

# Privacy Information Notice



## GENERAL DATA PROTECTION REGULATIONS (GDPR)

We are writing to you in connection with the European Union's General Data Protection Regulations (**GDPR**), the Data Protection (Jersey) Law 2018, the Data Protection Authority (Jersey) Law 2018, the Data Protection (Bailiwick of Guernsey) Law, 2017 and the Swiss Federal Data Protection Act as amended in 2023 together with all other data protection legislation applicable to us from time to time (together **DP Law**). It is important that we share the main implications with you at this stage.

## OUR OBLIGATIONS IN RELATION TO YOUR PERSONAL DATA

Highvern Trustees Limited (**HTL**), Highvern Fund Administrators Limited (**HFAL**), Highvern Trust Company Guernsey Limited (**HTCGL**), Highvern AG (**HAG**) and their respective associated entities (together with HTL, HFAL, HTCGL and HAG **Highvern**) act as data controllers and/or data processors under DP Law and have a number of obligations in relation to the data we hold which relates to you and which is attributable to you personally (**Personal Data**). These obligations include ensuring that such Personal Data is accurate, that it is kept securely, that it is collected and processed lawfully and that it is only shared with other organisations that implement similar safeguards. Accordingly, the main purpose of this letter is to inform you of the legal basis on which we collect and process your Personal Data, the purposes for which we collect and process your Personal Data and the other organisations with which we share some or all of that Personal Data with.

As you will be aware, Highvern provides trust, company, fund and foundation administration services (**Services**) either:

- (i) to you (if you are a settlor or beneficiary of a trust that we administer or as a shareholder of a company that we manage or as a founder of a Foundation that we administer); or

- (ii) in co-operation with you (if you are a co-trustee, a protector, an investment power holder, a guardian, a council member or exercise some other function in respect of a trust or a foundation that we administer or a company that we manage).

In order to efficiently provide the Services we hold and process Personal Data relating to you. This Personal Data includes some or all of the following:

Your name  
Your residential addresses (current and historical)  
Your date of birth  
Place of birth  
Nationality  
Gender  
Your telephone numbers  
Your e-mail addresses  
Your passport/identification card numbers  
Your image  
Your unique tax identification number(s) or tax status information  
Details in relation to your bank account(s)  
Details in relation to your employer and employment history  
Details in relation to your education history  
Details in relation to your family history  
Other financial information relating to source of wealth, assets and beneficial interests

## WHERE WE OBTAIN YOUR PERSONAL DATA

We collect Personal Data from the following sources:

- (i) Personal Data which you provide to us or that we may request from you or collect for the purposes of client due diligence in connection with regulatory requirements
- (ii) any Personal Data provided by way of correspondence with us by phone, e-mail or otherwise
- (iii) Personal Data we receive from third party sources, such as: (a) entities in

which you or someone connected to you has an interest; (b) your legal and/or financial advisors; (c) other financial institutions who hold and process your Personal Data; and (d) credit reference agencies and financial crime databases for the purposes of complying with our regulatory requirements; and

- (iv) Personal Data received in the course of dealing with advisors, regulators, official authorities and service providers by whom you are employed or engaged or for whom you act.

### LEGAL BASIS

We may hold and process your Personal Data on the following lawful grounds, namely where (a) the processing is necessary to comply with our legal or regulatory obligations; (b) the processing is necessary to comply with our respective contractual duties to you; (c) on rare occasions where we have obtained consent or explicit consent to processing personal information for a specific purpose; and (d) the processing is necessary for our legitimate interests, provided your interests and fundamental rights do not override those interests.

A number of pieces of legislation (specifically anti-money laundering rules, rules relating to the prevention of terrorism financing and rules relating to the sharing of tax information (e.g. FATCA and CRS)) require that we collect and maintain your Personal Information in order to verify your identity and address and to ensure that the sums of money or other assets coming into the structures that we look after are not the proceeds of crime.

In certain instances we are also obliged to ensure that tax authorities in other jurisdictions (with whom the authorities in the jurisdictions in which Highvern conducts business have agreed to share information) are able to receive accurate information in relation to persons who hold interests in our structures.

Furthermore, you will be aware that you either have or are about to enter into a relationship

with Highvern in the form of a contract with us which includes acceptance of our terms of business which in turn provide for the collection and processing of your Personal Data.

### PURPOSES FOR WHICH PERSONAL DATA IS COLLECTED

The purposes for which we collect and process your personal data are as follows. The purpose at (iii) below is based on legitimate interests:

- (i) to comply with our legal obligations as noted above;
- (ii) to provide the Services;
- (iii) to monitor and record transactions and communications for quality, business analysis, training and related purposes and investigation and fraud purposes;
- (iv) to enforce or defend the rights of Highvern, or those of third parties who provide services to the us.

