



PRIVACY NOTICE

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1. INTRODUCTION

Emerald Capital (“we” and “us”) understands that your privacy is important to you and that you care about how your personal information is used. We respect and value the privacy of all those that we have dealings with and use personal information in ways that are described herein, and in a way that is consistent with our obligations and your rights under the law.

2. WHAT DOES THIS NOTICE COVER?

This Privacy Notice explains how we generally collect, hold, use and share personal information you provide to us and your rights in relation to the personal information that we hold about you in the context of your visit to and use of this website and in the course of our business dealings with you.

3. WHO IS RESPONSIBLE FOR YOUR PERSONAL INFORMATION?

Emerald Capital is responsible for your personal information. As such, Emerald Capital has appointed an Information Officer and any questions, comments and requests regarding this Privacy Notice are welcomed and should be addressed to service@emeraldcapitalco.com.

4. WHAT DOES THIS NOTICE APPLY TO?

We are subject to the varying requirements of data protection legislation in the jurisdictions where we have offices. We aim to have a consistent approach to protecting personal information and to accord with all applicable legislation, relating to personal information and/or our data processing activities that can be different in the various jurisdictions. The following descriptions of data processing, rights and obligations, and in particular the limitations to data processing apply within the scope of applicability of the South African Protection of Personal Information Act, 2013 (**POPIA**) and the General Data Protection Regulation (**GDPR**) made by the European Parliament and the Council of the European Union (**Applicable Data Legislation**).

Where this Privacy Notice refers to a party that may be either an individual or an organisation (such as our clients or service providers), the reference includes individuals who are employees, directors, or principals of an organisation or its associates.

5. WHAT IS PERSONAL INFORMATION?

Personal information is any information relating to an identifiable, living individual, as well as an identifiable juristic person, that identifies you either directly from that information or indirectly, by reference to other information that we have access to.

Personal information is, in simpler terms, any information about you that enables you to be identified. Personal information covers obvious information such as your name and contact details, but it also covers less obvious information such as identification numbers, electronic location data, and other online identifiers. We process

personal information by both automated (electronically) and non-automated means (paper based as part of a filing system).

The personal information that we collect, and how we collect it, depends upon how you interact with us.

6. WHAT PERSONAL INFORMATION IS COLLECTED?

We may collect and hold some or all of the personal information, as listed below:

- Contact and biographical information such as names, identity numbers, driver's licences, passport numbers, job title, business, residential and/or postal address, email address, telephone or mobile number, employer information and geographical location data;
- Business information when you or your organisation becomes a client, investor or beneficiary of Emerald Capital, such as company/entity names, registration details, ownership, shareholding, professions, email communication of an implicit or explicit private and confidential nature, affiliations, products, services and statutory registration information;
- Identification information required for client onboarding purposes, which includes information required for anti-money laundering and counterterrorist financing;
- Payment and financial information necessary for processing payments, investing funds and tax compliance as well as conducting fraud prevention, including but not limited to, transaction history, bank statements, invoices, credit notes, bank account numbers and credit ratings;
- Information sourced from publicly available resources and third parties, integrity data bases and credit agencies;
- Marketing, communication preferences and related information such as feedback and survey responses;
- Technical information, such as information from your visits to our website or in relation to electronic communications that we send to you;
- Special personal information that may include information relating to race, ethnical origin, health, biometric information and criminal behaviour of a data subject; and
- Services information such as details of services that we have purchased from you as a supplier, service provider, professional advisor or consultant.

7. HOW DO WE COLLECT PERSONAL INFORMATION?

As far as is practicably possible, we obtain information directly from the data subject. If it is not practicably possible to obtain such information directly from you, we will obtain such personal information from third parties or public forums where you may have made your personal information deliberately public.

We collect some or all of the personal information in a number of methods, as listed below:

- When you provide personal information directly to us;
- When you become a client and in terms of our client onboarding process, which includes anti-money laundering and counter terrorist financing, sanctions, reputational, financial, criminal and verification checks, where applicable. This includes collecting personal information from publicly available sources or third-party data vendors;
- When you sign up to receive news services or register for one of our online services, we will ask that you provide your contact and other relevant information, as well as your communication preferences;
- When you use our website or one of our online services, we will collect information about your visit and how you interact with our website;
- When you or your organisation render services to us, we will collect personal information as part of our due diligence process in appointing suppliers; and
- When you visit one of our buildings, we may collect information that we may need in order to identify you and complete necessary security and health checks. We may also collect your image on CCTV.

