

Groupama Asset Management information notice regarding the protection of personal data

Enforcement date: 25 May 2018

Dear Client,

We are contacting you regarding the General Data Protection Regulation (GDPR) of 27 April 2016 (Regulation (EU) 2016/679) which came into force on 25 May 2018. As from that date, the GDPR replaced the current European Union (EU) data protection rules under the Data Protection Directive 95/46/EC.

The GDPR brings significant changes to the existing regulatory provisions in matters of personal data protection concerning any data relative to an identified or identifiable individual.

The GDPR aims to strengthen and unify data protection within the activities of an organisation, of a controller or of a processor within the European Union (EU), regardless of whether the processing takes place within or outside the EU, by imposing new requirements in relation to the processing of personal data and by giving new rights to the individuals whose personal data is being processed.

Where Groupama Asset Management provides services to its clients, it processes the personal data in its systems and **acts in its capacity as “processor” within the meaning of the GDPR.**

Groupama Asset Management **also acts as “controller”** within the framework of its activities in order to comply with its own legal and/or regulatory obligations.

The GDPR specifically addresses the principle of transparency by requiring controllers to provide data subjects with certain information concerning the processing of their personal data. We ensure compliance with the principle of transparency by establishing our obligations and your rights, with respect to the processing of personal data.

Accordingly, Groupama Asset Management shall undertake to:

- process personal data in accordance with the GDPR and with the provisions of other laws and regulations that may be applicable to the relationship between Groupama Asset Management and the Client, with respect to the processing of personal data (the “General Data Protection Regulation”);
- process the Personal Data entrusted by the Client strictly within the framework necessary for the delivery of the services stipulated in the Contracts and, generally, in accordance with the Client’s written and documented instructions;
- inform the Client as soon as practicable should any Client instruction be, according to Groupama Asset Management, in violation of the GDPR. Notification shall be made in compliance with the provisions of articles 33.3 and 33.4 of the GDPR;

- ensure that the persons authorised to access Personal Data are informed of the General Data Protection Regulation as well as of any specific written instructions of the Client and that they have undertaken to respect the confidentiality of such Personal Data that has been entrusted to them or that is subject to a confidentiality obligation;
- implement, in accordance with article 32 of the GDPR, the appropriate technical and organisational measures to protect the personal data from accidental or unlawful destruction, accidental loss, alteration, unauthorised disclosure or access, specifically where the processing includes transmission of Personal Data in a network, as well as from any form of unlawful processing, with the understanding that these measures must result in a level of security that is appropriate for the risk, based on the level of knowledge, costs of implementation and the nature, scope, context and purpose of the processing as well as of the level of severity and likelihood of occurrence of the risk for the rights and freedoms of the data subjects;
- upon request, provide the Client with the details of the technical and organisational measures thus deployed;
- delete all Personal Data or return all Personal Data to the Client and destroy all existing copies, unless applicable EU or Member State laws require that the Personal Data be retained;
- assist the Client, based on the nature of the processing and the information available to the Processor, ensure compliance with the obligations incumbent upon the Client under articles 32 to 36 of the GDPR;
- assist the Client, by means of appropriate technical and organisational measures, to the extent possible, fulfil its obligation to take action in response to the requests of data subjects who have notified the Client of their wish to exercise their rights stipulated in articles 12 to 23 of the GDPR. However, it is expressly stated that it is the Client's exclusive responsibility to respond directly to requests from individuals and data subjects whose personal data is being processed;
- provide the Client, upon reasonable request, with all the information necessary to demonstrate that obligations have been met and to make it possible to carry out audits on the processing of personal data, including inspections by the Client or by another auditor that the Client may have appointed.

For audits or inspections carried out by the Client, or by a firm appointed thereby, Groupama Asset Management shall rely on the following conditions:

- The Client shall be required to notify Groupama Asset Management of its intention to carry out an audit or inspection within thirty (30) calendar days prior to the audit or inspection taking place. The Client shall undertake that (i) no damage of any nature whatsoever (to goods or persons), (ii) no disturbance or interruption of the activities of Groupama Asset Management would occur during the audit or the inspection.
- The Client shall be required to ensure that the persons carrying out the audit or inspection or having access to information pertaining to such audit or inspection are subject to a confidentiality requirement with respect to said audit or inspection.
- Groupama Asset Management shall not be required to grant access to its premises, systems or equipment for the purpose of conducting the audit or inspection (i) to any individual who has not provided proof of identity and capacity, authorising such individual to take part in the

- audit or inspection, (ii) outside of normal working hours within its premises, (iii) for the purpose of completing more than one (1) audit or inspection within the same calendar year.
- Only the systems, premises and equipment used by Groupama Asset Management to process personal data for the purpose of performing its obligations under these General Terms and Conditions may be the subject of this audit or inspection.
 - These provisions do not require that Groupama Asset Management disclose to the Client and/or its auditors information of any kind that has been previously disclosed or otherwise kept confidential by Groupama Asset Management for its own account, for the account of any of its business partners or for that of any other person in any capacity whatsoever (“Privileged Information”). As a result, Groupama Asset Management may, at its sole discretion, deny the Client and/or its auditors access to any information system (including databases and servers) and to any file, document, record or any other information relating to the Privileged Information. Groupama Asset Management shall inform the Client, in writing, of the reasons for such denial and its extent.
 - The fees and costs incurred in relation to the audit or inspection shall be paid exclusively by the Client.

