

9 September 2024

## **PRIVACY NOTICE**

This Privacy Notice explains how Novate Global Markets Limited ("**Novate**", "**we**" and "**us**") collect, use and disclose personal data both online and offline in connection with the business relationship we have with you (the "**Services**").

This Privacy Notice, which may be amended and updated by us, describes the following matters:

- 1) Personal Data overview and who is responsible for processing my data
- 2) Why we process your data and what is the legal basis for this processing
- 3) Who will receive and use your data
- 4) How your data is protected
- 5) Transfers of your Personal Data including Cross-Border Transfers to Affiliates
- 6) Your data protection rights
- 7) Retention Periods for Personal Data
- 8) How to contact us
- 9) Recording of Communications
- 10) Updates to this Privacy Notice
- 11) How to complain to the Information Commissioner

### **1. Personal Data overview**

We process Personal Data that we receive from you in the course of our business relationship. In addition we process, insofar as necessary for the provision of our Services, Personal Data which we have obtained and are permitted to process from publicly available sources or which has been transmitted to us from our subsidiaries, group companies or other third parties with their authorisation.

**"Personal Data"** is information which identifies an individual or relates to an identifiable individual including, but not limited to, the following:

- Name;
- Account details and related contact information;
- Postal address;
- Telephone or fax number;
- Email address and other identifying addresses for electronic communications;
- Date of birth;
- Details from passports, government or state issued forms of personal identification (including social security, driver's licence, national insurance and other identifying numbers);
- Photographic or video images; and
- Telephonic or electronic recordings.

In connection with certain Services, we may also receive from you, or third parties, information including but not limited to:

- Employment related information;
- Information about regulatory and other investigations or litigation to which you are or have been subject; and
- Source of wealth of beneficial owners.

We process your Personal Data in accordance with this Privacy Notice as such document is amended and updated from time to time. This Privacy Notice will also be available on our website at:

[Mitsubishi UFJ Trust International Limited : Mitsubishi UFJ Trust and Banking \(mufg.jp\)](#)

[Novate \(novategm.com\)](#)

Further copies of this document can also be provided upon written request to us.

Novate regularly reviews its compliance with this Privacy Statement. The Services are not directed to individuals under the age of 18 (in words: eighteen), and we do not knowingly collect Personal Data from individuals under 18 (in words: eighteen).

Novate also does not typically collect sensitive Personal Data in connection with the Services. Please do not send us any Personal Data through the Services which would be categorised as special data under GDPR, e.g. information relating to racial or ethnic origin, political opinions, religion or other beliefs, health, biometrics or genetic characteristics, criminal background or trade union membership (together the “**Special Data**”) unless we specifically request this information from you, or where we make a due diligence enquiry of you, and where the response necessitates you disclosing Special Data to us. In such cases, please ensure that you notify us in writing that you are providing Special Data. We may receive Special Data from third party service providers and others in support of due diligence activities we undertake to satisfy various legal and regulatory requirements to which we are subject.

If you have any questions with respect to the processing of your Personal Data you can contact us by using the details listed in Section 8, How to contact us, below.

## **2. Why we process your data and what is the legal basis for this processing**

We process your Personal Data on the basis of your consent and in accordance with the applicable legal and regulatory requirements. With respect to data protection law, these include in particular the UK GDPR and further applicable national acts which implement the GDPR into UK law including, but not limited to, the UK Data Protection Act 2018 (or such other UK laws implementing the GDPR in the UK, as such laws are amended or updated from time to time). Any references to the GDPR in this document should be read as UK GDPR.

We have listed below further reasons for us to process your Personal Data:

**(i) Based on your consent (see GDPR, Article 6(1)(a))**

We may process data pursuant to your consent to process Personal Data for specific purposes, including forwarding data to other group companies. Your consent may be withdrawn at any time including any consent granted to us prior to the implementation date of the GDPR i.e. before

25 May 2018. Withdrawing your consent will not affect any data processed prior to your consent being withdrawn.

**(ii) Fulfilment of contractual obligations (see GDPR, Article 6(1)(b))**

The processing of Personal Data is carried out in order to perform financial services business for the execution of our contracts with you, in order to implement pre-contractual measures, to execute your orders and to carry out any necessary ancillary measures for the operation and administration of a regulated financial services institution. Data processing is carried out by us in relation to specific products or Services and its objectives can include analysis of your investment objectives, provision of advice and execution of transactions including the sharing of data with companies within our corporate group and within third countries. Further information as to how and why we process Personal Data can also be found in the contractual documents which include any terms of business applicable to the Services.

