# INFORMATION ON THE PROCESSING OF PERSONAL DATA BY Q SECURITIES S.A. MALTA BRANCH

Since 25 May 2018, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (Official Journal of the EU L 119 of 4 May 2016) ("**GDPR**") has been applicable. Accordingly, Q Securities provides the following information required under the GDPR and relating to the processing of personal data.

**In this information, we use the following terms:**

- We, that is **Q Securities** – Q Securities Spółka Akcyjna with its registered office in Warsaw and Q Securities Spółka Akcyjna Oddział SOHO (Malta Branch), for the purposes of the personal data obtained and processed by the branch in connection with the activities carried out by this branch. Detailed information about Q Securities, including the entry of Q Securities in the relevant court register, the NIP (taxpayer identification number) number and the name and address of the relevant financial supervisory authority, can be found at the end of this information.

- You, meaning **Client** or **Prospective Client** or **Investor** – a natural person whose personal data Q Securities processes for one or more of the purposes indicated in this information. We have taken the liberty of using a direct phrase to make the content clearer,

- Agent, or Q Securities **investment firm agent** – an entity authorised to carry out intermediation activities on behalf of and for the account of Q Securities within the meaning of Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU.

**1. Q Securities - controller of your personal data, contact details of Q Securities and our Data Protection Officer.**

The controller of your personal data is respectively:

- Q Securities S.A., carrying out brokerage and other activities in accordance with its Articles of Association. Q Securities has its registered office in Warsaw at Aleje Jerozolimskie 93, Warsaw, postal code 02-001, website: www.qsecurities.com/pl/. You can contact the Data Protection Officer of Q Securities by writing – preferably with an annotation: " Data Protection Officer " – to Q Securities' postal address or e-mail address: iodo@qsecurities.com You may also use Q Securities' e-mail address: biuro@qsecurities.com or the following telephone number: +48 22 417 44 00.
- Q Securities S.A. Malta Branch, carrying out brokerage and acting as depositary for Maltese Alternative Investment Funds (AIF) with regard to personal data obtained as part of the branch's activities. The branch has its office in Malta at SOHO Office Space, Savoy Gardens, J Block, Rue D'Argens, Gzira GZR 1362, Malta, website: www.qsecurities.com. You can contact the Data Protection Officer of Q Securities by writing – preferably with an annotation: " Data Protection Officer " – to Q Securities' postal address or e-mail address: iodo@qsecurities.com. You may also use Q Securities' e-mail address: biuro@qsecurities.com or office@qsecurities.lu the following telephone number: +48 22 417 44 00 or +352 621 382 477.

acting jointly as the Joint Controllers within the meaning of Article 26 of the GDPR in respect of personal data obtained and processed in connection with the business conducted by the Malta Branch of Q Securities S.A.

and to the extent permitted by applicable laws, including in particular on the basis of consents required under such laws for the transfer and processing of such personal data by Q Securities S.A.

**2. <u>Which institution is the supervisory authority for personal data?</u>**

The supervisory authority responsible for your personal data is the President of the Personal Data Protection Office ("**PUODO**"), Poland. For data processed by Q Securities S.A. Malta Branch: the Information and Data Protection Commissioner, Malta. You have the right to lodge a complaint with the supervisory authority.

**3. <u>Can you object or withdraw your consent or authorisation?</u>**

You can object to specific processing – especially processing for marketing purposes. Q Securities will consider the legitimacy of your objection. If the objection relates to processing for marketing purposes, it will be granted by Q Securities, unless you simultaneously maintain consents to processing for marketing purposes or grant such consents in the course of considering the objection or subsequently. Any consents are voluntarily. You can always withdraw all or some of your consents regarding the processing of personal data. The withdrawal of a given consent does not affect Q Securities' right to process your data for the purpose described in that consent until the time of withdrawal. It is also possible that – in accordance with law regulations – Q Securities will be entitled to process your data on a different legal basis or for a different purpose.

Sometimes, your consent to data processing may be necessary to perform a specific activity. Pay attention to whether your withdrawal of consent – in accordance with your Agreement or law regulation – will have different legal consequences. It is possible that should you withdraw such a consent, your Agreement cannot be implemented in whole or in part.

