



## **Kirkoswald Capital Partners LLP & Kirkoswald Asset Management LLC**

**(together 'Kirkoswald' or the 'Firm')**

### **Privacy Notice**

Kirkoswald Capital Partners LLP (the 'LLP') is a company registered in England and Wales with company number OC387588. The LLP is authorised and regulated by the Financial Conduct Authority ('FCA') with Reference Number 607529. Kirkoswald Asset Management LLC (the 'LLC') is registered with the SEC as an Investment Adviser with CRD number 801-114632.

This Privacy Notice is provided by Kirkoswald on behalf of itself and its affiliates (collectively, the 'Kirkoswald Group').

This Privacy Notice is being provided in accordance with the requirements of data privacy laws, including the EU General Data Protection Regulation 2016/679 ('EU GDPR'), as well as the UK's retained version of the EU GDPR ('UK GDPR') (collectively, 'GDPR') and also China's Personal Information Protection Law ('PIPL'). Natural persons from the European Economic Area ('EEA') and the UK should refer to the section on your rights under GDPR in this Privacy Notice.

On August 20, 2021, the Standing Committee of China's National People's Congress promulgated China's Personal Information Protection Law, which took effect on November 1, 2021. Serving as China's first comprehensive law in the personal information protection area and based on China's Constitution, PIPL aims to "protect the rights and interests of individuals," "regulate personal information processing activities" and "facilitate reasonable use of personal information."

PIPL extends its territorial scope to the processing of personal information conducted outside of China, provided that the purpose of the processing is: (i) to provide products or services to individuals in China, (ii) to "analyze" or "assess" the behaviour of individuals in China, or (iii) for other purposes to be specified by laws and regulations. For the purposes of GDPR, Kirkoswald will be the 'data controller' and for purposes of PIPL, the Firm will be a 'personal information processing entity' of the personal data you provide. Please read the following information carefully in order to understand the Firm's practices in relation to the treatment of your personal data. Should you have any questions, please email us at [info@kirkoswald.com](mailto:info@kirkoswald.com).

California residents should refer to the separate 'California Privacy Notice' on the website. Please also refer to any additional disclosures, notices and/or policies relating to data privacy laws, or equivalent, that may be provided to you separately. References to 'you' in this Privacy Notice has the meaning of any natural person, or any natural person connected with an entity that is a legal person (each such natural person, a 'data subject'), as applicable.

#### **What data privacy principles does the Firm adhere to?**

- The Firm will process all personal data in a lawful, fair and transparent manner;

- The Firm will collect personal data only where it is necessary:
  - for the Firm to provide a service to you and to the company that you represent (hereinafter referred to as 'you' as is appropriate to the context);
  - for you and the company that you represent to provide a service to the Firm;
  - for the Firm to keep you informed of its products and services; or
  - for the Firm to comply with its legal and regulatory obligations.
- The personal data collected by the Firm will be adequate, relevant and limited to what is necessary in relation to the specific purpose for which your data will be processed;
- The Firm will take all reasonable steps to ensure that personal data is accurate and, where necessary, kept up-to-date;
- The Firm will maintain personal data in a form that permits identification no longer than is necessary for the purposes for which the personal data has been collected for processing, in accordance with the Firm's record retention requirements;
- The Firm will hold and process personal data in a manner that ensures appropriate security;
- The Firm may share personal data with other entities within the Kirkoswald Group where necessary for the provision of services. Where such entities are outside of the UK, personal data will be treated as is required under GDPR;
- The Firm will only share personal data outside of the Kirkoswald Group where it is necessary to provide the agreed service or where it is necessary for the Firm to comply with its legal requirements; and
- The Firm will only utilise a service provider based outside of the UK for the processing of personal data where this is strictly necessary to facilitate its services to you. In all cases, Kirkoswald will ensure service providers are fully compliant with GDPR, or deemed equivalent regulation, ahead of transferring any personal data.

### **What personal data does the Firm collect and why?**

The type of personal data (e.g., name, contact details, address, etc.) that the Firm may collect will depend upon the relationship between Kirkoswald and you. The data so collected may be provided directly by you or, where appropriate, provided by third parties (through, for example, references, credit checks, etc.). As a client, contact or employee of Kirkoswald, you may be required to provide the Firm with some personal information to verify your identity and to conduct business with you. Some of this information may be required to satisfy legal obligations (e.g., to comply with obligations arising under the money laundering regulations whereas other information may be required in connection with the provision of services to you). The information collected will vary depending on the service the Firm provides to you or you provide to the Firm, but typically includes:

- Personal information: Such as your name, date of birth, passport number or national insurance number; and
- Contact information: Including your address, telephone number and email address.