**(iii) Pursuant to statutory provisions (see GDPR, Article 6(1)(c))**

As we are regulated by the Financial Conduct Authority we are also subject to a range of legal and regulatory obligations. Personal Data is also processed for purposes including credit checks, verification of identity and age, prevention of fraud and money laundering, fulfilment of monitoring and reporting obligations under tax law and the evaluation and management of risks.

**(iv) Balancing of interests (see GDPR, Article 6(1)(f))**

If required, we will process your Personal Data further to the minimum required to carry out the Services we provide to you in order to safeguard our own, or a third party's legitimate interests, unless outweighed by your interest in the protection of your Personal Data.

Examples of this include:

- assertion of legal claims and defence in legal disputes;
- provision of information to our auditors;
- safeguarding our I.T. security and I.T. operations;
- prevention and investigation of criminal offences;
- measures related to business management and the further development of products and Services;
- sharing Personal Data with other group companies including for internal administrative purposes;

### **3. Who will receive and use your data**

Access to your Personal Data is provided to those departments and individuals employed or contracted to Novate (including also our Affiliate or Affiliates) that require this data in order to meet any contractual and legal obligations, or that have a legitimate interest, insofar as there is a separate or additional legal basis for the transfer of the data on the part of the sender and provided that your interests in the protection of your data do not outweigh those interests. We may also provide Personal Data to service providers and agents used by us (GDPR, Article 28).

Any references made in this Privacy Notice to an "Affiliate" or "Affiliates" are to our direct or indirect subsidiaries or holding companies from time to time and Mitsubishi UFJ Financial Group or the Mitsubishi UFJ Trust and Banking Corporation.

Your Personal Data may be used for our legitimate business interests including, but not limited to the following:

- to validate authorised signatories when concluding agreements and transactions;
- to contact nominated individuals in connection with existing and future transactions and contractual agreements;
- to respond to enquiries and fulfil requests from clients and/or relevant third parties (including also our Affiliates) who require such information either as a necessary part of provision of the services, to complete transactions and/or to administer our accounts or to manage our business relationships;
- to inform you of our Services or products which we believe may be of interest, including tailored offers to you;
  - to verify an individual's identity and/or location;
  - to protect the security of accounts or Personal Data;
- for information and relationship management purposes, including data analysis, audits, developing and improving products and services;
- for risk management and also compliance with our legal and regulatory obligations including for fraud detection, prevention and investigation;
- this may also include "know your customer", anti-money laundering, conflict and other necessary on-boarding and ongoing credit checks, due diligence and verification requirements, general credit checks, credit analysis, compliance with sanctions procedures or rules, and tax reporting.

Please note that where we collect an individual's Personal Data in order to meet our legal and regulatory obligations related to the prevention of money laundering and terrorist financing (including where we request passport details for our KYC and anti-money laundering checks), this is processed only for those purposes, unless otherwise permitted by law or where we have obtained the individual's express consent.

#### **4. How your data is protected**

Novate maintains reasonable organisational, technical and administrative measures to appropriate standards to safeguard your Personal Data. When held electronically, data is encrypted using industry standard encryption techniques. If data is sent over the internet, industry internet encryption protocols are used. Generally, access to your data is on a need to know basis and Novate enforce this by strict internal controls and processes. Unfortunately no data transmission or storage system can be guaranteed to be 100% secure and, if you have any reason to believe that your interaction with us is no longer secure, please immediately notify us in accordance with the details contained in Section 8, How to contact us, below.

#### **5. Transfers of your Personal Data including Cross Border Transfers to Affiliates**

We, and certain recipients, (our third-party service providers and our Affiliates) process your Personal Data on our behalf. Personal Data will only be transferred by us or our providers to third countries (i.e. to countries which are outside of the UK or the European Economic Area ("EEA") in accordance with GDPR Article 44 and following Articles). These third countries are recognised by the Data Protection Authority as providing an adequate level of data protection according to UK standards. There are provisional arrangements so that UK adequacy regulations include the EEA and all countries, territories and international organisations covered by European Commission adequacy decisions valid as at 31 December

2020. The full list of third countries recognised by the UK as providing an adequate level of protection is available at:

[Information Commissioner's Office \(ICO\)](#)

If there are no UK adequacy regulations for the restricted transfer, transfer may be possible subject to 'appropriate safeguards' as per Article 46 of the UK GDPR.

