



Data protection information  
pursuant to the General Data Protection Regulation  
(GDPR)

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# Privacy policy

Your trust is important to us. Timberland Securities SPC (hereinafter also referred to as the Company) acts in respect of the relevant sub-fund (hereinafter also referred to as the Portfolio). For the sake of clarity, in this subscription order where the Company acts specifically in respect of the relevant Portfolio, it is referred to as the Issuer. We take the protection of your personal data very seriously. Personal data is only collected, processed or used if the data subject has consented if it is necessary for the fulfilment of a contract or if a law permits or prescribes the collection, processing or use. The aim of this Privacy Policy is to give you details of the data collection and data processing and of the rights you have in this context.

## 1. Name and address of the data controller

The data controller within the meaning of the General Data Protection Regulation, other data protection laws in force in the Member States of the European Union and other data protection provisions is the Company or relevant Portfolio:

**Timberland Securities SPC**

*with its registered domicile in the branch office of*  
MaplesFS Limited, PO Box 1093, Queensgate House,  
Grand Cayman, KY1-1102, Grand Cayman

You can contact our data protection officer any time about any data protection issues at the above-mentioned business address.

E-Mail: [datenschutzbeauftragter@timberland-securities.com](mailto:datenschutzbeauftragter@timberland-securities.com)

## 2. Collection and storage of personal data

We only collect and process the following relevant personal data:

Name, address, telephone number (landline and/or mobile), e-mail address, date and place of birth, gender, nationality, marital status, identification data (e.g. identity card data), authentication data (e.g. specimen signature), current or relevant previous profession, detailed information on knowledge and/or experience with securities (MIFID status), investment behaviour/strategy (scope, frequency, risk appetite), financial situation (assets, liabilities, income from dependent/self-employed/commercial activity, expenses), foreseeable changes in financial circumstances (e.g. retirement age), tax information (e.g. information on church tax liability), tax number, tax identification number, documentation data (e.g. consultation protocols), FATCA status, politically exposed person.

Further personal data will be generated, e.g. information about the contact channel, date, occasion and outcome; (electronic) copies of correspondence and information about participation in direct marketing measures during the course of the business relationship, in particular through personal, telephone or written customer contacts, initiated by you or by the Company.

We receive this data from you during the course of our business relationship and its initiation. We also process personal data which we lawfully obtain from publicly available sources such as the press, media, internet, record of debtors, register of

Recording/log of telephone calls

In particular, the applicant accepts and agrees that telephone conversations and/or electronic communication may be recorded (i) with reference to an order and/or (ii) without reference to an order/contract, and agrees that these recordings may be used in court or in any legal proceedings with the same value as written evidence. These recordings are made for the purpose of evidence. The Issuer is entitled, but not obliged, to make audio or data recordings of the telephone conversations and/or electronic communications and to store these recordings. The Issuer is entitled, but not obliged, to prepare transcripts of the recordings. In cases where proxy is granted, the customer will inform authorised representatives that telephone and/or electronic communications may be recorded. Telephone conversations and/or electronic communications may, under certain circumstances, be saved, processed and/or stored in countries which do not offer a level of protection comparable to that of the EU member states.

Register of associations, and which we are allowed to process.

### 3. Purpose and legal basis of data processing

We process your data in accordance with the requirements of the General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG).

The legal basis is Art. 6(1) of the EU General Data Protection Regulation (GDPR).

Your personal data is also processed on the basis of your consent. The extent and purpose of the data processing in this respect results from your declaration of consent. The legal basis for this is Art. 6(1)(a) GDPR.

Furthermore, personal data is processed for the following purposes, either individually or jointly:

- To meet our duties pursuant to our contracts with investors. The legal basis for this is Art. 6(1)(b) GDPR.
- To meet a legally binding obligation of our Company, which may include certain legal or regulatory disclosures and the recording of services provided by us by telephone. The legal basis for this is Art. 6(1)(c) GDPR.
- For the performance of a task which is carried out in the public interest or which our company has been entrusted with by official authorities, e.g. when we conduct our review processes to prevent fraud, money laundering, terrorist financing, bribery and corruption and to prevent us from providing services to parties who may be subject to economic or trade sanctions. The legal basis for this is Art. 6(1)(e) GDPR.
- For the purposes of the legitimate interests pursued by our Company or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require the protection of personal data, e.g. for the purpose of asserting legal claims and for defence in legal disputes, for guaranteeing the EDP and IT security and operation of the Company, and for corporate management and the further development of services and products. The legal basis for this is Art. 6(1)(f) GDPR.

