

TransAsia Private Capital Ltd.

Privacy Policy



June 1, 2018

1. Privacy Policy (the “Policy”)

For the purposes of the General Data Protection Regulation, Regulation (European Union) 2016/679 of the European Parliament and of the Council of 27 April 2016, the effective date of which is 25 May 2018 (“GDPR”), we, TransAsia Private Capital Limited (“TransAsia”), are committed to protecting and respecting your privacy.

TransAsia is a company with limited liability incorporated under the laws of Hong Kong, whose business office is at Room 504, 5/F, Printing House, 6 Duddell Street, Central, Hong Kong. TransAsia is licensed with the Securities and Futures Commission of Hong Kong (the “SFC”) with CE No. AZR590 to carry out Type 4 and Type 9 regulated activities pursuant to the Securities and Futures Ordinance, Chapter 571 of the Laws of Hong Kong (the “SFO”). Please contact us at sleung@taprivatecapital.com for any questions related to this Policy.

This Policy sets out the basis on which any Personal Information we collect from you, or that you provide to us, will be processed by us. We ensure that your Personal Information is collected, processed and maintained in accordance with relevant laws and regulations. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

We maintain strict security standards, policies and procedures for the prevention of unauthorised access to any Personal Information that we collect from you and we require all of our staff, our Group companies and any third parties we share your Personal Information with in connection to the Services we provide to you, to observe, and to comply with, this Policy and the applicable laws and regulations.

We shall conduct a Data Protection Impact Assessment, whenever necessary, to identify and manage data protection risks to ensure the effectiveness of its policies and procedures for the protection of your Personal Data at all times.

We shall not process Personal Information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data concerning health or data concerning a natural person’s sex life or sexual orientation, and genetic data or biometric data processed for the purpose of uniquely identifying a natural person unless:

- (i) you have given consent to the processing;
- (ii) where the processing is necessary for reasons of substantial public interest, which is proportionate to the aim pursued; or
- (iii) any other condition specified in Article 9(2) of the GDPR is satisfied.

TransAsia shall send a data breach notification to the supervisory authority in the relevant EU member state(s) of a data breach without undue delay (and where feasible, no later than 72 hours after becoming aware of it) if the breach is likely to result in a high risk to the rights and freedoms of an individual, and shall also notify the affected individual unless under exempted circumstances as specified in Article 33 of the GDPR.

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2. Definitions:

“Agreements” means the additional agreements and related documents required from you in case you opt for our Advisory and Asset Management services offered by TransAsia.

“Application”, singular or plural, refers to any of our html-based computer programs, smart phone, tablet or personal computer applications and all other software programs made available to users by us.

“Confidential Information” means all information exchanged between the Parties including personal data in connection with the Services, whether in writing, electronically or verbally, but does not include information of or relating to a Party which is, or becomes, publically available other than through unauthorized disclosure by the other Party. Confidential Information will also include information submitted to the receiving Party by a third party under an instruction from, and under a confidential obligation with the disclosing Party.

“Consent” means a freely given, specific, informed, and unambiguous indication of data subject signifying his agreement by either a statement or a clear affirmative action.

“Content” means (1) any information, data, text, software, code, scripts, music, sound, photos, graphics, videos, messages, tags, interactive features, or other materials that you post, upload, share, submit, or otherwise provide in any manner to the Website and (2) any other materials, content, or data you provide through any channel to the Group.

“GDPR” means European Union General Data Protection Regulation 2016.

“Group” includes TransAsia (using whatever trading names as it considers appropriate for its business and marketing purposes) and any company which may from time to time be established and which may fall under the majority ownership and control of the officers of TransAsia including its parent or holding company and any subsidiary and any company which has a strategic or operational partnership agreement with TransAsia. The Group shall include without limitation to the following: Trade Finance Corporation Limited (a limited liability company registered in Hong Kong with registered number #864242, having its registered office at Suites 504, 5/F, Printing House, No. 6 Duddell Street, Central, Hong Kong); and TFC Capital (Philippines), Inc (a limited liability company registered in the Philippines, having its registered office at 15/F, Unit 1514, Tower One, PSE Plaza, Ayala Triangle, Ayala Avenue, Makati City, Philippines.

“Personal Information” means any information in connection to your identity which can be used to identify you, either directly or indirectly that we collect from you, process and store, including, but not limited to, your name, address, identification number, phone number, and/or other information by which you may be personally identified.

“Services” means the advisory and/or asset management services, or any other services provided by TransAsia.

“Subscription Fee” means the monthly or annual fee (excluding any taxes and duties) and all ad-hoc fees payable by you to us in accordance with your Subscription.