A copy of the measures, such as standard contractual clauses is available at:

[Information Commissioner's Office \(ICO\)](#)

Subject to the other parts of this Privacy Notice, we and our Affiliates will hold, use and otherwise process only such of your Personal Data as is necessary to provide you with our services. We and our Affiliates will not pass your Personal Data on to any other organisation unless it is necessary to do so including where required by any regulation or enactment, or with your consent.

If we transfer your Personal Data to another Affiliate, the Affiliate processing data may act as data controller if it is in a position to determine the purposes and means of subsequent processing. Before processing any Personal Data, each Affiliate will also ensure that any regulatory notification or approval requirements have been complied with.

Contact details of each Affiliate are available at:

[https://www.mufig.jp/english/profile/biz\\_and\\_network/network/index.html](https://www.mufig.jp/english/profile/biz_and_network/network/index.html)

In respect of the data retention period, each Affiliate will retain the processed Personal Data for as long as is necessary for the relevant processing activity, in accordance with its internal policies and procedures and applicable law and regulatory requirements.

When processing Personal Data, each Affiliate will take appropriate technical and organisational measures against any unauthorised or unlawful processing of Personal Data, and against accidental loss of destruction of, or damage to, Personal Data.

If you would like to find out more about any such transfers including cross-border transfers, please contact our Data Protection Officer at: [DPO@novategm.com](mailto:DPO@novategm.com)

## 6. Your data protection rights

You have rights which allow you to address any concerns or queries with us regarding our processing of your Personal Data. If you would like to request to review, correct, update, suppress, restrict or delete Personal Data that you have previously provided to us, or if you would like to request to receive an electronic copy of your Personal Data for the purposes of transmitting it to another company (to the extent this right to data portability is provided to you by applicable law), you may contact us. Information about how to contact Novate for these purposes is set out in the section headed “**How to contact us**” in Section 8 below.

We also describe your rights further below:

- You have a right to object to the processing of your Personal Data (see GDPR, Article 18). We may not be able to comply with such a request where there are compelling legitimate grounds for us to process your Personal Data which override your interests, rights and freedoms or where the processing of your Personal Data is required for compliance with a legal or regulatory obligation or in connection with legal proceedings.

- You have a right to withdraw your consent, at any time, to the processing of your Personal Data as this is based on your consent. Where you exercise this right to withdraw consent, the processing of your Personal Data prior to this will remain valid.
- You have the right to access and obtain a copy of the Personal Data that we hold about you (see GDPR Article 15). Whilst this is free of charge, a charge may apply for making such an access request where we feel your request is unjustified or excessive. Novate shall provide this information to you without undue delay and within one month of receipt of your request, although this period may be extended, taking into account the complexity and number of the requests made to us. We shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay. Where you make a request by electronic format, the information shall be provided by electronic means where possible, unless otherwise requested by you.
- You have the right to rectify and amend your Personal Data if you believe there are any inaccuracies in the Personal Data stored about you (see GDPR, Article 16).
- You have the right to request that we erase your Personal Data (see GDPR, Article 17). However this right may only be exercised in the following circumstances:
  - (i) Where your Personal Data is no longer necessary in relation to the purposes for which it was collected or otherwise processed by us;
  - (ii) Where you withdraw consent and no other legal ground permits the processing;
  - (iii) Where you object to the processing and there are no overriding legitimate grounds for the processing;
  - (iv) Where your Personal Data have been unlawfully processed; or
  - (v) Where your Personal Data must be erased for compliance with a legal obligation.

Where we store your Personal Data for statistical purposes only and where its removal would likely impair such statistical purposes or where we require your Personal Data for compliance with a legal obligation or in connection with legal proceedings, we may not be able to comply with such an erasure request.

- You have the right to restrict our processing of your Personal Data (see GDPR, Article 18) where any of the following circumstances apply:
  - (i) Where you feel that the Personal Data which we hold about you is not accurate. This restriction will be in place for a period to enable us to verify the accuracy of your Personal Data;
  - (ii) Where the processing is unlawful, but you do not want your Personal Data to be erased you can request the restriction of its use instead;
  - (iii) Where we no longer need to process your Personal Data (e.g. for any of the purposes outlined above), but we require it in connection with legal proceedings;
  - (iv) Where you have objected to our processing of your Personal Data after establishing whether or not our legitimate business interests override your interests, rights and freedoms.

