

# Fair Processing Notice

Last Updated 22 February 2019

## 1. Scope

1.1 Trident Trust Group members have offices in many jurisdictions worldwide. Our Fair Processing Notice applies for those individuals

1.1.1 dealing with Trident Trust Group offices based within the European Economic Area, or jurisdictions deemed to provide adequate protection by the European Commission ("**Adequate Jurisdictions**") (Please see the final page of this document for a **list of European Economic Area and Adequate Jurisdiction Offices**); and/or

1.1.2 resident in the EU, dealing with any of our offices.

## 1.2 Definitions and Interpretation

"**Data Protection Legislation**" means the EU General Data Protection Regulation 2016/679 ("**GDPR**"); together with all other applicable legislation relating to privacy or data protection including, but not limited to, local Data Protection legislation in jurisdictions deemed to provide adequate protection by the European Commission ("**Adequate Jurisdictions**");

and where we use the terms "**personal data**", "**data subject**", "**controller**", "**processor**" and "**process**" (and its derivatives), such terms shall have the meanings given to them in the GDPR.

Those Trident Trust Group offices to which this Fair Processing Notice applies shall be referred to as "**Relevant Offices**", "**we**" or "**our**", as the context requires. See section 7 below for our contact details

"**You**" may be any person dealing with us, or connected to the entities to which we provide services (including but not limited to trusts and companies). For example, you may be a client, intermediary, associate, family member, guardian, representative, advisor, director, settlor, beneficiary, trustee, other officer or appointee, attorney, introducer, supplier, service provider, lender, borrower, or employee or agent of any of the above).

### Our undertaking to you

1.3 We may collect and process information relating to you or any of your employees, officers, directors, agents, contractors or consultants whose information you provide to us ("**Client Personnel**"), or other individuals whose information you provide to us ("**Other Relevant Individuals**") in order to provide our services or do business.

1.4 We shall process any information we collect in accordance with Data Protection Legislation and the provisions of this Fair Processing Notice.

1.5 Before providing us with any information you are responsible for ensuring that your Client Personnel or Other Relevant Individuals are aware of this Fair Processing Notice and the provisions of this Fair Processing Notice are clearly communicated to them.

## 1.6 Your Information

1.6.1 This 'information' includes personal data, which means information that can be used to identify a natural person, including (but not limited to) the following types of personal information:

- (a) contact information, such as an individual's home or work address and contact details (including mobile telephone number);

- (b) date of birth, marital/civil partnership status, details of dependents and next of kin, family, lifestyle and social circumstances;
- (c) employment status;
- (d) information about an individual's occupation, education and professional qualifications, and business activities;
- (e) pay records, bank account details (including routing details), national insurance number, tax information;
- (f) source of wealth and beneficial ownership of assets;
- (g) other information about an individual that you or they disclose to us when communicating with us;
- (h) details of any complaints or concerns raised by you or them;
- (i) information we obtain from the way you use our services and the way you do business with us, such as when you or your Client Personnel or Other Relevant Individuals use our website;
- (j) information we collect when you, your Client Personnel or Other Relevant Individuals communicate with us; or when you or they conclude transactions with us, apply for our products or services; or any other time you or they contact us;
- (k) information we obtain from third parties, such as information that we obtain when verifying details supplied by you. This information obtained from other third party organisations or people may include information from other members of the Trident Trust Group, your representative or intermediary, employers, clients, crime and fraud prevention agencies, government and public bodies or other similar organisations;
- (l) information we obtain from screening activities including screening services providers, and research from publically available sources.

1.6.2 Some of the information that we collect about you, your Client Personnel or Other Relevant Individuals may include special categories of personal data (such as information about racial or ethnic origin, criminal or alleged criminal offences, trade union membership or health and lifestyle). We will usually seek separate permission from you or them in writing to process these special categories of personal data.

