

Capital**BAY**

Privacy Policy
2021

CAPITAL BAY FUND MANAGEMENT

2, rue Jean Monnet

L-2180 Luxembourg

A company of **CAPITAL BAY GROUP**

Information obligations in the event of a collection of personal data

As controller in terms of data protection, we would like you to feel secure with regard to the protection of your personal data in connection with our services. We take the protection of your personal data very seriously. Compliance with German and European data protection regulations is a matter of course for us.

In the following, we would like to inform you about the processing of your personal data in connection with the use of and communication with us and our employees. A description of the data processing on our website can be found here <https://capitalbay.de/en/data-protection> .

1. Name and contact details of the controller

Responsible for all data processing activities herein is:

Capital Bay Fund Management (hereafter „Capital Bay“)

2, rue Jean Monnet

L-2180 Luxembourg

Luxembourg

2. Contact details of the data protection officer

Thorsten Steffen

2, rue Jean Monnet

L-2180 Luxemburg

E-Mail: compliance@capitalbay.lu

3. Purposes of processing

Capital Bay collects and processes data of interested parties on various channels and from various sources. Interested party data is all personal data of interested parties in a service of Capital Bay. The following data is processed for contact purposes:

- First and last name
- Salutation
- e-mail address
- Position / department within the Company
- Address
- All personal data provided to us in the course of customer communication
- Your mobile phone number
- Your landline number

Capital Bay collects data in the following ways and from the following sources:

- From publicly available sources
- Enquiries made directly to us;
- Requests by message to Capital Bay employees, e.g., via email, LinkedIn Messages, Xing Messages, or other communication channels;
- Enquiries at trade shows or other events where data is shared with Capital Bay employees for the purpose of contacting them; or
- Our own research into potential prospects on business directories, contact details on websites or professional networks.

We process your personal data for the following purposes:

- Information about Capital Bay Group and 360 Operator GmbH,
- Preparing quotations,
- Processing of enquiries from interested parties, this includes, for example, the preparation and sending of an individual offer or individual agreement and transmission of contractual conditions with the aim of concluding a contract,
- Preparation and implementation of pre-contractual measures, in particular the transmission and agreement of contractual conditions with the aim of concluding a contract,
- Establishment, implementation or termination of the contractual relationship,
- To include you in our customer database,
- To check your creditworthiness,

- To fulfil our contractual obligations arising from the contractual relationship with you.
- Inclusion in our contact database,
- To contact you (e-mail, telephone),
- Customer administration and customer care - in particular the processing of customer enquiries.
- Direct advertising in the form of telephone calls and e-mails,
- preparation of invoices,
- Fulfilment of post-contractual measures or
- Assertion, exercise or defence of legal claims.

First of all, data collection takes place on the basis of legitimate interest. A balancing of interests always takes place. In doing so, we weigh the rights and freedoms of the data subject against the interests of Capital Bay. In further communication, consent is obtained verbally, and this is stored in our CRM tool. The following service providers are involved in our processing of personal data in the prospect process as processors:

- Salesforce, salesforce.com, inc. and its German subsidiary, Salesforce Germany GmbH, Erika-Mann-Str. 31, 80636 Munich (hereinafter referred to as: Salesforce). Capital Bay uses Salesforce to manage the prospect and customer end process. This serves to simplify the processing of enquiries and the allocation of internal tasks. A data processing agreement has been concluded with Salesforce. In the process, data is transferred to Salesforce servers in the US. Salesforce has adopted Binding Corporate Rules (BCR, binding internal data protection rules) to allow the transfer of personal data from the EU and EEA to Salesforce sites outside the EU and EEA. You can find Salesforce's Binding Corporate Rules at <https://compliance.salesforce.com/en/salesforce-bcrs> or obtain them by sending an informal email to info-de@salesforce.com. This may transfer data to Salesforce servers in the US. Salesforce has adopted Binding Corporate Rules (BCR) to allow the transfer of personal data from the EU and EEA to Salesforce locations outside the EU and EEA. You can find Salesforce's Binding Corporate Rules at <https://compliance.salesforce.com/en/salesforce-bcrs> or obtain them by sending an informal email to info-de@salesforce.com.

You can find more information about Salesforce's processing of data here:
https://www.salesforce.com/de/company/privacy/full_privacy/

In the context of the existing (customer) relationship, we also process the following personal data about you:

- Address
- Customer number

- Surname
- First name
- Your e-mail address
- Your mobile phone number
- Your landline number

Data processing takes place on the basis of the contractual relationship, as well as on the basis of legitimate interest. A balancing of interests always takes place. In doing so, we weigh up the rights and freedoms of the person concerned against the interests of Capital Bay, in the form of contract fulfilment vis-à-vis our customers.