Where you exercise your right to restrict the processing of your personal data, we will only continue to process it either with your consent, in connection with legal proceedings, for the protection of third parties or for reasons of important public interest.

- You have a right to receive and transfer the Personal Data that you provide to us in a structured, commonly used and machine readable format. We process your Personal Data on the legal bases of: a) your consent; or b) where it is necessary to perform our contract with you. Where you make such a data portability request (see GDPR, Article 20), we will directly transfer your Personal Data on your behalf to another controller of your choice (where it is feasible for us to do so and in accordance with applicable law).

- You have a right not to be subjected to decisions based solely on automated decision-making, including profiling, which produce legal effects concerning you or similarly significantly affects you. We may not be able to comply with such a request where we rely on the legal bases of: a) your explicit consent; or b) where it is necessary to enter and perform our contract with you (as detailed in Section 2 above). You will however be entitled to have a person from our team review the decision so that you can query it and set out your point of view and circumstances to us.
- You have a right not to be subjected to decisions based solely on automated decision-making (see GDPR, Article 22), including profiling, which produce legal effects concerning you or similarly significantly affects you. We may not be able to comply with such a request where we rely on the legal basis of either your explicit consent or where it is necessary to enter and perform our contract with you (as detailed in Section 2 above). You will however be entitled to receive a full review and explanation of our decision in this respect from our Compliance Department, upon written request by you, such request to me made using the contact details described in Section 8, How to contact us, below.

## **7. Retention Periods for Personal Data**

We process and store your Personal Data for as long as is required in order to fulfil our contractual and statutory legal and regulatory duties. We are subject to various retention and documentation obligations and as such the criteria we apply for our retention periods include, but are not limited to:

- the length of time we have an ongoing business relationship where it should be noted that our business relationship is a contract of continuing obligation that may last for a number of years;
- whether there is a legal or regulatory obligation to which we are subject;
- whether retention is advisable in light of our legal position (such as in regard to applicable statutes of limitations, litigation or regulatory investigations);

If at any time we decide to use your Personal Data in a manner significantly different from that stated in this Privacy Notice, or otherwise disclosed to you at the time it was collected, we will notify you and you will have a choice as to whether or not we use your information in the new manner.

If you have questions or concerns about this notice, you can contact Novate in accordance with Section 8, How to contact us below.

## **8. How to contact us**

Please direct any questions or concerns regarding this Privacy Notice, Novate treatment of personal information or your request to exercise any of your rights to us either by:

- sending an email to us at [DPO@novategm.com](mailto:DPO@novategm.com)
- by writing to us at:

Novate Global Markets Limited  
Attention: Data Protection Officer  
Privacy Requests  
24 Lombard Street  
London  
EC3V 9AJ  
ENGLAND

Upon receiving a question or complaint, Novate will contact the person who has contacted us directly.

We will promptly investigate this to address your concerns and to resolve any disputes or take any necessary action as swiftly as possible.

#### **9. Recording of Communications**

When individuals communicate with Novate, to the extent permitted or required by applicable law, telephone conversations and electronic communications, including emails and instant messages may be recorded and/or monitored for evidentiary, compliance, quality assurance and governance/regulatory purposes.

#### **10. Updates to this Privacy Notice**

We may amend or update this Privacy Notice from time to time in whole or part, at our sole discretion. Any changes to this Privacy Notice will be effective immediately and this amended document will also be updated on our website at:

[Mitsubishi UFJ Trust International Limited : Mitsubishi UFJ Trust and Banking \(mufg.jp\)](#)

[Novate \(novategm.com\)](#)

Further copies of the last updated Privacy Notice will also be provided upon written request to us.

The last updated legend reference in the header at the top of this Privacy Notice indicates when this Privacy Notice was last revised. Use of the services following any changes (or your continued provision of Personal Data to us) will signify acceptance of the revised Privacy Notice.

#### **11. How to complain to the Information Commissioner**

You may raise any concerns about Novate's processing of your Personal Data with the Information Commissioner Office at: <https://ico.org.uk/concerns/>.

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