



# Herald

LEADING-EDGE INVESTING

## DATA PROTECTION NOTICE

In accordance with the General Data Protection Regulation (679/2016/EU) (the “**GDPR**”) and applicable Irish data protection legislation<sup>1</sup> (collectively, “**Data Protection Legislation**”), Herald Investment Fund plc (the “**Fund**”), being a data controller, must provide you with information on how the personal data that you provide as part of your subscription to shares in the Fund will be processed by the Fund, its service providers and delegates and their duly authorised agents and any of their respective related, associated or affiliated companies.

As a consequence of your investment, the Fund acting as a data controller may itself (or through third parties including but not limited to Northern Trust International Fund Administration Services (Ireland) Limited (the “**Administrator**”), Northern Trust Fiduciary Services (Ireland) Limited (the “**Depository**”), Herald Investment Management Limited in its capacity as investment manager of the Fund (the “**Investment Manager**”) and any distributor or sub-distributors that may be appointed from time to time (collectively the “**Distributor**”), and their duly authorised agents, employees, delegates or sub-contractors and any of their respective related, associated or affiliated companies (together the “**Service Providers**”) process your personal information or that of your directors, officers, employees, intermediaries and/or beneficial owners. Save where otherwise expressly provided, any reference in this Data Protection Notice to “you” or “your” in the context of processing personal data of corporate data subjects shall be understood to mean and relate to the personal data of directors, officers, employees, intermediaries and/or beneficial owners of the data subject as the context may require.

When processing your personal information, there may also be times where the Administrator will act as an independent data controller in respect of your personal information. For the avoidance of doubt, the Administrator will not at any time be acting as a joint controller with the Fund.

In this regard, please note the following:

### **Purposes of Processing and Legal Basis for Processing**

The personal data collected from you or provided by you or on your behalf in connection with your holdings in the Fund will be collected, stored, disclosed, used and otherwise processed by the Service Providers on behalf of the Fund for the purposes outlined in the table below.

<b>Processing Activity by or on behalf of the Fund</b>	<b>Legal Basis for Processing</b>
To facilitate account opening, management and administration of your holdings in the Fund and any related account on an ongoing basis.	Performance of the contract between the Fund and you, including without limitation the processing of subscription, redemption, conversion, transfer and additional subscription requests, and the payment of distributions.

<sup>1</sup> The Irish Data Protection Acts 1988 to 2018, the General Data Protection Regulation (Regulation (EU) 2016/679), the EU ePrivacy Directive 2002/58/EC (as amended) and any relevant transposition of, or successor or replacement to, those laws (including, when it comes into force, the successor to the ePrivacy Directive)

In order to carry out ongoing anti-money laundering checks and related actions considered appropriate for the prevention of fraud, money laundering, terrorist financing, bribery, corruption, tax evasion and to prevent the provision of financial and other services to persons who may be subject to economic or trade sanctions.	Compliance with a legal obligation imposed on the Fund relating to the processing in the public interest or pursuing the legitimate interests of the Fund in accordance with the Fund's anti-money laundering procedures.
To disclose tax related information to tax authorities.	Compliance with a legal obligation to which the Fund is subject.
To monitor and record calls and electronic communications: (i) for processing verification of instructions; (ii) for investigation and fraud prevention; (iii) for crime detection, prevention, investigation and prosecution; (iv) to enforce or defend the Fund and/or its affiliates' rights, itself or through third parties to whom it delegates such responsibilities or rights.	Compliance with a legal obligation to which the Fund is subject or pursuing the legitimate interests of the Fund in relation to such matters or where the processing is in the public interest.
To disclose information to other third parties, such as the service providers of the Fund, auditors, regulatory authorities and technology providers.	Compliance with any legal obligation to which the Fund or the Administrator is subject or pursuing the legitimate interests of the Fund.
To monitor and record calls for quality, business analysis, training and related purposes.	Pursuing the legitimate interests of the Fund or the Administrator to improve their service delivery.
To update and maintain records and carry out fee calculations.	Compliance with a legal obligation to which the Fund or the Administrator is subject or pursuing the legitimate interests of the Fund in relation to such matters or where the processing is in the public interest.