1.6.3 If you fail to provide us with this information, or you, your Client Personnel or other Relevant Individuals object to us processing such information (see section 4 for more information about your rights in relation to your information) the consequences include that:

- (a) we may be prevented from conducting business with you and we may be unable to provide our services to you or and/or an entity to which we provide services connected to you;
- (b) it may result in an entity, in relation to which we provide services and that you are connected with, being in breach of applicable law or regulation with any attendant penalties;
- (c) the failure to provide certain personal data in certain circumstances may trigger a requirement for us or any of our employees or agents to consider whether to make, and/or to make, a disclosure under applicable anti-money laundering and countering the financing of terrorism legislation.

## 1.7 Our Use of Your Information

1.7.1 We may collect, record and use information about you, your Client Personnel and Other Relevant Individuals, and the business you conduct with us in physical and electronic form and will hold, use and otherwise process the data in accordance with the Data Protection Legislation and as set out in this Fair Processing Notice. This may include sharing this information with third parties and transferring it abroad. More information about sharing and transferring such information is set out below.

1.7.2 We may process any information we hold about you, your Client Personnel and Other Relevant Individuals for a number of business purposes. Examples of the types of uses of such information are set out below. You are responsible for ensuring that your Client Personnel and Other Relevant Individuals are aware of such uses of their information:

- (a) to administer and provide any services to you and/or entities to which we provide services with which you are connected, or receive goods and services from you;
- (b) to monitor and analyse the conduct of the goods and services received or provided by you;
- (c) to enable us to carry out statistical and other analysis and to meet our, or any entity to which we provide services, legal or regulatory obligations or reporting requirements;
- (d) for our reasonable commercial purposes (including quality control and administration and assisting us to develop new and improved products and services);
- (e) to confirm your or their identity and carry out background checks, including as part of our checks in relation to anti-money laundering and countering the financing of terrorism, compliance screening and to prevent fraud and other crimes;
- (f) to follow up with you or them after you contact us to see if we can provide any further assistance;
- (g) to comply with any requirement of applicable law and regulations;
- (h) to fulfil our, or any entity to which we provide services, obligations under any applicable reporting agreement with any tax authority or revenue service(s) from time to time;
- (i) to check your instructions to us;
- (j) to monitor, record and analyse any communications between you or them and us, including phone calls to analyse, assess and improve our services to you, as well as for training and quality purposes;
- (k) to prevent or detect abuse of our services or any of our rights (and attempts to do so), and to enforce or apply any relevant terms and/or any other agreement and to protect our (or others') property or rights;
- (l) to share information with relevant third parties in the context of a sale or potential sale of a relevant part of our business, subject always to confidentiality obligations;
- (m) if instructed to do so by you or them or where you or they give us your consent to the use and/or processing involved;
- (n) to bring to your or their attention (in person or by post, email or telephone) information about additional services offered by us, which may be of interest to you or them, unless you or they indicate at any time that you or they do not wish us to do so; and
- (o) to improve the relevance of marketing messages we may send you or them (which you can opt out of as explained below).

## 1.8 Lawful Grounds For Using Your Information

1.8.1 We have described the purposes for which we may use information about you, your Client Personnel or Other Relevant Individuals. We are permitted to process such information in this way, in compliance with the Data Protection Legislation, by relying on one or more of the following lawful grounds:

- (a) the processing is necessary to perform the agreement we have with you or them, or in connection to an entity to which we provide services with which you are connected, or to take steps to enter into such an agreement;
- (b) the processing is necessary for compliance with a legal obligation we have, or an entity to which we provide services with which you are connected has; or
- (c) the processing is necessary for the purposes of a legitimate interest pursued by us, which might be:

- (i) to ensure that our services and business are well-managed;
- (ii) to fulfil our fiduciary duties and responsibilities (whether of ourselves or our employees) in relation to the entities to which we provide services;
- (iii) to prevent fraud and other crimes;
- (iv) to protect our business interests;
- (v) to comply with Court Orders, including but not limited to production orders and disclosure orders;
- (vi) to defend ourselves, or the entities to which we provide services, against claims;
- (vii) to ensure that complaints are investigated;
- (viii) to evaluate, develop or improve our products and services;
- (ix) to keep our clients informed about relevant products and services, unless you have indicated at any time that you do not wish us to do so; or
- (x) you or they have explicitly agreed to us processing such information for a specific reason.

