers are committed to comply with the general principles laid down by the CNPD.

## 9. Duties of Genève Invest as Data Controller

The Data Controller ensures that all Personal Data of the Data Subjects are collected, stored and handled in accordance with the obligations under the Policy, the GDPR and any other applicable data protection laws.

All Employees and any other person having access to Personal Data are subject to confidentiality obligations.

Genève Invest is committed to guarantee that:

- only persons that are subject to this Policy or equivalent data protection requirements handle Personal Data of the Data Subject;
- Personal Data is not shared informally;
- internal trainings are organised on a regular basis for all employees;
- all Personal Data are stored in accordance with appropriate security standards and
- Personal Data will be regularly deleted or anonymised by Genève Invest when no longer needed and/or required by law.

## **10. Transfer of Personal Data to Data Processors**

Genève Invest may call on Processors for the Processing of Personal Data, including, but not limited to, IT service providers, external auditors and legal counsels.

In such case, Genève Invest commits to only call on Processors providing sufficient guarantees with regards to the lawfulness, transparency and the security of the Processing of Personal Data.

Personal Data may be transferred by Genève Invest to public authorities, including, but not limited to, the Commission de Surveillance du Secteur Financier (CSSF) or judiciary authorities, if required by law, or if Genève Invest considers, in all good faith, that such disclosure is necessary to the safeguarding of the rights, property or security of Genève Invest, its clients or other counterparties, or the public.

## **11. Protection of Personal Data**

All Employees of Genève Invest are subject to statutory secrecy obligations and to contractual confidentiality obligations.

Genève Invest has implemented appropriate organisational and technical measures and infrastructures (including, in particular, IT and communication technology) in order to protect Personal Data from loss, any unauthorised use, modification or destruction. All infrastructure of Genève Invest comply with security standards imposed by the competent authorities.

## 12. Collection of Personal Data

The following categories of Personal Data (not exhaustive) are subject to processing by Genève Invest:

- Identification data (e.g. name, civil status, date of birth, nationality, address, identification documents, national identification number or similar identification number, tax number);
- Legal status (e.g. marital status, family composition, legal capacity);
- professional information (e.g. profession, current and previous political functions);
- Contact details (e.g. address(es), telephone number, e-mail, language);
- Preferences and interests (e.g. frequency of receiving portfolio status, interest in events, interest in articles and news published on the Genève Invest website and/or by mail);
- financial information (e.g. financial situation, history of accounts and transactions, investor profile);
- Contractual and usage information (e.g. details of the products and services that data subjects use, including how data subjects use them);
- open data, public information and information originating from third parties (e.g. freely accessible data on the internet, information from newspapers or official gazettes);
- Communications, i.e. information that data subjects exchange with Genève Invest in the course of the business relationship (e.g. letters, e-mails or telephone conversations).

In addition to the Personal Data categories listed above, other types of Personal Data may be subject to Processing that the Data Subjects may have voluntarily provided to Genève Invest, that were provided to Genève Invest in the context of their business relations or that Genève Invest has deducted or generated from Personal Data that were already in its possession.

## 13. Use of Personal Data

Genève Invest processes Personal Data for the following purposes (not exhaustive):

- Management of contracts;
- Management of suppliers, customers, partners and public relations;
- Countering money laundering, fraud and terrorist financing, preventing and detecting market abuse and insider trading;
- Compliance with legal and tax obligations;
- Conducting court proceedings and other possible disputes (lawsuits, claims, ...);
- Safety and security of Genève Invest, its activities, its partners, its customers, its visitors and the public;
- Technical and commercial information on the use of the services of Genève Invest;
- Creation of aggregated usage statistics (after pseudonymisation);
- Administration and maintenance of the website of Genève Invest;
- Communication and marketing, including the sending of newsletters.

Genève Invest ensures that Personal Data is only subject to Processing if at least one of the following requirements is met:

- The Processing is necessary for compliance with the legal obligations of Genève Invest;
- The Processing is necessary for the purpose of the Genève Invest's legitimate interest, namely:
  - o the proper execution and continuity of its activities and the expansion or improvement of its services and products,
  - o the information and communication to existing contractual relations about its products and services that it considers pertinent given its understanding of the Data Subject's profile,
  - o the protection of Genève Invest, of its activities, of its partners, of its clients, of its visitors and the public.
  - o When Processing Personal Data on the grounds of Genève Invest's legitimate interest, Genève Invest ensures that it is always in respect of the balance with the Data Subject's rights and fundamental interests;
- The Processing is necessary for the preparation, the conclusion and/or the performance of a contract between Genève Invest and the Data Subject;
- The Data Subject has given his/her consent for the Processing of his/her Personal Data for one or several specific purposes.

