

PRIVACY NOTICE

Introduction

This privacy notice describes how we collect and use personal information about you during and after your relationship with us, in accordance with the Data Protection (Bailiwick of Guernsey) Law 2017 when it comes into force (the Guernsey Data Protection Law).

All organisations active in the European Union (EU) will need to comply with the General Data Protection Regulation (GDPR) in addition to local data protection law when it comes into force. This privacy notice is therefore designed to ensure compliance with both the Guernsey Data Protection Law and the GDPR.

Trust Corporation International (“TCI”, “we” or “us”) is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

TCI specialises in the provision of international corporate administration and trustee services and is committed to protecting your personal data when you use our services and website, or benefit from our services.

This notice applies to clients, beneficiaries, service providers, business referrers and intermediaries of TCI (whether existing, prospective, declined, exited or former) and users of our website. This notice does not form part of any contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Whenever you provide such data, we are legally obliged to process your data in accordance with data protection law.

Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

- used lawfully, fairly and in a transparent way;
- collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- relevant to the purposes we have told you about and limited only to those purposes;
- accurate and kept up to date;
- kept only as long as necessary for the purposes we have told you about; and
- kept securely.

What personal data will we collect and process?

Personal data, or personal information, means any information relating to an identified or identifiable individual. It does not include data where the identity has been removed (anonymous data).

We will collect, store, and use the following categories of personal information about you:

- personal contact details such as name, title, addresses, telephone numbers, personal email addresses and website URL;
- date and place of birth;
- gender;
- marital status and dependants;
- nationality;
- occupation;
- employer;
- tax residency;
- copy of passport, identity card or driving licence; and
- photographs.

There are also special categories of personal data which require a higher level of protection (“Special Category Data”, known as sensitive personal data under the Data Protection (Bailiwick of Guernsey) Law, 2001). We may also collect, store and use the following Special Category Data:

- information about your race or ethnicity, religious beliefs, sexual orientation and political opinions;
- information about your health, including any medical condition, health and sickness records;
- genetic information and biometric data; and
- criminal convictions.

The data sought will vary depending upon the type of service provided.

How is your personal information collected?

When you contact us by email or by entering your details in the fields requested on, or any documents linked to or downloaded from, our website, or any other forms provided to you, we will collect the data to enable us to deal with your enquiry or provide you with the relevant services.

We also use cookies and collect IP addresses (an IP address is a number that can uniquely identify a specific computer or other network device on the internet). We use analysis software (Google Analytics or equivalent) to look at IP addresses and cookies for the purpose of enhancing your user experience. This data is not used to develop a personal profile of you and the log files are regularly purged.

We may sometimes collect additional information from third parties including clients, client advisers, credit reference agencies or public open sources.

We will collect additional personal information in the course of service-related activities throughout the period of providing services to you.

How will this personal data be used?

We will collect, store and use your personal data for the purpose of providing services to you or related entities and in a manner compatible with data protection law.

Most commonly, we will use your personal information in the following circumstances:

- where we need to perform the contract we have entered into with you or where you are related to an entity for which we are contracted to provide services;
- where we need to comply with a legal obligation; and
- where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

- where we need to protect your interests (or someone else's interests); and
- where it is needed in the public interest.

When using our website specifically, we use your personal data in a number of ways for our legitimate interests including the following:

- to contact you about a submission you have made to the website, including any content you provide;
- to personalise the way we present content to you; and
- to analyse and improve the services offered by TCI.

We will endeavour to keep your data accurate and up to date, and not keep it for longer than is necessary. TCI is required to retain data in accordance with the Guernsey Data Protection Law. How long certain kinds of personal data should be kept may also be governed by our specific business-sector requirements and agreed practices. Personal data may be held in addition to these periods depending on individual business needs.

Situations in which we will use your personal data

We need all the categories of information in the list above (see above 'What personal data will we collect and process?') primarily to allow us to perform our contract with you or related entities and to enable us to comply with legal obligations.