**4. <u>For what purposes do we process your personal data?</u>**

Q Securities processes your data for the following purposes:

1) to carry out activities in accordance with the consent you have given (legal basis of Article 6(1)(a) of the GDPR[1]) - e.g. for marketing purposes. The legal basis for granting consents or authorisations are the provisions of: GDPR, European Union law, Polish or Maltese law applicable to brokerage houses, investment firms, or laws, regulatory acts specifically concerning the consent/authorisation in question, including: legal regulations on the provision of brokerage services, provision of services by electronic means, telecommunications law,

2) the performance of activities related to the conclusion, performance or termination of a contract and the performance of other activities related to the contract, including activities prior to entering into a contract (legal basis of Article 6(1)(b) of the GDPR). These are activities such as analysis, risk surveys, other activities in the process of entering into, performing or terminating a contract. They may also include other activities or statements related to a contract, including those related to the representation of a natural person(e.g. power of attorney), including the activities of the representative themselves, as well as activities commissioned by other entities, but related to the services provided to the Client. By this, we mean all agreements or activities, including those that we perform on behalf of or for other entities,
3) to comply with a legal obligation (legal basis of Article 6(1)(c) of the GDPR). Such obligations arise from law, including: provisions of the European Union law, Polish or Maltese law relating to investment firms e.g.

[1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (Official Journal of the EU L119 of 4 May 2016).

legal regulations on the provision of brokerage services or the performance of depositary functions for alternative investment funds (AIF). Such obligations may also arise from other laws that provide for requirements to adapt the services offered to consumers to their characteristics or to propose services of a relevant nature. In addition, Q Securities is required to comply with obligations arising from tax law, accounting or archiving regulations, or regulations that relate to the prevention of actions prohibited by law or that impose obligations to maintain the security of transactions. Furthermore, Q Securities is entitled to process data in order to comply with obligations and implement recommendations issued by authorised authorities or institutions,

4) for analytical purposes, i.e. the matching services to your needs, the optimisation of our services based on your comments on them, your interest in the services provided by Q Securities, the optimisation of our service processes based on the course of our sales and after-sales service processes, etc., which constitute our legitimate interest (legal basis of Article 6(1)(f) of the GDPR),

5) for archival (evidence) purposes to safeguard information in the event of a legal need to prove facts, which constitute our legitimate interest (legal basis of Article 6(1)(f) of the GDPR),

6) for the possible establishment, investigation or defence against claims, which constitute our legitimate interest (legal basis of Article 6(1)(f) of the GDPR),

7) for the purpose of surveying customer satisfaction and determining the quality of our service, which constitute our legitimate interest (legal basis of Article 6(1)(f) of the GDPR),

8) in order to initiate handling of your potential instructions and orders resulting from your participation in an investment fund / investment product offered by Q Securities, whereby the initiation of provision of services to your person is related to an agreement entered into by Q Securities with a client / counterparty / Agent, which constitute our legitimate interest (legal basis of Article 6(1)(f) of the GDPR) and serves the purpose of implementing the aforementioned agreement (legal basis of Article 6(1)(b) of the GDPR),

9) in order for us to offer you products and services directly (direct marketing), which constitutes our legitimate interest (legal basis of Article 6(1)(f) of the GDPR). Direct marketing includes: (i) transmitting or sending commercial information to electronic or telephonic communication devices that Q Securities identifies as yours, (ii) sending commercial information by conventional mail.

Commercial information – is any form of advertising and promotion, as well as commercial offers or purchase proposals. It may relate to: promotion of the image, services, or products of Q Securities or other entities whose services or products are offered by Q Securities or are related to the business pursued by Q Securities. Our commercial communications are non-profiled. Q Securities processes data for marketing purposes on the basis of Client's consent. Q Securities is also entitled to process it under the Q Securities' legitimate interest – except that if the data is processed on the basis of a consent and the consent has been withdrawn, Q Securities shall not process the data for marketing purposes unless the Client has given a different consent.

**5. <u>For what other purposes are we authorised to process your data?</u>**

We have outlined above the primary purposes for data processing. Q Securities may process data for other secondary purposes – if both purposes are related.

The following secondary purposes are envisaged:

1) transfer of data to archive,
2) audits or investigations,
3) implementation of business and management control mechanisms,
4) other statistical research or historical or scientific research,
5) business, economic, or legal advice that is provided to Q Securities.

