

## Privacy Policy

### Who we are

Midmar Capital LLP (**We/us**) is a partnership registered in Scotland under company registration number SO302073 and having its registered office address at Hudson House, 8 Albany Street, Edinburgh EH1 3QB.

Due to the nature and size of the organisation, Midmar is not required to appoint a Data Protection Officer. However as the Partner responsible for Data Protection, if you have any queries about this Privacy Policy, please contact **Gillian Gallacher** at [gillian.gallacher@midmarcapital.com](mailto:gillian.gallacher@midmarcapital.com).

### Interpretation

In this document, the terms 'Personal Data', 'Controller', 'Processor', 'Data Subject', 'Data Protection Officer' and 'special categories of personal data' have the meanings given to those terms in the General Data Protection Regulation (European Parliament and Council Regulation 2016/679) which is available to view at this link:

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32016R0679>

### Scope of this document

This Privacy Notice is directed at all natural persons whose Personal Data we collect other than employees.

We are the Controller in relation to all Personal Data which we collect. In some circumstances, when providing services to clients, we may process Personal Data jointly with a client, in which case, clients should also refer to our standard terms of business and our Appointed Representative Agreement for further information about these obligations. A copy of these standard terms is also available to clients on request.

### How we collect Personal Data

We collect Personal Data in the following main ways:

- In emails and hard copy correspondence sent to us
- By taking notes during telephone calls
- In paper forms
- Taking copies of personal documents for verification purposes
- Directly from our clients in relation to their own clients, employees and individual contacts at associated organisations
- Directly from individuals subject to a pre-application employment check
- Information in the public domain

We do not purchase databases of Personal Data from third parties.

## Categories of Data Subject

We collect Personal Data in relation to the following main categories of Data Subject:

- Our clients, where the client or an investor in a fund Midmar may manage is an individual;
- Where a client or investor is an organisation, individual contacts within that organisation;
- Members of the public who make enquiries to us or visitors to Midmar's website;
- Our clients' own clients and employees (including potential candidates);
- Individual contacts and key personnel at third party providers.

## Types of Personal Data we Process

We process the following main types of Personal Data:

- Names
- Addresses, email addresses and telephone numbers
- Copies of personal identity documents
- Dates of birth
- Marital status
- Nationality
- Financial information including bank details, tax status and National Insurance Number, credit rating, CCJs, IVAs, bankruptcy
- Education and employment history including details of:
  - Qualifications;
  - Skills;
  - Experience;
  - Conduct and performance, and related correspondence;
  - Start and end dates;
  - Leave taken, including holiday, sickness absence, family leave, sabbaticals, and the reasons for the leave where relevant;
  - Disciplinary or grievance procedures, including any warnings issued to you and related correspondence.
- Information relating to investigations by professional/regulatory bodies
- Information concerning civil law matters.

We process the following 'special categories' of Personal Data:

- Health and disability information
- Information relating to criminal convictions.

We do not process any Personal Data relating to children.

## Purpose of processing

We process Personal Data for the following main purposes:

- The administration of our business
- Performing contracts with our clients
- To comply with regulatory and legal obligations
- To defend legal claims
- To market and develop our business
- To perform approved person pre-application and ongoing due diligence

## Legal basis for processing

Most of the Personal Data which we process is processed to allow us to perform our obligations under contracts with our clients and because it is in our legitimate interest to process certain Personal Data in order to carry out our administrative functions, procure business and negotiate contracts with our clients. We may also process personal data in relation to information or enquiries received via visitors to the website or by way of direct enquiries

We also process Personal Data where this is required by regulation (e.g. the Financial Services and Markets Act 2000) and law e.g. the maintenance of records required by the Companies Act 2006 or complying with our obligations under anti-money laundering and counter terrorism financing legislation.

We are occasionally required to process 'special category' Personal Data and information relating to criminal convictions where necessary to perform our obligations under contracts with our clients and to comply with applicable regulation and legislation, but we will only do so with the explicit consent of the individual concerned.

For our clients, we also send information by email in the form of monthly newsletters and briefing notes in order to comply with Midmar's oversight obligations as a Principal firm and to help our clients comply with applicable regulation and legislation by keeping them informed about relevant issues.

You are not under a statutory obligation to provide us with Personal Data but we may be unable to perform any services on your behalf if you refuse. You may be under a contractual obligation to provide us with Personal Data if we are carrying out services on your behalf.

## Retention periods

Our Personal Data retention policy is as follows:

Type of Personal Data	Retention period
Client contact details	7 years from last contact
Information relating to services provided by us	7 years following end of services
Companies Act 2006 records	The statutory period of ten years
Other Personal Data	7 years or such earlier time as we may determine to be appropriate in individual cases
Personal Data obtained from clients in relation to their own clients and employees (including special category and criminal convictions data)	6 years from last use

## Recipients of Personal Data

We transfer personal data to:

- Service providers (acting as Processors) based in the United Kingdom and the United States who provide IT administration and cloud computing services;
- Competent regulatory authorities, e.g. the Financial Conduct Authority;
- Providers of online credit scores and credit report information; and
- Our auditors and professional advisers (acting as processors or joint controllers), including lawyers, bankers and insurance companies who provide auditing or consultancy, banking, legal, insurance and accounting services.

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Where we have been instructed to carry out potential employee due diligence by our clients, we will also share personal information with third party software providers for the purpose of conducting identity, credit and criminal record checks.

### **Transfers outside of the European Economic Area (EEA)**

Many of our Processors are based outside the EEA so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.

### **Your legal rights**

You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially

provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.