When you visit one of our websites, we automatically collect, store and use technical information about your equipment and interaction with our website. This information is sent from your computer to us using a variety of “cookies”. A “cookie” is information placed on a user’s computer by a website for record keeping purposes. While “cookies” are not considered personal information, they are generally used on Emerald Capital’s website to monitor traffic as we use anonymous information to track how people are using our website. This may include time of visit, pages visited and some system information about the type of computer you are using.

You can configure your browser to accept all “cookies”, reject all “cookies”, or notify you when a “cookie” is sent. Each browser is different, so check the Help menu of your browser to learn how to change your “cookie” preferences. If you disable the use of “cookies” on your web browser or remove or reject specific “cookies” from Emerald Capital’s website, then you may not be able to gain access to all the content and facilities on the website.

We may require the personal information of third parties (such as name, contact details and e-signature) for the purpose of managing electronic agreements. If you provide personal information to us about someone else (such as one of your directors or employees, or someone with whom you have business dealings) you must ensure that you are entitled to disclose that personal information to us and that, without our taking any further steps, we may collect, use and disclose that personal information as described in this Privacy Notice.

In particular, you must ensure the individual concerned is aware of the various matters detailed in this Privacy Notice, as those matters relate to that individual, including our identity, how to contact us, our purposes of collection, our personal data disclosure practices (including disclosure to overseas recipients), the individual's right to obtain access to the personal information and make complaints about the handling of the personal information, and the consequences if the personal information is not provided (such as our inability to provide the services).

8. HOW DO WE USE PERSONAL INFORMATION?

We will only use your personal information fairly and where we are permitted to do so by applicable law. We may use personal information for one or all the following purposes:

- Managing and administering our business and our commercial relationships with clients, suppliers and vendors;
- Supplying our products and/or services to you;
- Managing payments for our products and/or services;
- Personalising and tailoring our products and/or services for you;
- Communicating with you;
- Supplying you with information by electronic communication if you have agreed thereto and you may opt-out at any time;
- For marketing-related purposes, only with your permission, which may include contacting you by email and/or telephone and/or text messages with information news and offers on our products and/or services. We will always work to fully protect your rights and comply with our obligations under the Applicable Laws and we will provide you the opportunity to opt out anytime if you do not want to receive further marketing-related communication from us;
- We use certain automated system(s) for carrying out certain kinds of decision-making and/or profiling. If at any point you wish to query any action that we take on the basis of this or wish to request “human intervention” (i.e. have someone review the action themselves, rather than relying only on the automated method), we will give you the opportunity to do so;
- Compliance with our legal and regulatory obligations (such as record keeping obligations), compliance screening or recording obligations (anti-money laundering and counter terrorist financing checks, financial, criminal and credit checks and fraud prevention and detection purposes), which may include automated checks of your contact data or other information you provide about your identity against applicable third party sanctioned lists, including reporting to and/or being audited by regulatory bodies;

- Protecting the security of and managing access to our premises, IT and communication systems, online platforms and mobile applications, websites and other systems, preventing and detecting security threats, fraud or other criminal or malicious activities; preventing and detecting security threats, fraud or other criminal or malicious activities;
- For insurance purposes;
- For monitoring and assessing compliance with our policies and procedures; and
- For any purpose related and/or ancillary to any of the above or any other purpose for which your personal data was provided to us.

We will only use your personal information for the purpose(s) for which it was originally collected unless we reasonably believe that another purpose is compatible with that or those original purpose(s) and we need to use your personal information for that purpose. If we do use your personal information in this way and you wish that we explain how the new purpose is compatible with the original purpose, please contact us.

In some circumstances, where permitted or required by law, we may process your personal information without your knowledge or consent. This will only be done within the bounds of the applicable legislation and your legal rights.

9. HOW LONG WILL WE KEEP PERSONAL INFORMATION?

The periods for which we retain personal information are based on the requirements of the Applicable Laws and the purpose for which the personal information is collected and used. We do not keep your personal information for any longer than is necessary to fulfil the purpose for which we collected it, or to comply with any legal, regulatory or reporting obligations or to assert or defend against legal claims. Your personal information will therefore be kept for:

- as long as it serves the purpose it was collected and intended for;
- such periods as prescribed in any legislation applicable to our business;
- any period agreed to in a contract;
- the purposes of fulfilment of a contract;
- any period as required for regulatory or audit requirements; or
- any period you may have agreed to, by any other means.

In South Africa, we are required to keep your personal information in terms of the following applicable legislation: the Electronic Communications and Transactions Act (ECT), the Financial Intelligence Centre Act (FICA), the Financial Advisory and Intermediary Services Act (FAIS), the Consumer Protection Act (CPA), and the Long Term Insurance Act (LTIA); amongst others.

10. HOW DO WE SHARE AND TRANSFER PERSONAL INFORMATION?

We treat your personal information with respect and do not share it with third parties except as detailed in this clause. We treat the security and method of processing your personal information very seriously, and we will never sell your personal information under any circumstances.