## 6. What types of data do we process?

We process data related to:

1) identification or verification of the Client (including authentication data, electronic identification data, residence data). This involves establishing or verifying the identity of the Client or the person/entity who represents the Client. We verify if the data is consistent with data provided or retrieved from relevant documents, registers or lists, as well as data identifying the devices (e.g. telephone number, e-mail) used by the Client, including as a representative of a person or entity having a legal relationship with Q Securities,

2) data relating to the Client's tax status, tax residency, tax identification numbers, beneficial owners of the Client and other data necessary to enable the provision of the service or the offering of the relevant product to the Client,

3) transactional data, including data covered by professional secrecy within the meaning of Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2011/61/U, including the Client's holding and investment objectives. It is data by means of which a specific transaction can be executed, a specific agreement can be implemented or data which is related to their identification or implementation,

4) data on marital status and family situation,

5) financial or service-related data – this is data related to the provision of a specific service, including the products offered, the financial situation of the Client or persons affected by or connected with a specific activity – if the specific service or product expressly provides for such a condition – or other data necessary for using Q Securities' services,

6) data relating to preferences or behaviour – this is data that is analysed and transmitted in order to provide a specific service and that is transmitted under the terms and conditions of the relevant consent (e.g. for the transmission of commercial information for marketing purposes by electronic devices) or other legal basis,

7) data relating to the Client's business, professional activities, education. This is data or information about such activities of the Client or the entity it represents, necessary in connection with a service or product offered by or through Q Securities,
8) audio-visual data in the form of recorded telephone conversations for evidential purposes on the basis of legal provisions requiring their recording when providing selected brokerage services. If a specific telephone call is recorded, you will be informed of this at the beginning of the call.

In addition, Q Securities may process other personal data provided by the Client insofar as it does not qualify under any of the above groups, and this is done for the purposes described in this information.

**7. What categories of data recipients do we distinguish?**

We may transfer personal data to entities or bodies:

1) which are authorised under law regulations,

2) to whom the transmission of data is necessary for the performance of a specific task,

3) to whom data may also be transferred on the basis of your consent or authorisation,

4) Q Securities' subcontractors, i.e. entities whose services we use to process your data, i.e. accounting firms, legal advisers, IT firms, Agents, i.e. investment firm agents of Q Securities – only to the extent necessary for the respective subcontractors to perform the respective services for Q Securities.

**8. Do we transfer your data to third countries or international organisations?**

We do not transfer your data outside the European Union / European Economic Area.

**9. How long will Q Securities process your data?**

The duration of the processing of your data depends on the purpose for which it was collected and is processed, on the provisions of law, as well as your consents and other representations. We process data:

1) collected for the purpose of entering into an agreement / offering a product or service for a period of 6 years from the termination or expiry of the agreement / offering a product or service,

2) related to the conclusion and performance of an agreement or another legal act – for a period of 6 years from the termination or expiry of the agreement in force,

3) for the purposes of direct marketing of our products or services or other purposes related to your consent – we process the data until you object to their processing for this purpose, withdraw your consent if we have processed them on the basis of so-called marketing consent, or we ourselves determine that they have become obsolete,

4) archival data – after the expiry of a specific legal relationship (e.g. an agreement), but for a period not shorter than 6 years from the termination or expiry of the agreement in force. If a dispute, litigation or other proceedings (especially criminal proceedings) are pending, the archiving period are respectively (this is usually two (2) or five (5) years). In the latter case, we will keep any relevant personal data that we may need to defend ourselves against any claim(s), challenge(s) or other such action(s) by you and/or third parties for such time as is necessary.
5) relating to a judicial decision – such data may be processed up to by (this is usually two (2) or five (5) years).

The above periods do not add up. Data may be processed separately according to particular purposes and legal basis, e.g. a particular consent to processing for marketing purposes may be revoked, but this does not

deprive Q Securities of the right to process the data for a different purpose or on a different legal basis. The Client can always withdraw all or only some consents or authorisations.