Ensure usability of the data in court: In particular, the applicant accepts and agrees that telephone conversations and/or electronic communication may be record-ed (i) with reference to an order and/or (ii) without reference to an order/contract, and agrees that these recordings may be used in court or in any legal proceedings with the same value as written evidence. These recordings are made for the purpose of evi-dence. The Issuer is entitled, but not obliged, to make audio or data recordings of the telephone conversations and/or electronic communications and to store these record-ings. The Issuer is entitled, but not obliged, to prepare transcripts of the recordings. In cases where proxy is granted, the customer will inform authorised representatives that telephone and/or electronic communications may be recorded. Telephone conversa-tions and/or electronic communications may, under certain circumstances, be saved, processed and/or stored in countries which do not offer a level of protection compa-rable to that of the EU member states. The legal basis for this is Section 24 para. 1 no. 2 Federal German Data Protection Act (BDSG).

In order to establish the business relationship and to carry out and fulfil the contractual obligations, it is necessary that you provide us with the required personal data. Furthermore, the obligation to collect data may be required by law. It will not be possible to conclude or execute a contract, if you do not supply this data.

### 4. Forwarding of data to third persons

Your personal data will not be forwarded to third parties for purposes other than those listed below. Those employees of our Company who come into contact with your data are subject to a strict duty of confidentiality, and we constantly monitor its compliance. We have also bound and will continue to bind to confidentiality in writing any other persons with whom we cooperate and who come or might come into contact with your data.

We may only forward information about you to third parties if required to do so by law, if you have given your consent or if we are authorised to provide information and the processors commissioned by us guarantee confidentiality and compliance with the requirements of the EU General Data Protection Regulation and the Federal Data Protection Act. Data is only forwarded to the extent required by law.

The recipients of personal data may be:

- Public domestic and foreign bodies and institutions both within and outside the EU, whereby these may be located incountries which do not offer a level of protection comparable to the EU countries (e.g. Deutsche Bundesbank, Federal Financial Supervisory Authority, tax authorities, Federal Central Tax Office, Central Office, etc.), if there is a legal or official obligation;
- Other credit and financial service institutions, similar institutions and processors to which we transmit personal data in order to fulfil our business relationship with you;

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- Specifically: banking information, support/maintenance of EDP/IT applications, archiving, document processing, call centre services, controlling, data screening for anti-money-laundering purposes, data destruction, purchasing/procurement, customer management, marketing, reporting, research, risk controlling, telephony, website management, investment services, share register, fund or investment management, auditing services, payment transactions.

Other recipients of data may be the parties for whom you have given your consent in respect of data transmission or for whom you have exempted us from our obligation to maintain confidentiality in your agreement or consent.

Data is only transmitted to countries outside the EU or the EEA (so-called third countries) if this is required to execute your orders (e.g. payment and securities orders), if required by law (e.g. tax reporting obligations) or if you have given us your consent. If service providers are used in third countries, they are obliged to comply with the European level of data protection by means of written instructions in addition to the conclusion of EU standard contractual clauses or other agreements specified in Articles 46, 47 GDPR. Insofar as your personal data is transmitted to a third country, you can obtain a copy of the relevant agreements any time upon written request.

Please direct your request to the company data protection officer.

## 5. Duration of storage and erasure of data

The personal data provided by you will only be stored and processed as long as and to the extent necessary to fulfil the contractual obligations agreed with you, and to the extent required by our statutory retention periods and documentation obligations under the German Commercial Code, Fiscal Code, Banking Act, Money Laundering Act and Securities Trading Act. The time periods for retention and documentation specified therein range from two to ten years.

## 6. Your rights as a data subject

When your personal data is processed, you are a data subject as defined by the GDPR and you have the rights vis-à-vis us as data controller described in the following.

If we receive a request to exercise one of these rights, we must provide information on the measures we have taken promptly and in any case within one month of receipt of the request. This deadline may be extended for a further two months in certain circumstances, e.g. in the case of complex or numerous requests.

The information is provided free of charge except in the case of clearly unfounded or – particularly if repeated frequently – excessive requests. In such cases we may charge a reasonable fee or refuse to comply with the request. Before dealing with a request, we will advise you of the fees.

We may request additional information to identify you before handling a request.

If we do not process a request, we must inform you promptly and within one month of receipt of the request of the reasons why we did not take the requested action.