## 14. Rights of the Data Subject

Subject to any legal or regulatory obligations (including, in particular, know-your-customer requirements under applicable AML/CTF legislation) to which Genève Invest is bound, a Data Subject has the following rights regarding their Personal Data: "The Data Subject has the right to obtain a confirmation from Genève Invest as to whether or not Personal Data concerning him/her is subject to Processing by Genève Invest:

- Where applicable, the Data Subject has the right to access their Personal Data in accordance with all relevant laws, including the following information:
  - o the purposes of the Processing;
  - o the categories of Personal Data concerned;
  - o the recipients or categories of recipient to whom the Personal Data have been or will be disclosed;
  - o where possible, the envisaged period for which the Personal Data will be stored, if not possible, the criteria used to determine that period;
  - o the existence of the Data Subject's rights under this Policy, including his/her right to request from Genève Invest rectification or erasure of their Personal Data.
  - o where the Personal Data are not collected from the Data Subject, any available information as to their source;
  - o the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such Processing for the Data Subject;
  - o In the event Personal Data are transferred to a third country or to an international organisation, the Data Subject has the right to be informed of the appropriate safeguards implemented by Genève Invest to ensure the legality of such transfer.
- The Data Subject has the right to rectify or complete inaccurate or incomplete Personal Data;
- The Data Subject has the right to limit the Processing of Personal Data or to have it erased;
- The Data Subject has the right to have their Personal Data transferred to another data controller (within the meaning of the GDPR) of their choice;
- The Data Subject has the right to object to the Processing of their Personal Data and to withdraw their consent with respect to the Processing of their Personal Data;

Before fulfilling a Data Subject's request, Genève Invest reserves the right to request valid proof of identity from the claimant.

Once the legitimacy of the request and under the reservation that all the conditions have been satisfied, Genève Invest is committed to respond to such request within one (1) month from the date of its reception.

## 15. Duration of data storage

Genève Invest processes and retains Personal Data for as long as necessary to fulfil the business relationship. Legal obligations related to record-keeping and data retention - such as AML/CFT financing laws - may require a longer storage period.

In general, data is stored for up to ten years. However, depending on applicable national statutory limitation periods, retention may be extended for up to thirty years.

## 16. Personal data breach

A personal data breach refers to a security incident leading to accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to personal data that is transmitted, stored, or processed. In such cases, the supervisory authority must be notified within 72 hours of becoming aware of the breach. The notification must include:

- Description of the breach's nature, including, if possible, the categories and approximate number of data subjects and personal data records affected.
- Contact details of the Data Protection Officer or another contact point for further information.
- Likely consequences of the breach.
- Measures taken or proposed to address the breach, including steps to mitigate adverse effects.

The controller must document all personal data breaches, including the facts, effects, and remedial actions taken. This documentation should enable the supervisory authority to verify compliance.

If the breach is likely to result in high risk to the rights and freedoms of individuals, the controller must notify the data subjects without undue delay. Communication to data subjects should clearly describe the nature of the breach and include at least the information and measures mentioned above.

Communication to data subjects is not required if any of the following conditions apply:

- The controller has implemented appropriate technical and organizational measures, such as encryption, that protect the personal data affected by the breach.
- Subsequent measures ensure the high risk to individuals' rights and freedoms is no longer likely to materialize.
- It would involve disproportionate effort; in which case a public communication or similar measure should be made to inform data subjects effectively.

If the controller has not communicated the breach to data subjects, the supervisory authority may require them to do so or decide that any of the above conditions are met.

## 17. Complaint

Any complaint regarding this Policy, the GDPR or the protection of Personal Data should be addressed to the Data Protection Officer of Genève Invest:

Thomas Freiberg - Data Protection Officer  
c/o Genève Invest (Europe) S.A.  
10, rue Michel Rodange  
L-2430 Luxembourg  
  
Telefon: +352 278 603 29  
E-Mail: [thomas.freiberg@geneveinvest.com](mailto:thomas.freiberg@geneveinvest.com)

If a Data Subject believes that their Personal Data is not being treated in accordance with this Policy, the GDPR or other applicable data protection laws, a complaint may be lodged with the CNPD or another competent authority.

Such complaints may be addressed to:

15, Boulevard du Jazz  
L-4370 Belvaux

Tel: +352 26 10 60-1  
<https://www.cnpd.lu>

## 18. Applicable law and place of jurisdiction

The Policy is governed by Luxembourg law.

The courts of Luxembourg shall have exclusive jurisdiction over any action, suit or proceeding to enforce any provision of this Policy or arising out of or in connection with this Policy.

## 19. Change of policy

The Compliance department of Genève Invest is responsible for the content of this policy and the corresponding changes/updates.

Changes or updates may occur in the following cases:

- In the event of changes in legislation
- In the event of changes to the commercial activities of Genève Invest
- In the event of organizational changes within Genève Invest

Genève Invest's Compliance department reviews the content of this policy at least once a year.

In addition, the CCO will include information on the application and outcome of this policy in accordance with the defined controls in the control plan in his reporting to the Board of Directors. Such reporting will take place at least annually.

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