1.8.2 In relation to any processing of special categories of personal data, we will generally rely on obtaining specific consent in order to process such information, although it may be necessary for us to use certain information in order to comply with our legal obligations as a regulated entity (such as in relation to an alleged offence). Where you, your Client Personnel or Other Relevant Individuals have consented to our processing of such information (including special categories of personal data) you or they may withdraw such consent at any time, by contacting us using the contact details in section 7. Please note, however, that in certain circumstances it may be still lawful for us to continue processing this information even where consent has been withdrawn, if one of the other legal bases described above is applicable.

1.9 Automated processing: We do not carry out automated decision-making or profiling in relation to our clients.

## 2. Sharing Your Information With Others

2.1 We keep all Personal Data confidential. However, in order to be able to provide our services, to service our clients' needs to the best of our ability, and to comply with the laws and regulations of the jurisdictions of entities to which we provide services, we may share any information about you, your Client Personnel or Other Relevant Individuals in our possession.

2.2 We may share information about you, your Client Personnel or Other Relevant Individuals with other members of the Trident Trust Group, or with third parties. Where we share such information we will ensure that, where applicable, any such disclosure is at all times in compliance with Data Protection Legislation.

2.3 Information about you, your Client Personnel or Other Relevant Individuals in our possession may be transferred between jurisdictions (which may include jurisdictions outside the European Economic Area and Adequate Jurisdictions [**"Rest Of The World Jurisdictions"**]) for any of the purposes described in this Fair Processing Notice.

2.4 Where information about you, your Client Personnel or Other Relevant Individuals is shared between those Trident Trust Group offices based within the European Economic Area and in Adequate Jurisdictions and certain other jurisdictions, the transfer will be covered by the terms of our Intra Group Agreement, which is based on standard contractual clauses approved by the European Commission. (Please see the final page of this document for a **list of Trident Trust Group offices party to the Intra Group Agreement.**)

2.5 When we transfer information about you, your Client Personnel or Other Relevant Individuals to third parties, where applicable we will impose contractual obligations on the recipients of that data

to protect such information to the standard required by Data Protection Legislation. Where those third parties are in Rest Of The World Jurisdictions, we will ensure that such transfer is protected using safeguards under applicable Data Protection Legislation.

- 2.6 You, your Client Personnel or Other Relevant Individuals understand and accept that the Rest Of The World Jurisdictions may have differing (and potentially less stringent) laws relating to the degree of confidentiality afforded to the information they hold and that such information can become subject to the laws and disclosure requirements of such countries, including disclosure to governmental bodies, regulatory agencies and private persons, as a result of applicable governmental or regulatory inquiry, court order or other similar process.
- 2.7 You, your Client Personnel or Other Relevant Individuals understand and accept that many jurisdictions have agreements with other countries providing for exchange of information for law enforcement, tax and other purposes.
- 2.8 We may also transfer your information where you, your Client Personnel or Other Relevant Individuals have consented to the transfer.
- 2.9 The recipients, or categories of recipients, of your information, or information relating to your Client Personnel or Other Relevant Individuals, may be:
- (a) any revenue service or tax authority if obliged to do so under applicable law and regulations, and international reporting obligations.
  - (b) our advisors (including, but not limited to, accountants, lawyers, tax advisors, or other professional advisors) and financial services providers (including but not limited to banks and investment brokers);
  - (c) your advisors (including, but not limited to, accountants, lawyers, tax advisors or other professional advisors) where authorised to do so by you;
  - (d) professional and financial advisors and service providers (including, but not limited to, accountants, lawyers, tax advisors, or other professional advisors, banks and investment brokers) appointed by the entities to which we provide services;
  - (e) governmental and quasi-governmental bodies, and officially appointed persons worldwide, to whom we have a legal obligation to provide information in relation to the entities to which we provide services, such as companies registries, registered offices and registered agents, which may also include other examples of such registries, appointed persons or repositories of information;
  - (f) Courts and tribunals worldwide;
  - (g) regulators and authorities worldwide, including law enforcement authorities, in connection with their duties;
  - (h) Fraud prevention agencies and crime enforcement agencies and terrorism prevention agencies who will use it to detect, investigate and prevent fraud, money-laundering, other crimes, and terrorism;
  - (i) anyone to whom we may transfer our rights and/or obligations; and
  - (j) any other person or organisation after a restructure, sale or acquisition of any member of the Trident Trust Group, as long as that person uses your information for the same purposes as it was originally given to us or used by us (or both).
- 2.9.2 If we, a fraud prevention agency, crime enforcement agency, or terrorism prevention agency, determine that you, your Client Personnel or Other Relevant Individuals pose a fraud or money laundering/terrorist financing risk:
- (a) we may refuse to provide the services you and/or any entities to which you are connected, or we may stop providing existing services to you and/or entities with which you are connected; and