An overview of your rights and how to exercise them is given below:

### a) Right of confirmation and access, Art. 15 GDPR

You have the right to obtain confirmation from us at any time as to whether any personal data concerning you is processed by us. Where that is the case, you have the right to access to the data and the following information:

- the categories of personal data processed;
- the recipients or categories of recipient to whom the personal data about you has been or will be disclosed;
- the envisaged period for which the personal data about you will be stored, or, if concrete details are not possible, the criteria used to determine that period;
- the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning you by the controller or to object to such processing;

- the existence of the right to lodge a complaint with a supervisory authority;
- where the personal data is not collected from the data subject, any available information as to its source;
- the existence of automated decision-making, including profiling, pursuant to Art. 22 (1) and (4) GDPR and – at least in those cases – meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

Furthermore, you have the right to be informed if personal data is transferred to a country which is not a member state of the EU (“third country”) or to an international organisation. In this context, you can demand to be informed of the appropriate safeguards pursuant to Art. 46 GDPR relating to the transfer.

#### **b) Right to rectification, Art. 16 GDPR**

You have the right to obtain from us without undue delay the rectification of inaccurate personal data concerning you. Furthermore, you have the right – taking into account the purposes of the processing – to have incomplete personal data completed, including by means of providing a supplementary statement:

#### **c) Right to erasure (‘right to be forgotten’), Art. 17 GDPR**

You have the right to demand the erasure of personal data concerning you without delay where one of the following grounds applies:

- the personal data concerning you is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
- you withdraw consent on which the processing is based according to Art. 6(1)(a) or Art. 9(2)(a) GDPR and where there is no other legal ground for the processing;
- you object to the processing pursuant to Art. 21(1) GDPR and there are no overriding legitimate grounds for the processing, or you object to the processing pursuant to Art. 21(2) GDPR;
- the personal data concerning you was unlawfully processed.
- Your personal data has to be erased to comply with a legal obligation according to Union or EU Member State law to which the controller is subject.
- Your personal data has been collected in relation to information society services in accordance with Art. 8(1) GDPR.

If the Company or the Portfolio in question has made the affected personal data public and is obliged pursuant to the above provisions to erase the personal data, then we are also obliged to inform other controllers who process the data that you, as data subject, have requested the erasure of any links to, or copies or replications of, that personal data.

In this regard, taking into account the available technology and the implementation costs, we take appropriate measures, including technical measures, to comply with these obligations, at least to the extent that processing is no longer necessary, i.e. that no legal provisions prescribe this and that no legitimate interests prevent deletion.

There are certain exceptions where we may refuse a requested erasure, e.g. if the personal data is required to comply with a legal obligation or for the assertion, exercise or defence of legal claims.

#### **d) Right to restriction of processing, Art. 18 GDPR**

You have the right to demand that we restrict the processing of your personal data where at least one of the following applies:

- you contest the accuracy of the personal data, for a period enabling the data controller to verify the accuracy of the personal data;
- the processing is unlawful and you request, instead of erasure of the personal data, the restriction of its use;
- we no longer need the personal data for the purposes of the processing, but you need it for the assertion, exercise of or defence of legal claims.
- you have objected to processing pursuant to Art. 21(1) GDPR and it has not yet been determined whether or not the legitimate grounds of the Company or the Portfolio in question override your grounds.

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Where processing of your personal data has been restricted, such personal data shall – with the exception of storage – only be processed with your consent or for the enforcement, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State. In such a case you shall be informed by us before the restriction is lifted.

**e) Notification obligation, Art. 19 GDPR**

If you have asserted your right to rectification or erasure of personal data or restriction of processing, we shall be obliged to notify each recipient to whom your personal data has been disclosed of such rectification or erasure of personal data or restriction of processing, unless this proves impossible or involves disproportionate effort. You can therefore demand that we inform you about those recipients.

**f) Right to data portability, Art. 20 GDPR**

You have the right to receive your personal data which you have supplied to us in a structured, commonly used and machine-readable format. Furthermore, you have the right to transmit this data to another controller without hindrance from the controller to which the personal data has been provided, where the processing is based on consent pursuant to Art. 6(1)(a) GDPR or Art. 9(2)(a) GDPR or on a contract pursuant to Art. 6(1)(b) GDPR and the processing is carried out by automated means, as long as the processing is not necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Moreover, when exercising your right to data portability according to Art. 20(1) GDPR you can demand that the personal data be transferred directly from one controller to another controller to the extent that this is technically feasible and that this does not adversely affect any rights and freedoms of others.