If we sell, transfer, or merge parts of our business or assets or loans that we have advanced to clients, any reasonably ancillary and necessary personal information that we hold relating thereto may be transferred to a third party.

We have offices in a number of jurisdictions; therefore, personal information that is given to one of our offices may be transferred to one or more of our other offices (including any office we may open in the future). Generally, we will share your personal information between our offices for the purpose of providing our products or services as well as for our internal business processes (such as administration and marketing initiatives).

We may disclose personal information relating to our clients, their employees and agents to our legal specialists, other consultants or industry experts who are engaged to provide us services as well as technology service providers.

We may share your personal information with companies providing services for money laundering checks, credit checks and other fraud and crime prevention purposes and companies providing similar services, including financial institutions and credit reference agencies.

We may share personal information with our insurers and insurance brokers.

We may share personal information with our suppliers and service providers, domestically or abroad, e.g. IT service providers, including cloud service providers such as data storage platforms, to process personal information on our behalf and in accordance with our instructions only. We will retain control over and will remain fully responsible for your personal information and will use appropriate safeguards as required by the Applicable Laws to ensure the integrity and security of your personal information when engaging such service providers.

In some circumstances, we may also share personal information with regulatory authorities, courts, tribunals, government agencies and law enforcement agencies. We may be required to disclose your information to comply with legal or regulatory requirements. Where possible, we will use reasonable efforts to notify you before disclosing your information, but we may be legally restricted from doing so.

The information sharing described above may involve a transfer of your information from a location within the European Economic Area (the “EEA”) to outside the EEA, or from outside the EEA to a location within the EEA. The level of information protection in countries outside the EEA may be less than that offered within the EEA. By submitting your personal information to Emerald Capital, you agree to this transfer, storing or

processing. We will implement appropriate measures to ensure that your personal information nevertheless remains protected and secure in accordance with applicable data protection laws.

11. HOW CAN YOU ACCESS YOUR PERSONAL INFORMATION?

You have certain rights regarding how we use and keep your personal information. These are:

- you can request us to update or correct any inaccurate personal information, or to complete any incomplete personal information, concerning you. If you do, we will take reasonable steps to check the accuracy of and correct the information. Please let us know if any of your information changes so that we can keep it accurate and up to date;
- you can request us to stop processing your information for direct marketing purposes; if you withdraw your consent, we may not be able to provide certain products or services to you; and
- in certain circumstances, you have the right to object to our use of your personal information more generally.

You may also have the right, in certain circumstances to:

- be provided with a copy of any personal information that we hold about you. There are exceptions to this right; for example, if providing you with the information would reveal personal information about another person;
- to request us, without undue delay, to delete your personal information;
- to request that we "restrict" our use of your information, so that it can only continue subject to restrictions; and
- to request personal information that you have provided to us and that are processed by using automated means, based on your consent or the performance of a contract with you, to be provided to you in machine readable format so that they can be "ported" to a replacement service provider.

You can exercise the above rights, where applicable by contacting our Information Officer. We will require you to provide satisfactory proof of your identity in order to ensure that your rights are respected and protected. This is to ensure that your personal information is disclosed only to you.

There may be a fee charged for a personal information request, especially if your request is “manifestly unfounded or excessive” (for example, if you make repetitive requests) a fee may be charged to cover our administrative costs in responding.

We will respond to your personal information request within one month. Normally, we aim to provide a complete response, including a copy of your personal information within that time. In some cases, however, particularly if your request is more complex, more time may be required up to a maximum of three months from the date we receive your request. You will be kept fully informed of our progress.

12. HOW DO YOU CONTACT US?

To contact us about anything to do with your personal information and the protection of your personal information, including to make a personal information access request, please use the following details (for the attention of The Information Officer):

Email Address	service@emeraldcapitalco.com
Telephone Number	+27 66 255 3300 / +44 7749 673102
Physical Address	South Africa: The Pivot, Networkspace, 1 Montecasino Boulevard, Fourways, 2191 OR United Kingdom: 167-169 Great Portland Street, Fifth Floor, London, W1W 5PF

If you believe that we have used your personal information within South Africa that is contrary to this Privacy Notice, you must first attempt to resolve any concerns directly with us. If you are not satisfied after this process, you have the right to lodge a complaint with the Information Regulator, under POPIA.

13. CHANGES TO OUR PRIVACY NOTICE

We regularly review this Privacy Notice and may make changes as our services or privacy practices change, or as required by applicable laws or regulations. Future versions of our Privacy Notice will be available on our website. We encourage you to review this Privacy Notice periodically to be informed of how we use your personal information.