In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below:

- providing international corporate administration and trustee services to you;
- administering the contract we have entered into with you or where you are a party related to an entity for which we are contracted to provide services;
- business management and planning, including accounting and auditing;
- making arrangements for the termination of our commercial relationship;
- education, training and development requirements;
- dealing with legal disputes involving you;
- to prevent fraud;
- to ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution; and
- to conduct data analytics studies to review and better understand customer retention and attrition rates.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or on your behalf, or we may be prevented from complying with our legal obligations.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information

Special Category Data requires higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- in limited circumstances, with your explicit written consent;
- where we need to carry out our legal obligations and in line with our data protection policy; and
- where it is needed in the public interest, such as for equal opportunities monitoring, and in line with our data protection policy.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Our obligations as a data controller

We will use your Special Category Data in the following ways:

- in a fiduciary capacity when making distributions;
- when life insurance is required; and
- when considering ethical investments.

Do we need your consent?

We do not need your consent if we use Special Category Data in accordance with our written policy. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your agreement with us that you agree to any request for consent from us.

When will we contact you?

We may contact you:

- in relation to any service we are contracted to provide to you, or on your behalf, or you have signed up for;
- in relation to any obligation or duty we are subject to;
- where you have opted to receive further correspondence;
- in relation to a contribution you have made to TCI; and
- as an introducer of business to TCI.

You may opt-out of receiving marketing material and other data from us at any time by contacting us at the address below, except where we are contracted to do so.

Will we share your personal data with anyone else?

We may have to share your data with third parties, including third-party service providers and other entities in the group.

Why might we share your personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Which third-party service providers process your personal information?

“Third parties” includes third-party service providers (including contractors and designated agents) and other entities within our group. The following third-party service providers process personal information about you for the following purposes:

- sub-contractors, agents or service providers such as insurance brokers, compliance advisory and Information Technology firms or professional advisers of any member of the TCI group or its clients and their clients and associated parties;
- bankers, auditors, accountants, investment managers, legal and other professional advisers;
- company formation agents and registries;
- Guernsey and overseas regulators, governmental/quasi-governmental bodies and tax authorities when required by law;
- credit reference, compliance, fraud prevention and law enforcement agencies; and
- Google Inc web statistics (so that we may understand how our website is used and to maintain and improve it).

How secure is your information with third-party service providers and other entities in our group?

When we use a third party to process your personal data, we will require them to process your personal data in accordance with our instructions and protect the data against unauthorised or accidental use, access, disclosure, damage, loss or destruction. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions. When they no longer need your personal data to fulfil the service, they will be required to dispose of the details. If we wish to pass on your special categories of personal data to a third party, we will do so only once we have obtained your consent, unless we are legally required to do otherwise.

When might we share your personal information with other entities in the group?

We will share your personal information with other entities in our group for the provision of services to you, as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.

What about other third parties?

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

Transferring information outside the EU

An unauthorised jurisdiction is a jurisdiction which is not (a) the Bailiwick of Guernsey, (b) a Member State of the European Union, (c) any country, any sector within a country, or any international organisation that the Commission has determined ensures an adequate level of protection within the meaning of Article 45(2) of the GDPR (or the equivalent article of the former Directive), and for which the determination is still in force, or (d) a designated jurisdiction which is (i) the United Kingdom, (ii) a country within the United Kingdom, (iii) any other country within the British Islands, or (iv) any sector within a country mentioned in (i), (ii) or (iii) (“Unauthorised Jurisdictions”).

We may transfer the personal information we collect about you to countries which are **authorised jurisdictions** other than Member States of the European Union in order to perform our contract with you. There is an adequacy decision in force in respect of, amongst others, Canada, Isle of Man, Jersey and the United States or the authorised jurisdiction is a designated jurisdiction which is (i) the United Kingdom, (ii) a country within the United Kingdom, (iii) any other country within the British Islands, or (iv) any sector within a country mentioned in (i), (ii) or (iii).

We transfer the personal information we collect about you to countries which are **unauthorised Jurisdictions**. To ensure that your personal information does receive an adequate level of protection we have put in place the following appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects Guernsey laws on data protection: standard data protection clauses or binding corporate rules. If you require further information about these protective measures, you can request it from the Data Protection Representative.