### **On what basis does the Firm have to process my personal data?**

The Firm must have a lawful basis (consent) to process personal information or the following non-consent basis:

- To enter into or perform a contract where you are a party;

- To conduct human resources management according to lawfully formulated internal labor policies and lawfully concluded collective labor contracts;
- To perform legal responsibilities or obligations;
- To respond to a public health emergency, or in an emergency to protect the safety of health and property or for purposes of carrying out news reporting and media monitoring for public interests;
- Processing of personal information that is already disclosed or otherwise lawfully disclosed; and
- Other circumstances as required by laws.

### **Are any other consents required?**

The Firm will have a separate consent for certain processing activities, namely if it (i) shares personal information with other processing entities; (ii) publicly discloses personal information; (iii) processes sensitive personal information; or (iv) transfers personal information overseas.

### **Where does the Firm store my personal data?**

The Firm has comprehensive policies and procedures in place to ensure your personal data is kept safe and secure, with these including:

- Data encryption;
- Firewalls;
- Intrusion detection;
- 24/7 physical protection of the facilities where your data is stored (e.g., Microsoft's UK data centres);
- Background checks for personnel that access physical facilities; and
- Security procedures across all service operations.

### **How long does the Firm retain personal data?**

Kirkoswald will retain personal data for as long as is necessary for the purposes for which it was collected (or longer period if required by law or legitimate interests) which will be at least for the period in which Kirkoswald has a business interest with you.

Any information that is outside the scope of this requirement will be retained whilst relevant and useful, and destroyed where this ceases to be the case or where the data subject specifically requests this.

### **How have I been categorised in accordance with GDPR?**

GDPR requires the Firm to inform you of the legal basis on which your personal data is maintained. Typically, the Firm will reach out to you personally to confirm this; however, as a general rule the following is applicable:

- Clients – Information is maintained on the basis of contractual obligation, legitimate interest and/or legal obligation (where relevant);

- Service providers – Information is maintained on the basis of contractual obligation and/or legal obligation (where relevant);
- Database/marketing contacts – Information is maintained on the basis of legitimate interest; and
- Other contacts – we may on occasion request your consent to use and process personal data.

### **What are my rights?**

Once you have provided your details to the Firm, you have certain rights which apply depending on your relationship with the Firm, on the information you have shared with Kirkoswald and on the Firm's legal and regulatory obligations.

- You have the right to request a copy of the information that Kirkoswald holds about you. If you would like a copy of some, or all, of your personal information, please email the Firm. The Firm will provide this information to you within one month (with the ability to extend this by an additional two months where necessary), free of charge.
- You have the right to request that the information the Firm holds about you is erased under certain circumstances including where there is no additional legal and/or regulatory requirement for the Firm to retain this information.
- As a client, you have the right to request that any information the Firm holds about you be provided to another company in a commonly used and machine-readable format, otherwise known as 'data portability'.
- You have the right to ensure that your personal information is accurate and up to date, or where necessary rectified. Where you feel that your personal data is inaccurate and should therefore be updated, please email the Firm.
- You have the right to object to your information being processed (for example, for direct marketing purposes).
- If Kirkoswald has relied upon 'consent' for the processing of personal data then you have the right to withdraw such consent.
- You have the right to restrict the processing of your information (for example, limiting the material that you receive or where your information is transferred).
- You have the right to object to any decisions based on the automated processing of your personal data, including profiling.
- You have the right to lodge a complaint with the Information Commissioner's Office (<https://ico.org.uk/concerns/> if you are not happy with the way that Kirkoswald manages or processes your personal data.

### **Will I be notified of changes to this policy?**

The Firm may, from time to time, review and update this policy. The Firm will maintain the latest version of this policy on its website, and where the changes are deemed material, it will make you are aware of these.

### **Who should I direct questions to?**

If you have any questions, concerns or complaints about the practices contained within this document or how the Firm has handled your data, please email: [info@kirkoswald.com](mailto:info@kirkoswald.com).

Alternatively, you may write to:

Kirkoswald Capital Partners LLP  
Compliance Department  
4th Floor, 39 Sloane Street  
London  
SW1X 9LP  
UK

Kirkoswald Asset Management LLC  
Compliance Department  
520 Madison Avenue, 25<sup>th</sup> Floor  
New York, NY 10022  
USA

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