#### **Undertaking in Connection with Other Parties**

By providing personal data to the Fund, you undertake that you are authorised to disclose to the Fund relevant information applicable to: (i) the beneficial owner of the investment; (ii) your directors and authorised signatories; and (iii) persons that own, directly or indirectly, an interest in the Fund. In this respect you confirm that you have provided these persons with all the information required under applicable data protection law, notably regarding their data protection rights, and received from these persons their authorisation for the processing and transfer of their personal data to the Fund and the Service Providers, as applicable.

#### **Disclosures to Third Parties / International Transfer of Data**

The Fund may disclose your personal information as follows:

- to the Service Providers;
- to competent authorities (including tax authorities), courts and bodies as required by law.

In any case where the Fund shares your personal information with a third-party data controller (including, as appropriate, the Administrator and its affiliates), the use by that third party of your personal information will be subject to the third party's own privacy policies which are available on request.

The disclosure of personal information to the third parties set out above may involve the transfer of data to the USA and other jurisdictions outside the European Economic Area ("EEA") in accordance with the requirements of the General Data Protection Regulation. Such countries may not have the same data protection laws as your jurisdiction. The Fund has authorised the Administrator as its agent to put in place standard contractual clauses within the meaning of the Data Protection Legislation (the "**Standard Contractual Clauses**") with relevant parties to whom personal data will be transferred. Please contact the Administrator for copies of the Standard Contractual Clauses that have been entered into on behalf of the Fund.

#### **Data Retention Period**

The Fund and its appointed Service Providers will retain all information and documentation provided by you in relation to your investment in the Fund for such period of time as may be required by Irish legal and regulatory requirements, being at least six years after the period of your investment has ended or the date on which you had your last transaction with the Fund.

The Fund and the Administrator will use reasonable efforts to keep your personal information up to date. However, you will need to notify the Fund and the Administrator without delay in the event of any change in your personal circumstances, so that the Fund and the Administrator can keep the personal information up to date.

## Your data protection rights

Please note that you have the following rights under the GDPR. In each case, the exercise of these rights is subject to the provisions of the GDPR:

- (i) You have a right receive detailed information on the processing of your personal data.
- (ii) You have a right of access to, and the right to amend and rectify any inaccuracies in, your personal data.
- (iii) You have a 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 carried out by the Fund infringes the Data Protection Legislation.
- (iv) You have a right to be forgotten (right of erasure of personal data).
- (v) You have a right to restrict, or object to, processing.
- (vi) You have a right to data portability.
- (vii) You have a right to object to automated decision making, including profiling.

Where you wish to exercise any of your data protection rights against the Fund, please contact the Fund via the details provided below under "Contact Us".

The Fund or its Service Providers will respond to your request to exercise any of your rights under the Data Protection Legislation in writing, as soon as practicable and in any event in accordance with the provisions of the Data Protection Legislation. The Fund or its Service Provider may request proof of identification to verify your request.

### Failure to provide personal data

As outlined in the section titled "**Purposes of Processing and Legal Basis for Processing**", the provision of personal data by you is required for the Fund and the Administrator to manage and administer your holdings in the Fund and so that the Fund and the Administrator can comply with the legal, regulatory and tax requirements referenced above. Where you fail to provide such personal data in order to facilitate the Fund and/or the Administrator in complying with their respective anti-money laundering/counter terrorist financing or other legal requirements, in certain circumstances, the Fund and/or the Administrator may be prohibited from making a redemption or any applicable dividend payments to you and/or may be required to discontinue the business relationship with you by compulsorily redeeming your shareholding in the Fund.

### Contact us

If you have any questions about the Fund's use of your personal information, please contact the Fund at [privacy@heralduk.com](mailto:privacy@heralduk.com) or Mehul Bhudia, Herald Investment Management Ltd, 10-11 Charterhouse Square, London EC1M 6EE.