

# Julius Bär

## PRIVACY POLICY OF JULIUS BAER TRUST COMPANY (CHANNEL ISLANDS) LIMITED ON THE PROCESSING OF PERSONAL DATA IN ACCORDANCE WITH THE DATA PROTECTION (BAILIWICK OF GUERNSEY) LAW, 2017

The Data Protection (Bailiwick of Guernsey) Law 2017 ('the Guernsey Law') reflects the provisions of the EU General Data Protection Regulation 2016/679 (GDPR) but it covers all individuals, regardless of whether they are EU citizens or not. The following information from Julius Baer Trust Company (Channel Islands) Limited, Lefebvre Court, Lefebvre Street, P.O. Box 87, St Peter Port, Guernsey, GY1 4BS ('the Trust Company') is intended to give you an overview of how your data is processed by the Trust Company and your rights under the Guernsey Law. Which specific data is processed and how it is used depends upon the requested or agreed services.

If anyone represents you in dealings with us, such as agents or attorneys, or you provide us with information about other people that is relevant to the services we provide, such as family members, this Privacy Policy also covers how we handle the personal data of those individuals. **Please ensure that you provide these individuals with a copy of this Privacy Policy**, or, alternatively, you can ask us to provide a copy directly to an individual.

### 1. Contact details of the person responsible for data protection at the Trust Company

Julius Baer Trust Company  
(Channel Islands) Limited  
Data Protection Officer  
Lefebvre Court  
Lefebvre Street  
P.O. Box 87  
St Peter Port  
Guernsey GY1 4BS  
Channel Islands  
wpdata.gg@juliusbaer.com

### 2. Which data is used by the Trust Company?

The Trust Company processes data that it receives from its business relationship with you. This includes, among other data, personal data, i.e. data that directly identifies you as a client (e.g. name, address, telephone number, etc.), or a person related to a fiduciary structure (e.g. Settlers, Beneficiaries, Investment Advisors, and Protectors of a Trust), or data that allows for identification when used in connection with other information (e.g. name of the fiduciary structure). In addition to data that the Trust Company receives directly from you, it also obtains and processes data on you from sources available in the public domain (e.g. Internet, social media, debtor directories, land registers, trade and association registers, the press, etc.) or from other companies within the Julius Baer Group or authorised third parties.

The following personal data on you and/or other persons related to a fiduciary structure (e.g. Settlers, Beneficiaries, Investment Advisors, and Protectors of a Trust) is processed:

- personal details (name and any former name[s], address and other contact data, date and place of birth, as well as nationality),
- identification data (e.g. identification document data) and authentication data (e.g. specimen signature),
- professional details (e.g. job title and experience, knowledge of and experience in investment matters),
- instruction information (distribution requests, investment directions, partial revocation requests, letters of wishes),

### Julius Baer Trust Company (Channel Islands) Limited

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- information on your financial situation (e.g. data on creditworthiness, scoring/rating data, origin of assets, taxation-related data),
- documentation data (e.g. minutes of consultation),
- other data comparable with the above-mentioned criteria.

We may collect data on related corporates, trusts, partnerships, foundations, and may collect personal data on key individuals, such as Controllers, Shareholders, Beneficial Owners, Authorised Signatories, Settlers, Protectors, Beneficiaries, Foundation Officials, and underlying Policyholders.

## **Special category data**

The Trust Company is required under Guernsey financial crime legislation:

- to verify certain information in relation to parties to a structure with the Trust Company, including their source of wealth. The Trust Company may utilise open-source intelligence available using public search engines, information recorded on public media sites as well as other commercially available, subscription-based sources in order to do this. This open-source information may contain special category data such as references to political opinions and affiliations, religious or philosophical beliefs, or to offences committed or alleged to have been committed,
- to screen the names of parties to a structure against international sanctions lists.

The Trust Company does not require your consent for collecting and processing this special category data in relation to the above obligations because it is necessary to do so in order for the Trust Company to comply with the duties imposed on it by financial crime legislation.

Biometric data is personal data of a particularly sensitive nature. Therefore, where necessary, the Trust Company will obtain separate, express consent before, for example, using your fingerprint or any other biometric identification feature for accessing certain applications or uses.

## **3. For what purpose and on what legal basis does the Trust Company use your data?**

### **a) For the fulfilment of contractual obligations**

The processing of your data allows the Trust Company to provide the services contractually agreed with you. Data processing is primarily driven by the wealth planning services requested by you (e.g. trust and company administration services). Your data will be used, among other purposes, for the analysis of any potential needs. Further details can be found in your contract documents or in the Private Trust Application Documentation and/or the Trust Company's General Terms and Conditions of Business.

### **b) On the basis of statutory requirements or in the public interest**

The Trust Company is subject to various legal obligations in Guernsey (e.g. Guernsey financial crime legislation, Guernsey taxation legislation, Guernsey company and beneficial ownership legislation) as well as regulatory obligations imposed by its regulator, the Guernsey Financial Services Commission (e.g. Guernsey fiduciary legislation). The purposes of the processing include, among others, the verification of creditworthiness as well as identity and age, the prevention of fraud and money laundering, the fulfilment of tax-related monitoring and reporting obligations, as well as the assessment and management of risks in the Trust Company and within the Julius Baer Group.

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## c) Within the context of weighing up interests

To protect its own legitimate interests or interests of third parties, the Trust Company will also process your data for the following purposes:

- preventing and investigating criminal acts,
- assertion of legal claims and defence against any legal disputes,
- guaranteeing the Trust Company's IT security and IT operation,
- measures for the security of buildings and systems (e.g. entry controls),
- recovery of fees and debts due to the Trust Company,
- risk management within the Trust Company and the Julius Baer Group.

