



## Privacy Notice

### **1. Introduction**

Omega Funds Investment Limited (hereinafter “the Company” or “**us**” or “**we**”) has committed to handle personal data and related privacy matters in a fully transparent manner and in accordance with the current legislation in force. During the course of our Business Relationship with you, we might need to collect and process your personal data. These might be personal data of natural persons including but not limited to, individuals who become our clients, our clients’ contractors, business affiliates, authorised representatives, employees, directors, beneficial owners and shareholders as well as individuals who are the Company’s contractors and/or business affiliates (hereinafter “**you**”).

During the course of our Business Relationship, we collect and process personal data. We are a data controller in respect of such personal data. This means that we are responsible for determining the purposes and means of the processing of such personal data.

For the purposes of this Privacy Notice, ‘Personal data’ means any information relating to an identified or identifiable natural person and ‘Processing’ means any operation or set of operations which is performed on personal data, whether or not by automated means, such as collection, recording, storage, use, disclosure, erasure or destruction. “Business Relationship” means our commercial and/or business and/or other relationship with you including, but not limited to, for the provision of our services to you or vice versa and the various transactions entered into between us and you from time to time.

Pursuant to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (the “**GDPR**”) and The Protection of Natural Persons against the Processing of their Personal Data and the Free Movement of such Data Law of 2018 (L.125(I)/2018), and other applicable data protection laws, as amended from time to time, we are required to notify you of the information contained herein.

## 2. Our Principles

When we process your personal data, such data is:

- (i) Processed lawfully, fairly and in a transparent manner in respect to the data subject ('lawfulness, fairness and transparency');

This means that we provide information to you in respect of the processing of your personal data (transparency), the processing matches the description given to you (fairness), and that it is based on at least one of the lawful basis set out in the GDPR (lawfulness).

- (ii) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; ('purpose limitation');

This means that we specify exactly what personal data is collected for, the purpose of use and limit the processing of personal data to only what is necessary to meet the relevant purpose.

- (iii) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimization');

This means that we do not process any personal data over and above what is required.

- (iv) Accurate and, where necessary, kept up to date; every reasonable step is taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

This means that we have in place processes for identifying and addressing out-of-date, incorrect or unnecessary personal data.

- (v) Kept in a form which permits identification of data subjects only for the period necessary for the purposes for which their personal data are processed ('storage limitation');

This means that we store personal data only for the max required period and delete them right after in such a way that limits or prevents identification of the data subject.

(vi) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures ('integrity and confidentiality').

### **3. Categories of Personal Data**

We process the following categories of personal data:

- (i) Contact information such as first name, last name, address, telephone, fax number, e-mail address, country of residence;
- (ii) Personal characteristics such as date of birth, country/place of birth;
- (iii) Government issued identifiers such as passport, identification card, tax identification number, tax certificate, social insurance number etc;
- (iv) Financial details (including but not limited to bank account number/details, data on transactions, financial information including origin of wealth);
- (v) Functions and powers of relevant representative(s) (where applicable);
- (vi) Employment and occupation information (including but not limited to CV, professional memberships, job title and responsibilities, professional qualifications); and
- (vii) Publicly available information (where applicable).

#### Special Categories of Personal Data (sensitive data)

In certain cases we may collect and process special categories of personal data which is information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data concerning health or data concerning sex life or sexual orientation. We shall process such data subject to your documented consent and/or where the processing is necessary for the establishment, exercise or defense of legal claims relevant to us.

If during the course of our business relationship there is a change in your personal data you must ensure that the above details (as and where applicable) are updated by contacting us as soon as practically possible.

#### **4. Purposes of Processing**

We will process your personal data (as and where applicable) for the purposes and/or as a result of (i) meeting our obligations under our Business Relationship and/or agreement entered into and/or exchanged between us in relation to inter alia, the reception and transmission of orders in relation to financial instruments and/or execution of orders and/or portfolio management and/or other ancillary services such as safekeeping and administration of financial instruments, granting of credits or loans to investors, foreign exchange services; (ii) operation, management and control of the affairs of our business and its purposes; (iii) general planning and organization of our business; (iv) maintaining our IT systems, including our human capital, administrative and management systems, processes and policies; (v) maintaining and developing our business relationship with you; (vi) maintaining and developing our business with our clients, the carrying out of surveys and direct marketing (including via our website); (vii) management, planning and organization at work; and (viii) performing credit and fraud prevention checks and complying with any requirement of law and/or regulation (including but not limited to the Investment Services and Activities and Regulated Markets Law of 2017, the Prevention and Suppression of Money Laundering and Terrorist Financing Law of 2007, as amended and all relevant Directives and Circulars issued from time to time by the Cyprus Securities and Exchange Commission) and/or of any competent authority or professional body (where applicable) of which we are a member (e.g. the Association of Cyprus International Investment Firms) and/or are licensed under (e.g. the Cyprus Securities and Exchange Commission). (ix) the rendering of services from you to our Company under our business relationship