- (b) a record of any fraud or money laundering/terrorist financing risk will be retained by relevant agencies, and may result in others refusing to provide services, financing or employment to you and/or entities to which we provide services with which you are connected.

### 3. Sharing Another Individual's Information With Us

If any information (including special categories of personal data) which you provide to us relates to any other individual, (that is, your Client Personnel or Other Relevant Individuals), by providing us with such information you or they confirm that you or they have obtained any necessary permissions from such persons to the reasonable use of their information in accordance with this Fair Processing Notice or are otherwise permitted to give us this information on their behalf.

## 4. Your Rights In Relation To Your Information

### 4.1 General Rights

4.1.1 You, your Client Personnel and Other Relevant Individuals have a number of rights concerning the way that we use your information. You are responsible for ensuring that your Client Personnel and Other Relevant Individuals are aware of these rights. At any time, you, your Client Personnel and Other Relevant Individuals shall have the right:

- (a) to be informed about the processing of your or their personal data (i.e. for what purposes, what types, to what recipients it is disclosed, storage periods, any third party sources from which it was obtained, confirmation of whether we undertake automated decision-making, including profiling, and the logic, significance and envisaged consequences of any automated decision-making or profiling);
- (b) to request access to, or a copy of, any personal data we hold about you or them;
- (c) to request the rectification of your or their personal data, if you or they consider that it is inaccurate and to be notified once it is corrected or completed;
- (d) to request the erasure of your or their personal data, if you or they consider that we do not have the right to hold it and to be notified once it has been erased;
- (e) to object to their personal data being processed for a particular purpose or to request that we stop using their information;
- (f) to request not to be subject to a decision based on automated processing and to have safeguards put in place if you or they are being profiled based on your or their personal data;
- (g) to ask us to transfer a copy of your or their personal data to themselves or to another service provider or third party where technically feasible and otherwise required by applicable regulations;
- (h) to restrict us from processing your or their information whilst your or their objections or requests are being dealt with, including not erasing your information whilst you or they require it in relation to a legal claim;
- (i) to withdraw, at any time, any consent that you or they have previously given to us for our use of your or their personal data; or
- (j) to ask us to stop or start sending you or them marketing messages at any time.

### 4.2 Access to Your Information

4.2.1 You, your Client Personnel and Other Relevant Individuals may have a right of access to some, or all, of the information we hold about you or them, or to have any inaccurate information corrected, under the Data Protection Legislation. Any request for access to or a copy of your personal data must be in writing and we will endeavour to respond within a reasonable period and in any event within one month in compliance with Data Protection Legislation. We will comply with our legal obligations as regards any individual's rights as a data subject.

- 4.2.2 We aim to ensure that the information we hold about you, your Client Personnel or Other Relevant Individuals is accurate at all times. To assist us in ensuring that such information is up to date, please let us know if the personal details of you, your Client Personnel or Other Relevant Individuals change by contacting us using the contact details in section 7. We will correct any incorrect or incomplete information.