4. Lawful bases of processing

Your personal data will be processed on the basis of the following legal bases:

Processing of information according to prospects and leads:

- 6 (1) 1 lit. a GDPR
- 6 (1) 1 lit. b GDPR
- 6 (1) 1 lit. f GDPR

Processing of customer data:

- 6 (1) 1 lit. a GDPR
- 6 (1) 1 lit. b GDPR
- 6 (1) 1 lit. f GDPR

Processing of supplier data/service provider data:

- 6 (1) 1 lit. b GDPR
- 6 (1) 1 lit. f GDPR

5. Recipients or categories of recipients of personal data

Your personal data could be shared with the following recipients:

- Data processors
- Affiliated companies
- Third parties
- Authorities e.g. (tax offices, courts, trade supervisory office)
- Billing partners
- Credit institutions
- Logistics companies
- Postal and parcel service providers
- Tax consultants
- Auditors

6. Transfer of personal data to third countries

In principle, the personal data collected and gathered during the provision of relevant products and services is stored on our servers in the European Union. However, because the providers of our software solutions, among others, offer their products and/or services on a global basis based on available resources and servers, your personal data may be transferred to or accessed from other jurisdictions outside the European Union and the European Economic Area. In particular, personal data will be transferred through the use of Salesforce to the third country USA within the meaning of Article 15 (2) GDPR, which has not been recognised by the EU Commission and the ECJ as providing an adequate level of data protection. In order to ensure the continuation of the necessary level of protection when data is transferred to a third country, contractual measures are agreed for this purpose. To ensure appropriate guarantees for the protection of the transfer and processing of personal data outside the EU, the transfer of data to and processing of data by our service providers is carried out on the basis of appropriate guarantees pursuant to Art. 46 et seq. GDPR, in particular by concluding so-called Standard Contractual Clauses pursuant to Art. 46 (2) lit. c GDPR.

7. Duration of the storage of personal data

We do not store your personal data for longer than necessary. This means, that data will be destroyed or deleted from our systems as soon as it is no longer needed. Reasonable steps will be taken by us to ensure that your personal data is only processed under the following conditions:

1. For the duration that the data is used to provide you with a service
2. As required by applicable law, contract or in respect of our legal obligations
3. Only for as long as necessary for the purpose for which the data was collected, or longer if required by contract, applicable law, using appropriate safeguards.

A requirement may exist in particular if the data is still needed in order to fulfil contractual services, to be able to check and grant or ward off warranty and, if applicable, guarantee claims. If the data is no longer required for the fulfilment of contractual or legal obligations, it is regularly deleted, unless its - temporary - retention is still necessary, in particular for the fulfilment of legal retention periods of up to ten years (e.g., from the German Commercial Code, the German Fiscal Code and the German Money Laundering Act). In the case of statutory retention obligations, deletion will only be considered after expiry of the respective retention obligation.

8. Data Subject Rights

According to the General Data Protection Regulation, you have the following rights:

- If your personal data is processed, you have the right to receive information from the controller about the data stored about you (Art. 15 GDPR).
- If incorrect personal data is processed, you have the right to have it corrected (Art. 16 GDPR).
- If the legal requirements are met, you may request the deletion or restriction of processing (Art. 17 and 18 GDPR).
- If you have consented to the data processing or if there is a contract for data processing and the data processing is carried out with the help of automated procedures, you may have the right to data portability (Art. 20 GDPR).
- If the personal data concerning you is processed for the purpose of direct marketing, you have the right to object at any time to the processing of personal data concerning you for the purpose of such marketing; this also applies to profiling, insofar as it is related to such direct marketing. If you object to the processing for direct marketing purposes, the personal data concerning you will no longer be processed for these purposes.
- Furthermore, you have the right to lodge a complaint with a supervisory authority (Art. 77 GDPR). The supervisory authority responsible for us is Luxembourg National Data Protection Authority (Commission nationale pour la protection des données - "CNPD").

You can reach this authority at:

CNPD

<https://cnpd.public.lu>

Post: 15, Boulevard du Jazz, L-4370 Belvaux, Luxembourg

E-Mail: info@cnpd.lu

Phone: +352 26 10 60-1

Fax: +352 26 10 60 29

If the legal requirements are met, you may object at any time to the processing of personal data relating to you that is carried out on the basis of Article 6 (1) (e) or (f) of the GDPR for reasons that arise from your particular situation (Article 21 of the GDPR).

9. Right to withdraw consent

If you have consented to processing by the data controller by means of a corresponding declaration, you may withdraw your consent at any time for the future. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.