In relation to point (ii), we need your Personal Data in order to be able to support Highvern (when acting as a trustee of a trust or as a director or administrator of a managed company) in acting in your best interests and properly discharging any fiduciary duties which we may owe to you. Where we do not have the relevant information we may not be able to provide the Services.

### SHARING PERSONAL DATA

We share your Personal Data both within Highvern and with other organisations – (i) because we are legally obliged to or (ii) because doing so allows us to provide the Services in an efficient and cost-effective manner. We do not share your Personal Data with anybody else for marketing purposes (either ours or those of the relevant third party).

Organisations who we are legally obliged to share your Personal Data with are essentially governmental authorities – e.g. regulators, tax offices or company registrars. Whilst sharing information with these bodies is compulsory, data protection rules also apply to them and your Personal Data should be as secure with them as it is with us.

The other organisations with whom we may share your Personal Data in order to provide the

Services fall into the following broad categories as well as our own Highvern companies:

- (i) auditors;
- (ii) investment advisors or other financial professionals;
- (iii) legal or other professional advisors;
- (iv) accountants/bookkeepers; and
- (v) IT service providers.

In each case where a Highvern company (**Company 1**) is the data controller of your personal data and goes on to share that data with another Highvern company acting as a data processor (**Company 2**), this will be purely for operational reasons. Moreover, all Highvern companies involved will ensure that all of the rules, protections and obligations applicable to the way in which Company 1 holds and processes your personal data will also be applied by Company 2.

In each case where Highvern voluntarily shares your personal data with a third party, Highvern will ensure that any such organisation is bound by similar rules relating to data security and, in the case of organisations outside of the European Economic Area (**EEA**) or jurisdictions which have been recognised by the EU as providing equivalent protection as that afforded by the GDPR (which for these purposes includes Jersey, Guernsey, Switzerland and the United Kingdom) have entered into specific contractual terms with us to ensure that they treat your Personal Data in a way equivalent to that in which they would be required to do so were they established within the EEA.

#### YOUR RIGHTS IN RESPECT OF PERSONAL DATA

The DP Law specifically confers a number of rights on you in relation to your Personal Data which Highvern holds. These include:

- (i) a right to require Highvern to tell you what Personal Data we hold in respect of you and what we're doing with it;
- (ii) a right to ask to have that Personal Data corrected if it is inaccurate;
- (iii) a right to ask Highvern to erase your Personal Data from its records if there is no longer a legitimate reason for Highvern to hold that Personal Data;

- (iv) a right to port your Personal Data in certain circumstances;
- (v) a right to restrict the use of your Personal Data; and
- (vi) a right to object to processing of Personal Data

Where we have relied on consent to process your Personal Data, you have the right to withdraw consent at any time.

If you wish to exercise any of the rights set out above, please contact your usual Highvern point of contact or the Data Protection Officer [dpo@highvern.com](mailto:dpo@highvern.com).

#### RETENTION OF PERSONAL INFORMATION

Your personal information will be retained for as long as required:

- (i) for the Purposes for which the Personal Data was collected;
- (ii) in order to establish or defend legal rights or obligations or to satisfy any reporting or accounting obligations; and/or
- (iii) as required by the DP Law and any other applicable laws or regulatory requirements.

For further information about our data retention policy, please contact your usual Highvern point of contact or the Data Protection Officer [dpo@highvern.com](mailto:dpo@highvern.com)

If you are resident in Switzerland, you can contact the nominated representative Hugh O'Donnell by emailing [hughodonnell@highvern.com](mailto:hughodonnell@highvern.com)

If you are resident in the European Union, you can contact a nominated European representative by emailing [cosecireland@highvern.com](mailto:cosecireland@highvern.com)

If you are resident in the United Kingdom, you can contact a nominated UK representative by emailing [cosecuk@highvern.com](mailto:cosecuk@highvern.com)

Finally, if at any stage you become dissatisfied with the manner in which Highvern collects, holds or processes your Personal Data you have the right to complain to the Jersey Office of the

Information Commissioner in Jersey, the Office of the Data Protection Authority in Guernsey, the Federal Data Protection and Information Commissioner in Switzerland or the data protection authority in the EU member state of your usual residence or place of work.

If you have any questions or concerns in relation to the contents of this notice please approach your usual Highvern point of contact in the first instance.

For details of our regulators, please visit our website  
**[highvern.com](https://highvern.com)**