**g) Right to object, Art. 21 GDPR**

**Right to object**

**Note regarding the right to object pursuant to Art. 21 GDPR**

**1. Objection in individual cases**

For reasons relating to your particular situation, you have the right to object any time to the processing of your personal data pursuant to Art. 6(1)(e) GDPR (data processing in the public interest) and Art. 6(1)(f) GDPR (data processing for the purposes of legitimate interests).

If an objection is lodged, your personal data will no longer be processed unless there are demonstrably compelling reasons outweighing your interests, rights and freedoms. Continued processing is also possible if the processing serves to assert, exercise or defend legal claims.

**2. Objection to direct marketing**

Under certain circumstances, your personal data may be processed for direct marketing purposes. You have the right to object to such processing at any time. This also applies to profiling, as far as it is connected to direct marketing.

The objection can be made in a formless manner and should be addressed to:

**Timberland Securities SPC**

Attn.: Informationsstelle Timberland Capital Management GmbH, Hüttenallee 137, D-47800 Krefeld.

You have the right to object, on grounds relating to your particular situation, at any time to the processing of your personal data which is based on Art. 6(1)(e) or (f) GDPR. This also includes profiling based on those provisions.

The Company or the Portfolio in question shall no longer process the personal data in the event of objection unless we can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or the processing serves the enforcement, exercise or defence of legal claims.

Where your personal data is processed for direct marketing purposes, you shall have the right to object at any time to the processing of your personal data for such marketing; this also includes profiling, to the extent that it is related to such direct marketing.

Where you object to processing for direct marketing purposes, the personal data concerning you shall no longer be processed for such purposes.

You have the possibility, in the context of the use of information society services – notwithstanding Directive 2002/58/EC – to exercise your right to object by automated means using technical specifications.

Should you wish to exercise your right of objection, please send an e-mail to this effect addressed to [datenschutzbeauftragter@timberland-securities.com](mailto:datenschutzbeauftragter@timberland-securities.com) or a letter to the business address Timberland Securities SPC, Attn.: Informationsstelle Timberland Capital Management GmbH, Hüttenallee 137, D-47800 Krefeld.

#### **h) Right to withdraw data processing consent, Art. 7(3) GDPR**

If you have given your consent to data processing, you have the right to withdraw this consent at any time with effect for the future. This also applies to any withdrawal of declarations of consent given to us prior to the validity of the General Data Protection Regulation, i.e. before 25 May 2018. Please note that the revocation will only be effective for the future. Processing which took place prior to the revocation shall not be affected by this.

Should you wish to exercise your right to withdraw, please send an e-mail to this effect addressed to [datenschutzbeauftragter@timberland-securities.com](mailto:datenschutzbeauftragter@timberland-securities.com) or a letter to the business address Timberland Securities SPC, Attn.: Informationsstelle Timberland Capital Management GmbH, Hüttenallee 137, D-47800 Krefeld.

#### **i) Automated decisions in isolated cases including profiling**

You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you, unless the decision

- is necessary for entering into, or performance of, a contract between you and the Company or the Portfolio in question

or

- is permissible under Union or Member State law to which the controller is subject and such legislation lays down suitable measures to safeguard the rights and freedoms and legitimate interests of the data subject

or

- is based on the data subject's explicit consent.

However, these decisions must not be based on special categories of personal data pursuant to Art. 9(1) GDPR, unless Art.(9)(2)(a) or (g) GDPR applies and suitable measures to safeguard your rights and freedoms and legitimate interests are in place.

If the decision is necessary for entering into or fulfilling a contract between the data subject and the data controller or is taken with the explicit consent of the data subject, the Company or the Portfolio in question shall take suitable measures to safeguard the rights, freedoms and legitimate interests of the data subject, at least the right to obtain human intervention on the part of the data controller, to express their own point of view and to contest the decision.

#### **j) Right to lodge a complaint with a supervisory authority, Art. 77 GDPR**

Without prejudice to any rights you may have against us, you also have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of personal data relating to you infringes GDPR. The supervisory authority with which the complaint is lodged will inform you about the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Art. 78 GDPR.

## **7. Regular updates of this data protection information**

These data protection regulations are subject to regular amendments and adjustments.

Such amendments make it necessary to update our data protection information from time to time.

You can recognise the current version by the note „As of...“ at the end of this data protection information.

As of 25.05.2018



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