#### **5. Lawful Basis of Processing**

We are committed to your privacy. As part of the values we stand for, we will always consider your fundamental rights as a data subject. We process your personal data for the purposes mentioned above on the lawful basis that (i) the processing is necessary for compliance with a legal obligation to which we are subject (e.g. KYC requirements, reporting requirements under our license issued by the Cyprus Securities and Exchange Commission and complying with

FATCA rules and CRS rules); (ii) the processing is necessary for the performance of an agreement which you have entered into with us and in order to take steps at your request prior to entering into the said agreement(s); (iii) you have given consent (if and where applicable); and (iv) the processing is necessary for maintaining our business relationship and for the purposes of the legitimate interests pursued by us, except where such interests are overridden by your interests or fundamental rights and freedoms as a data subject, which require protection of personal data.

The existence of a legitimate interest shall be carefully assessed including whether the data subject (you) can reasonably expect at the time and in the context of the collection of the personal data that such transfer may take place. We will consider in full detail the specific circumstances under which the personal data is collected in order to consider in full depth whether our legitimate interest would supersede the rights of data subject.

Such legitimate interests include, inter-alia, our business and/or commercial interests and the management, operation and marketing of our business and/or our exercise or defense of legal claims and/or the prevention of fraud and money laundering activities and/or to disclose information to other data recipients such as our service providers, auditors and technology providers and/or to comply with obligations or internal policy requirements of our business, and/or to monitor and improve our relationships with you and/or to keep our internal records and/or to monitor communication to/from you using our systems and/or to protect the integrity of our IT systems.

Where we decide to rely on explicit consent to process your personal data, we will contact the relevant data subject (you) to request this accordingly. In case consent is relied solely upon to achieve a lawful basis of processing of your personal data, you will have the right to withdraw this consent at any time.

## **6. Disclosure of Personal Data**

When and if required to fulfil our obligations under our business relation with you, we might need to disclose your personal data to one or more of the following categories of recipients:

- (i) other member companies and/or entities of and/or affiliated entities to the group of companies which we belong to;

- (ii) our clients, business partners and/or business affiliates;
- (iii) our contractors, vendors and/or other business associates;
- (iv) our auditors, administrators, lawyers, tax advisors, valuers, consultants, accountants, investment advisors, credit reference and fraud prevention agencies and other professional advisors (as shall be engaged from time to time);
- (v) our IT service providers and other companies who assist us with the effective operation of our business by providing technological expertise, file storage and record management, logistic services and solutions and other subcontractors;
- (vi) persons acting on behalf of beneficial owners/shareholders of our clients/contractors being legal entities, including and not limited to payment recipients, beneficiaries, account nominees, intermediary, correspondent and agent banks;
- (vii) banks and/or other financial institutions, payment services providers, and insurance companies; and
- (viii) public and regulatory authorities and other competent authorities of which we are a member and/or are licensed under (where applicable), for the purposes described above.

When we transfer personal data to countries located outside of the EEA we carry out such transfers:

- (i) to recipients who are in a country which provides an adequate level of protection for personal data or
- (ii) to recipients who are in a country which does not provide an adequate level of protection for personal data in which case such transfers are carried out under appropriate safeguards pursuant to the provisions of applicable data protection laws (e.g. under an agreement in the form of standard data protection clauses adopted by the European Commission), the form of which is available at [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en).
- (iii) Occasionally to recipients who do not fall under (i) or (ii) above. In these cases, we may only carry out such transfers where (a) we have obtained the explicit consent from the relevant data

subject (you) in respect of the proposed transfer, provided that the data subject (you) has been informed of the possible risks of such transfer (due to the absence of an adequate level of protection decision and appropriate safeguards); (b) the transfer is necessary for the performance of a contract between the data subject and us, or (c) the transfer is necessary for the performance of a contract concluded in the interest of the data subject between us and another person or (d) the transfer is necessary for the establishment exercise or defense of legal claims.

## 7. Your Rights as a data subject

- (i) **Right of access** – you have the right to request a copy of the information that we hold in relation to you.

You have the right to confirmation as to whether or not we process your personal data and, where we do, access to the personal data, together with certain additional information. Such additional information includes inter-alia, details of the purposes of the processing, the categories of personal data concerned and the categories of recipients of the personal data. The right to obtain a copy of your data shall not adversely affect the rights and freedoms of the Company or other third parties .

- (ii) **Right of rectification** – you have a right to correct data that we hold in relation to you and that is inaccurate or incomplete.

You have the right to have any inaccurate personal data in relation to you rectified and, taking into account the purposes of the processing, to have any incomplete personal data of yours completed.

- (iii) **Right to be forgotten** (right to erasure) – where certain criteria are met you can ask for the data we hold in relation to you to be erased from our records.