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“Website” means <http://www.taprivatcapital.com/en/> or such website to provide Services.

“We” refers to TransAsia and related phrases “us” and “our” should be understood accordingly

“You” means the client, user or customer. “Your”, capitalized or otherwise, has a corresponding meaning.

3 Information collection

3.1 In order to provide our Services to you, we may collect and process the following data about you:

- (a) information that you provide to us including through electronic means or sent to us physically. This includes, but is not limited to, information that you provide to us during the opening of your account with us in relation to our Services in person or otherwise, or information provided through the Website (for example, when posting an enquiry);
- (b) we may also ask you for information at other times, for example, for the continuance of providing our Services to you, or when we receive a complaint from you;
- (c) if you contact us, we may keep a record of that correspondence;
- (d) details of transactions you carry out in the course of providing you with our Services and through the Website;
- (e) we may also ask you to complete surveys that we use for research purposes, although you do not have to respond to them;
- (f) details of your visits to the Website and the resources that you access;
- (g) documents provided to us physically, by the Website, or by any other means; and
- (h) details of bank / broker accounts which you have provided to us physically or by any other means.

4 Uses made of the data

4.1 By using our Services or visiting the Website, you grant us a right to collect, use, copy, transmit, store and back-up your Personal Information for the provision of our Services to you and/or for any other purpose(s) as contemplated by this Policy.

4.2 The purposes for which data may be used by us in and outside Hong Kong include:

- (a) providing you with our Services or other things you may have requested or instructed us to do;
- (b) taking steps to prepare, or to enter into, a contract to be entered into between you and us;
- (c) carrying out our obligations arising from any contracts entered into between you and us;
- (d) complying with laws and regulations applicable to us or any of our affiliates in or outside Hong Kong;
- (e) ensuring that yours or another person’s (where you are incapable of giving consent) vital interests are protected;
- (f) performance of a task carried out in the public interest;
- (g) for our legitimate interests;
- (h) legal proceedings, including collecting overdue amounts and seeking professional advice;

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- (i) improving and furthering our Services;
- (j) ensuring that the content(s) of the Website are presented in the most effective manner for you and for your computers and other devices;
- (k) providing you with alerts, newsletters, education materials or information that you have requested or signed up to;
- (l) promoting and marketing our Services and products subject to your consent;
- (m) other purpose(s) that we have obtained your consent for; or
- (n) purposes directly related or incidental to any of the above or any other purpose for which your Personal Information was provided to us.

4.3 Such Personal Information will be used to facilitate communication, and processing of internal administrative and record keeping. We will keep the Personal Information we hold confidential but may provide information to third parties for purposes described in this Policy. As a result, your Personal Information may be transferred to locations outside Hong Kong or Europe as well as within them. Such third parties may include:

- (a) personnel, agents, advisers, auditors, contractors, financial institutions, and service providers in connection with any of our operations or Services;
- (b) our overseas Group companies, affiliates, business partners and counterparts (if any);
- (c) persons under a duty of confidentiality to us;
- (d) persons to whom we are required to make disclosure under applicable laws and regulations in or outside Hong Kong; and
- (e) actual or proposed transferees or participants of our Services in or outside Hong Kong.

4.4 For the provision of our Services, we may also transfer your Personal Information to third parties located outside the EEA such as the USA. In the event that we do, we have in place policies and procedures to ensure that your Personal Information is afforded the same protection as if it were being processed inside the EEA. Any contract entered into between TransAsia and such third parties stipulates the standards that such third parties must comply with at all times, and any transfer of your Personal Information will be in compliant with applicable laws, including, but not limited to, the GDPR, at all times.

5 Security

5.1 We are committed to the safety and security of your Personal Information. We use a world class cloud infrastructure provider for storing all information.

5.2 We employ appropriate technical and organizational measures to ensure that your Personal Information is kept confidential and secure, in accordance with our internal policies and procedures and to prevent unauthorized access.

5.3 We may transfer your Personal Information to our overseas Group companies or to any of the persons listed above, who may be located in or outside of Hong Kong.

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5.4 We subject ourselves to regular checks by third party security evaluation specialists and restrict access to your Personal Information by our staff on a need-to-know basis only.

5.5 In relation to the Website, you should keep your user ID and password (Investor Login details (if any)) strictly confidential at all times and should not share these details with anyone. In public areas, you should exercise caution and not leave your computer unattended whilst logged into your account. You should also avoid using public computer terminals to access your account, unless you can adequately verify that the terminal is free from spyware and that you can erase all of your information upon exiting the terminal. We will not be liable for any loss or damage arising from unauthorized access to your account due to any failure to comply with these precautions.