## 5. Retaining Your Information

- 5.1 We will only process and keep the information we collect about you, your Client Personnel and Other Relevant Individuals on our systems or with third parties for as long as required for the purposes set out above or as required to comply with any legal obligations to which we are subject. This will involve us regularly reviewing our files to check that information is accurate, up-to-date and still required.
- 5.2 If you cease to use our services or we cease to provide services to an entity to which you are connected, or if you cease to provide us with goods or services, or you decide not to go ahead with your relationship with us, we may still keep your information.
- 5.3 We will normally destroy or erase data after the statutory and regulatory periods for which we are required to keep records after we cease to provide services. However, we may retain your information, or information relating to your Client Personnel and Other Relevant Individuals after you cease to be a client, or after we cease to provide services for longer than this, provided it is necessary for a legal, regulatory or other legitimate business purpose (including in connection with any possible disputes). We will in any event not keep your personal data for any longer than permitted under Data Protection Legislation.

## 6. Sending You Marketing Information

- 6.1 We may use your information from time to time to inform you, your Client Personnel or Other Relevant Individuals by letter, telephone, text (or similar) messages, email or other electronic means, about similar products and services (including those of third parties) which may be of interest to you or them. You are responsible for ensuring that your Client Personnel and Other Relevant Individuals are aware that we may use their information for marketing purposes to inform them about services which may be of interest to them.
- 6.2 You, your Client Personnel or Other Relevant Individuals may, at any time, request that we cease or do not send such information by one, some or all channels, by contacting us using the contact details in section 7.

## 7. Contacting Us

- 7.1 If you or any of your Client Personnel or Other Relevant Individuals wish to exercise any of the rights relating to your information set out above, or if you have any questions or comments about data protection, or you wish to raise a complaint about how we are using your information you can contact us using the following details, or any other details notified to you from time to time:
- 7.1.1 Email [datacontroller@tridenttrust.com](mailto:datacontroller@tridenttrust.com)
- 7.1.2 Write to Data Controller, PO Box 164, 12-14 Finch Road, Douglas IM99 3DS, Isle of Man, British Isles
- 7.2 If you, your Client Personnel or Other Relevant Individuals have any concerns about our use of your or their information, you and they also have the right to make a complaint to the relevant Information Commissioner or equivalent in the relevant jurisdiction within the EEA or an Adequate Jurisdiction.
- 7.3 We may make changes to this Fair Processing Notice and how we use your information in the future. If we do this, we'll post an updated version of this Fair Processing Notice on our website. You can find the current version of this Fair Processing Notice, which explains how we'll use your information, by visiting our website at [tridenttrust.com](http://tridenttrust.com).



**List of GDPR Jurisdictions with Trident Trust Group Offices**

List of jurisdictions with Trident Trust Group offices either within the European Economic Area; or within jurisdictions deemed to provide adequate protection in relation to data protection by the European Commission (“Adequate Jurisdictions”):

European Economic Area Jurisdictions	Adequate Jurisdictions
Cyprus	Canada
Luxembourg	Guernsey
Malta	Isle of Man
United Kingdom	Jersey
	New Zealand
	Switzerland

**List of Trident Trust Group offices party to the Intra Group Agreement**

Name of Trident Trust Group Office
Trident Trust Company (Cyprus) Limited
Trident Fiduciaries (Middle East) Limited
Trident Trust Company (Luxembourg) S.A.
Trident Trust Company (Malta) Limited
Trident Corporate Services (Malta) Limited
Trident Fund Services (Malta) Limited
Trident Trust Company (UK) Limited
Trident Company Services (UK) Limited
Trident Trust Company (Guernsey) Limited
Trident Fund Services (Guernsey) Limited
Trident Employment Services (Guernsey) Limited
Trident Agency Services (Guernsey) Limited
Trident Trust Company (IOM) Limited
Trident Ship Management Limited
Trident Trust Company Limited
Trident Trust Company (B.V.I.) Limited
Trident Insurance (Management) Limited
Trident Fund Services (B.V.I.) Limited
Trident A.R. (B.V.I.) Limited
B.V.I. Company Formations Limited
Trident Trust Company (Cayman) Limited



Trident Corporate Services (Panama) S.A.
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Trident Trust (Panama) Limited S.A.
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TT & Asociados S.A.
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Trident Trust Company (Seychelles) Limited
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Montrose Asset Management Limited
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