In some circumstances you have the right to request the erasure of your personal data without undue delay. Those circumstances include cases where (i) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; (ii) you withdraw consent for info/data on which the processing is based solely on consent; (iii) you object to processing which is based on our legitimate interests and we

do not have overriding legitimate grounds for the processing; (iv) the processing is for direct marketing purposes; (v) the personal data have been unlawfully processed; and (vi) the personal data have to be erased for compliance with a legal obligation to which we are subject.

The above shall not apply where processing is necessary (i) for exercising the right of freedom of expression and information; (ii) for compliance with a legal obligation which requires processing by a law to which we are subject; and (iii) for reasons of public interest; or for the establishment, exercise or defense of legal claims.

- (iv) **Right to restriction of processing** – where certain criteria are met you can ask to restrict the processing.

In some circumstances you have the right to request the restriction of processing of your personal data by us. Those circumstances include cases where (i) you contest the accuracy of the personal data, for a period enabling us to verify the accuracy of the personal data; (ii) processing is unlawful but you oppose erasure and you request the restriction of their use instead; (iii) we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defense of legal claims; (iv) you have objected to processing which is based on our legitimate interests, pending the verification of that objection.

Where processing has been restricted on the basis of the above, we will continue to store your personal data. However, we will only otherwise process it (i) with your consent; (ii) for the establishment, exercise or defense of legal claims; (iii) for the protection of the rights of another natural or legal person; or (iv) for reasons of important public interest.

- (v) **Right to object** – you have the right to object to certain types of processing.

You have the right to object on grounds relating to your particular situation, to the processing of personal data to the extent that such processing is based on being necessary (i) for the performance of a task carried out in the public interest or in the exercise of any official authority vested in us; or (ii) for the purposes of the legitimate interests pursued by us or by a third party. If you make such a request, we will cease to process the personal data



unless we have compelling legitimate grounds for the processing, or the processing is for the establishment, exercise or defense of legal claims.

- (vi) **Right of portability** – you have the right to have the data we hold in relation to you transferred to another organization (data controller).

You have the right to receive personal data which you have provided to us in a structured, commonly used and machine-readable format and the right to transmit those data to another data controller. However, please note that this right to data portability only arises where (a) the processing is based on consent (as and where applicable) or is necessary for the performance of a contract to which you are a party; and (b) the processing is carried out by automated means (as and if applicable). In conforming to such requests we will not adversely affect the rights and freedoms of others.

- (vii) **Right to withdraw consent** – where the processing is based on your written consent you have the right to withdraw such consent at any time, without affecting the lawfulness of processing which was based on consent.

To the extent that the legal basis for our processing of your personal information is consent (as and where applicable), you have the right to withdraw that consent only if such withdrawal will not affect the lawfulness of processing before the withdrawal.

- (viii) **The right to lodge a complaint to a supervisory authority**

You have a right to lodge a complaint with the Office of the Commissioner for the Protection of Personal Data in Cyprus at any time. For further information in relation to the lodge of your complaint with the supervisory authority, please visit [http://www.dataprotection.gov.cy/dataprotection/dataprotection.nsf/page1i\\_en/page1i\\_en?opendocument](http://www.dataprotection.gov.cy/dataprotection/dataprotection.nsf/page1i_en/page1i_en?opendocument).

## **8. Retention of personal data**

We shall process and store your personal data for as long as you have a business relationship with us and for up to five years thereafter and/or as required under applicable laws or

competent authorities. Your personal data may be retained for longer periods for the purposes of our legitimate interests in case of any on-going legal proceedings period.

## **9. Security**

As part of our privacy policy, we process personal data which is adequate, relevant and limited to what is necessary in relation to the purposes mentioned above and implement appropriate technical and organizational measures to ensure an adequate level of security appropriate to the applicable risk. Such measures aim to prevent unauthorized or unlawful processing, accidental loss, destruction or damage of personal data and may include inter-alia, pseudonymization and encryption of personal data.

## **10. Our Website**

We use a number of cookies on our website <https://omegainvest.com.cy/> for technical purposes. In this respect, we do not collect and/or process personal data of visitors to our website.

## **11. Further Information**

Further information and/or queries and/or requests regarding the processing of your personal data and any of your rights (where applicable) in respect of your personal data, can be requested by contacting us in writing as follows:

By e-mail : [gdpr@omegainvest.com.cy](mailto:gdpr@omegainvest.com.cy)

By post: 1 Georgiou A' street, Monastiraki Centre, 3rd Floor, Germasogia, Limassol, 4040, Cyprus

## **Amendments**

This Privacy Notice is kept under regular review and is updated from time to time. We will, where appropriate, notify you about amendments as soon as practically possible. Kindly note that, the Privacy Notice kept on our website shall be considered as the most recently updated notice.