Data security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Data Protection Representative.

We have 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.

How long will we keep your personal data?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from the Data Protection Representative. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which

we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a client or customer of TCI, we will retain and securely destroy your personal information in accordance with our data retention policy and/or applicable laws and regulations.

What are your rights as a data subject?

At any point while we are processing your personal data, you have the following rights:

- right of access – you have the right to request a copy of the personal data that we hold about you and to check that we are lawfully processing it;
- right of rectification – you have a right to correct data that we hold about you that is inaccurate or incomplete;
- right of erasure – of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing;
- right to restriction of processing – of your personal information. 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;
- right of portability – you have the right to have the data we hold about you transferred to another organisation;
- right to object – you have the right to object to certain types of processing such as direct marketing;
- right to object to automated processing, including profiling – you also have the right not to be subject to decisions based on automated processing or profiling;
- right to be notified of rectification, erasure and restrictions;
- right to lodge a complaint – you have the right to complain (and lodge an appeal) as outlined in the Complaints section below. In the event that TCI refuses your request under rights of access, we will provide you with a reason as to why. Any requests may be forwarded on should there be a third party involved in the processing of your personal data; and
- right to judicial review – you have the right to seek a judicial remedy against TCI if you consider that your rights under the Guernsey Data Protection Law or GDPR have been infringed or against the Supervisory Authority in respect of a legally binding decision.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Representative in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Representative. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Status

This privacy notice sets out our current policies as regards the maintenance and processing of personal data. It does not form, and should in no way be construed as, a contract and no contractual rights or causes of action shall arise in relation to or consequence of the content of this notice.

Changes to the TCI Privacy Notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

We last updated this privacy notice on 1 May 2018.

Contact details and Complaints

In the event that you wish to make a complaint about how your personal data is being processed by TCI (or third parties as described above), or how your complaint has been handled, you have the right to lodge a complaint directly with the Supervisory Authority and Trust Corporation's Data Protection Representative to appeal any decisions.

The contact details are as follows:

	Supervisory Authority contact details	Data Protection Representative contact details
Contact Name:	The Office of the Data Protection Authority	Mr Ivor Bisson

Address:	St Martin's House	PO Box 665, Roseneath
	Le Bordage	The Grange
	St Peter Port	St Peter Port
	Guernsey GY1 1BR	Guernsey GY1 3SJ
Email:	enquiries@odpa.gg	
Telephone:	+44 (0) 1481 742074	+44 (0)1481 730312

Cookies, web statistics and third party monitoring

TCI maintains continuous logs of its web server activity. These log files include the details of website users' IP address, browser type and page last visited etc. The log files are used to analyse how the website is being used by visitors and may be kept in an anonymised form for historical records.

TCI's website uses hosted web analytics software. This hosted service is or may be provided and managed by a third party company (Google Inc or equivalent). The service 'Google Analytics' uses 'cookies' (a text file sent to users' computers as they browse our website) to help analyse how users navigate our website. The data generated by the cookie regarding our website (including IP addresses) will be anonymised and transmitted to and stored by Google Inc on servers that may be hosted in the United States of America. Google Inc will use this data for the purpose of evaluating use of our website, compiling reports on website activity for website operators and providing other related services to TCI.

Google Inc may also transfer this data to third parties where required to do so by law, or where such third parties process the data on Google Inc's behalf. Google Inc will not associate your IP address with any other data held by Google Inc. You may decline the use of cookies by configuring your web browser to do so, but it may affect your user experience. By using this website, you consent to the processing of data about you by Google Inc in the manner and for the purposes set out above.

Offensive or inappropriate content on the TCI website

If you post or send offensive, inappropriate or objectionable content anywhere on or to TCI, or otherwise engage in any disruptive behaviour affecting TCI, TCI may use your personal data to stop such behaviour.

Where TCI reasonably believes that you are or may be in breach of any of the laws of Guernsey (e.g. because content you have posted may be defamatory), we may use your personal data to inform relevant third parties such as your employer, school email/internet provider or law enforcement agencies about the content and your behaviour.