Transfers of personal data outside the European Economic Area must be authorised by the Client subject to compliance with the following provisions:

- Any transfer of Personal Data of the Client to a Groupama Asset Management Entity located in a European Economic Area third country, for which the European Commission has not recognised by means of decision that it provides a corresponding level of protection (“Third Countries”), and any subsequent transfer by Groupama Asset Management acting as a processor to another processor in a Third Country, shall be governed by the standard contractual clauses adopted by the European Commission on 5 February 2010 or by clauses that are substantially equivalent to the standard clauses.
- By express authority, the Client shall generally authorise Groupama Asset Management to sign in the name and on behalf of the Client the Standard Clauses relative to Transfers to Third Countries with the subsequent processor operating in a Third Country. In such case, the Client shall be the exporter of Personal Data whilst the subsequent processor shall be the importer of Personal Data.

Pursuant to recital 146 of the GDPR, the Client acting as controller or Groupama Asset Management acting as controller or processor, shall acknowledge and accept their obligation to remedy any damage that an individual may incur due to any processing in violation of the GDPR.

The Parties acknowledge and accept that the controller and the processor shall be exempt from liability if they can each prove that the damage is not in any way attributable to them, where the notion of damage is interpreted in a broad sense, in light of the legal precedents of the Court of Justice, in a manner that fully accounts for the objectives of the GDPR.

In the event of a complaint by an individual whose personal data is processed pursuant to a Contract between the Client and Groupama Asset Management, they shall agree that if one of them is held liable for violation of the obligations committed by the other Party, to the extent of its liability, it shall pay to the first Party any cost, charge, damage, expense or loss incurred by said first party.

The Client acknowledges that Groupama Asset Management shall be the controller for certain personal data it processes, based on the Personal Data entrusted thereto by the Client, and namely where Groupama Asset Management:

- acts in accordance with the legal and regulatory requirements applicable to Groupama Asset Management in relation to the regulated services rendered or other activities provided;
- acts within its own “Know Your Customer” (KYC) and anti-money laundering and terrorist financing obligations;
- verifies the authority of the Client representatives to commit said Client in its contractual relationships with Groupama Asset Management;

Groupama Asset Management collects information concerning you from a certain number of sources, including directly from you, as detailed below.

Groupama Asset Management processes the personal data you provide directly to us and the personal data we obtain as part of our relationship with you, specifically:

- where you provide us with personal data in the Subscription Form and in any other form or related documentation that you have filled out;
- where you provide us with personal data in any correspondence and in any conversation;

Groupama Asset Management also collects and processes your personal data it receives from, among other things, the following external sources:

- registries and sources available to the public;
- tax authorities, both within and outside the EEA,
- the competent regulatory governmental authorities to which we have an obligation of regulatory disclosure;
- the agencies and organisations for the prevention and detection of fraud.

Groupama Asset Management collects and solely uses the personal data that are necessary in the context of its activities and that enable it to offer you quality personalised goods and services.

Unless required by law, Groupama Asset Management never processes personal data relating to your racial or ethnic origin, political opinion, religion, philosophical belief or union membership, genetic data, or data relative to your sex life or sexual orientation.

If you would like to obtain more information regarding the processing of your personal data or if you have any specific questions or concerns regarding the processing of your personal data or if you wish to exercise your rights or file a complaint, please do not hesitate to contact your business contact who will relay your request to our Data Protection Delegate (DPD, also referred to as the DPO, Data Protection Officer).

As a general rule, any question or request relative to the protection of your data and to the exercise of your rights regarding your data may be addressed directly to the Groupama Asset Management headquarters.

Groupama Asset Management uses your personal data to implement and develop products or services and therefore to serve its legitimate interests.

As the Client, you acknowledge that, subject to applicable law, for the purposes of providing the Services or for other purposes reasonably related to such Services, Groupama Asset Management, as the controller, may:

- record, retain, use and process the files and information concerning you and your employees, including the Personal Data (as defined in the GDPR);
- use and process information in the context of performance and management of the relationship between you and us.

These provisions are applicable with immediate effect as at the Effective Date of the GDPR to all our contractual relationships in place at that date (i.e. 25 May 2018), with no further action to be taken on your part. Any provision contained in the contracts between Groupama Asset Management and our clients prior to the Effective Date of the GDPR and addressing Personal Data and/or data protection shall be annulled, repealed and replaced by the provisions relative to data protection as from said Effective Date.

In the event that you have already started discussing the GDPR with Groupama Asset Management and, in particular, the implementation of changes to our contractual relationships by no later than the Effective Date, Groupama Asset Management invites you to continue discussing these matters with your usual advisers, with the understanding that Groupama Asset Management's policy in data protection matters will be taken into account in the future.

As from the Effective Date of the GDPR, any new business relationship entered into by Groupama Asset Management and any new client and/or new project with existing clients including forming a new legal entity and/or any material change to existing contractual relationships shall be governed by an agreement or by a supplemental agreement relative to data protection which shall be communicated to the relevant parties in due time.

For all enquiries, comments or other requests regarding this notice, please do not hesitate to contact your usual contact person or our Data Protection Officer: **dpo@groupama-am.fr**.

Yours faithfully,