## 10. Your rights

You have:

1) the right to access your data and to receive a copy thereof,

2) the right to rectify (correct) your data,

3) the right to erasure – if you believe there are no grounds for us to process your data, you can request that we erase it,

4) the right to restrict processing – you can request that we restrict the processing of your personal data only to storing it or carrying out activities that you have agreed with us, if in your opinion we have incorrect data about you or are processing it groundlessly, or you do not want us to erase it because you need it to establish, assert, or defend your claims, or for the duration of any objection you have lodged against data processing,

5) the right to object to the processing:

   a) you have the right to object to the processing of your data for direct marketing purposes. If you exercise this right, we shall cease processing your data for this purpose,
   b) you have also the right to object to the processing of your data on the basis of legitimate interests if the data is processed for purposes other than direct marketing. You should then indicate to us your particular situation which, in your opinion, provides grounds for us to cease the processing covered by the objection. We will stop processing your data for these purposes unless we can demonstrate that the grounds for our processing override your rights, or that your data is necessary for us to establish, assert, or defend our claims,

6) right to data portability – you have the right to receive from us, in a structured, commonly used and machine-readable format (e.g. in ".csv" format) the personal data concerning you which you have provided to us on the basis of an agreement, another legal transaction, or your consent. You may also instruct us to send this data directly to another party,

7) Right to withdraw your consent to data processing – you have the right to withdraw your consent to the processing of personal data which we process on the basis of your consent at any time. Withdrawal of consent will not affect the lawfulness of the processing that was carried out on the basis of your consent before its withdrawal,

Remember that:

1) any type of consent to process data for marketing purposes is voluntary. In some cases, however, it may be necessary, for the performance of an agreement or another legal transaction, to transfer the data to a

third party or to receive the data from such a third party. In such a case, you will need to give your consent or authorization for such transfer, unless there is a separate legal basis for the transfer. Should you refuse to give such consent/authorisation or withdraw it, this may affect the conclusion or performance of an agreement with the third party or a specific action insofar as the transfer of the data is necessary for the conclusion or performance of the agreement or specific action,

2) in case of entering into an agreement (or any other similar legal act), provision of personal data is necessary for entering into it. Law regulations may require the provision of data for the purpose described therein (e.g. identification or verification). Furthermore, the provision of certain data may be necessary for the performance of a specific transaction or activity. Should the Client fail to provide data required by an agreement or other document used by Q Securities in accordance with its procedures or under law regulations, Q Securities will not enter into the agreement or perform the transaction or activity,

3) you have the right to withdraw any consents or authorisations you have given regarding the processing of your personal data. This right also applies to consents for Q Securities to process your data for marketing purposes or authorisations to transfer your data to another party that you have given to Q Securities in the past. The withdrawal of a specific consent does not affect Q Securities' right to process the data for the purpose described in that consent until it is withdrawn,

4) the rights provided for in the GDPR, in particular the right to obtain a copy of your data, the right to data portability, the right to erasure, the right to restriction of processing, can be exercised from 25 May 2018, the starting date of the application of the GDPR under the rules specified in the GDPR and in accordance with other law regulations,

5) In order to exercise your rights, send your request to the following e-mail address: iodo@qsecurities.com, call the following phone number: + 48 22 417 44 00 or +352 621 382 477, or visit Q Securities or the Branch office. Remember, before exercising your rights we will need to make sure that you are you, i.e. properly identify you.

**11. <u>Detailed information on Q Securities, including entry in the relevant Register of Entrepreneurs, NIP number and the name and address of the relevant financial supervisory authority:</u>**

<u>Q Securities as:</u>

- Q Securities S.A. with its registered office in Warsaw, Aleje Jerozolimskie 93, 02-001 Warsaw, entered into the Register of Entrepreneurs kept by the District Court for the Capital City of Warsaw in Warsaw, 12th Commercial Division of the National Court Register, with KRS no.: 0000446527, amount of the share capital: PLN 951,570.00 (paid up in full), NIP: 1080014541, REGON: 146488304, telephone: 22 417 44 00, fax: 22 417 44 01, e-mail: biuro@qsecurities.com, www.qsecurities.com/pl/, supervisory authority: Polish Financial Supervision Authority, St. Piękna 20, 00-549 Warsaw.
- Q Securities S.A. Malta Branch, SOHO Office Space, Savoy Gardens, J Block, Rue D'Argens, Gzira GZR 1362, Malta, registered with the Overseas Company with number: OC 1458., telephone: 22 417 44 00 or +352 621 382 477, fax: 22 417 44 01, email: biuro@qsecurities.com, www.qsecurities.com, supervisory authority: Malta Financial Services Authority (MFSA), address: Triq l-Imdina, Zone 1 Central Business District, Birkirkara, CBD 1010, Malta.