## Marketing

The Trust Company may use your personal information to tell you about products and services that we think may be of interest to you. We believe that it is necessary for our legitimate interests, i.e., to develop our products and services and to grow our business.

**You have the right at any time to ask us to stop sending you marketing messages. To do this please contact the Trust Company's Data Protection Officer using the details given in paragraph 1 of this document.**

## 4. Who can access your data?

Within the Trust Company, access is only granted to those personnel who require your data for the fulfilment of the Trust Company's contractual and legal obligations (need-to-know principle). Service providers and vicarious agents appointed by the Trust Company process your data for the same purpose. These include companies in the areas of banking services, IT services, logistics, printing services, document storage, telecommunications, and consultancy.

If the Trust Company transmits data to external recipients, information on you may only be forwarded by the Trust Company if this is a legal requirement, or if you have agreed to this (e.g. for a financial transaction on your behalf), or if the Trust Company is authorised to issue trust-related information. Subject to these conditions, recipients of personal data can include, among others:

- public bodies and institutions (e.g. the Guernsey Financial Services Commission, the Guernsey Income Tax Office, the Guernsey Registry, and their overseas equivalents where relevant, including law enforcement authorities) in the event of a statutory or official obligation,
- other credit and financial services institutions or similar institutions to which the Trust Company transmits personal data within the context of its business relationship with you (e.g. correspondent banks, custodian banks, brokers, stock exchanges, securities commissions, information agencies),
- other companies within the Julius Baer Group for risk management as a result of legal or regulatory obligations,
- the Trust Company's professional advisors, such as lawyers and auditors.

## 5. Does the Trust Company transmit the data abroad?

Guernsey is not a member of the European Economic Area (EEA) but it is considered by the European Commission to be an adequate jurisdiction for data protection purposes. Your data may be transmitted to entities in other countries outside Guernsey (e.g. British Virgin Islands, Cayman Islands, Bahamas) if:

- this is required for the execution of the agreed service, or
- it is a statutory requirement (e.g. disclosure obligations under tax law).

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Data transfers between Julius Baer Group entities are governed by an agreement containing standard clauses approved by the European Commission to protect data.

Data transfers to third parties are secured through corresponding guarantees of the recipients to ensure appropriate data protection.

## 6. How long will your data be stored?

The Trust Company processes and keeps your data only for as long as is necessary to fulfil its contractual, regulatory, and legal obligations.

If the data is no longer required for the fulfilment of these obligations, it will be deleted at regular intervals, unless it is still required for temporary further processing. Examples of this would be:

- on instruction from a public body in the context of an ongoing enquiry or investigation (e.g. an ongoing law enforcement, regulatory or tax matter),
- in the event of anticipated litigation,
- if the Trust Company is unable to delete it for technical reasons (in which case we will seek to put your data beyond use).

## 7. What are your rights under the Guernsey Law?

Under the Guernsey Law you have the following rights:

- requesting access to your personal information which enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it,
- requesting that this be corrected if it is incorrect,
- requesting that this data be deleted if the Trust Company is not permitted or does not have to store this data,
- requesting that the processing of this data be restricted. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it,

- object to the processing by the Trust Company:
  - if the Trust Company only processes the data on the basis of its legitimate interests; in this case it will cease the processing unless this is outweighed by its own interests or it needs to process the data in order to exercise its rights, or
  - if the processing is carried out with a view to direct advertising,
- request that your personal data which you have provided to the Trust Company be transmitted to another party in a generally available, machine-readable, and standard format,
- object to a decision made purely on the basis of automated processing.

You also have a right to complain to the Guernsey Data Protection Commissioner if you believe that the Trust Company has breached the above rights or any other provision of the Guernsey Law. The Commissioner can be contacted on +44 (0)1481 742074 and its website, which includes details of how to make a complaint, is [www.odpa.gg](http://www.odpa.gg).

## 8. Is decision-making automated?

You have the right to object to a decision made purely on the basis of automated processing. However, as a basic principle, the Trust Company does not use fully automated decision-making for commencing and conducting its business relationships. If the Trust Company does apply this procedure as an exception in individual cases, it will inform you accordingly.

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## **9. Will your data be automatically processed?**

In specific areas, the Trust Company will process your data on a semi-automatic basis, the aim being to evaluate certain personal criteria (profiling). For example, in order to combat money laundering, the financing of terrorism, and criminal acts such as fraud, the Trust Company also conducts data assessments (e.g. in payment transactions). The aim of these measures is to protect you.

## **10. What data do you have to supply?**

The Trust Company requires you to provide the data necessary for the acceptance and execution of a business relationship and the fulfilment of the associated contractual and/or legal obligations. Unless it has this data, the Trust Company is usually unable to conclude or implement the contract for a business relationship.

Under Guernsey financial crime legislation, the Trust Company is obligated to verify your identity on the basis of your identification document and in this context to collect and store your full name and any former name(s), your address, nationality, date and place of birth, and identification data prior to the commencement of a

business relationship. In order for the Trust Company to comply with this legislation, you are obligated to supply it with the necessary information. If this information changes during the course of the business relationship, you are obligated to notify the Trust Company without delay. If you do not provide the Trust Company with the necessary information, it will not be able to commence or continue a business relationship with you.

## **11. Where can you find the current Privacy Policy?**

This Privacy Policy can be adapted at any time in accordance with the corresponding regulations. You can find the respective current version at [www.juliusbaer.com/clientdataprivacypolicy#GuernseyTrust](http://www.juliusbaer.com/clientdataprivacypolicy#GuernseyTrust).

## **12. How can you contact the Trust Company?**

If you have any questions about how your data is treated, your relationship manager as well as the Trust Company's Data Protection Officer mentioned in paragraph 1 of this document will be happy to assist you.

Guernsey, May 2018