6 Cookies

6.1 The Website uses cookies to distinguish you from other users of the Website. This helps us to provide you with a good experience when you browse the Website and also allows us to improve the Website. By continuing to browse the Website, you are agreeing to our use of cookies.

6.2 A cookie is a small file of letters and numbers that we store on your browser or the hard drive of your computer and of your other device if you agree. Cookies contain information that is transferred to your computer's hard drive.

6.3 We use the following cookies:

(a) **Strictly necessary cookies.** These are cookies that are required for the operation of the Website. They include, for example, cookies that enable you to log into secure areas of the Website.

(b) **Analytical/performance cookies.** They allow us to recognize and count the number of visitors and to see how visitors move around the Website when they are using it. This helps us to improve the way the Website works, for example, by ensuring that users are finding what they are looking for easily.

(c) **Functionality cookies.** These are used to recognize you when you return to the Website. This enables us to personalize our content for you, greet you by name and remember your preferences (for example, your choice of language or region).

6.4 Please note that third parties (including, for example, advertising networks and providers of external services like web traffic analysis services) may also use cookies, over which we have no control. These cookies are likely to be analytical/performance cookies or targeting cookies.

6.5 We may use the following third party web analytics services on the Website. The service providers that administer these services use technologies such as cookies, web server logs and web beacons to help us analyze how visitors use the Website. The information collected through these means (including IP address) is disclosed to these service providers, who use the

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information to evaluate use of the Website. These analytic services may use the data collected to contextualize and personalize the marketing materials of their own advertising network.

6.6 Google Analytics

(a) Google Analytics is a web analysis service provided by Google Inc. ("Google"). Google's ability to use and share information collected by Google Analytics is in accordance with its policies:

<http://www.google.com/policies/privacy/partners/>

(b) You can prevent Google's collection and processing of data by using the Google Ads Settings page or by downloading and installing its browser plug-in: (<https://tools.google.com/dlpage/gaoptout>).

6.7 You can block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies), you may not be able to access all or parts of the Website.

7 Changes to this Policy

We may revise the terms of this Policy from time to time and will always present the most up-to-date version to you on our Website, or by any other means provided to you. It is your responsibility to periodically review and keep yourself apprised of the latest terms but, if any revision meaningfully affects your rights, we will take reasonable steps to notify you of such changes.

8 Data retention

We retain your Personal Information for as long as it is necessary, or where we have relied on your consent to keep your Personal Information, once you withdraw your consent for us to do so, and at all times at least for the minimum period set by relevant laws and regulations. It may be archived as long as we believe that the purpose for which it was used still exists but will ensure that such Personal Information is held subject to appropriate security measures at all times. We will delete your Personal Information within a reasonable time once it is no longer necessary for the provision of our Services to you, or once you withdraw your consent. You reserve the right, at any time, to:

- i. withdraw your consent for us to process your Personal Information; and
- ii. require us to delete your Personal Data without undue delay under specified circumstances, including (i) where your Personal Data is no longer necessary in relation to the purposes for which it is collected, (ii) where you withdraw the consent (which forms the basis of processing), (iii) where there is no overriding legitimate interest, etc.

If you decide to stop using our Services, we will delete all such Personal Information within a reasonable time after the termination of the Services or after cessation of the subject matter to

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which such Personal Information relates, subject to retention for purposes of complying with applicable laws, resolving disputes, enforcing the terms of our agreement with you.

9 Privacy Policy

9.1 You have voluntarily provided your Personal Information in connection with the provision of our Services to you and/or to enter into an Agreement with TransAsia, where failure to supply such Personal Information may result in the provision of our Services to you to be rejected.

9.2 While we will obtain your consent prior to processing your Personal Information for marketing purposes or disclosing your data to third parties, whether or not such persons belong to the Group, for such purposes, you reserve the right to require us to not process your Personal Information at any time for such purposes.

10 Direct Marketing

10.1 With your explicit consent:

- (i) your Personal Data may be used for direct marketing of our Services and products and services and products related to our affiliates and invitations to events such as webinars;
- (ii) we may conduct direct marketing via fax, email, direct mail, telephone, SMS, and other means of communication or send e-newsletters to you; and
- (iii) we may provide your Personal Information to any other persons for their use in direct marketing, whether or not such persons are members of the Group.

10.2 If you do not consent to us using your Personal Information in direct marketing, we will maintain such Personal Information as strictly confidential and will not sell, lease or distribute the same to any third party (other than certain trusted third party service providers involved in the operations of our business and performing services on our behalf, with restricted access to customer data and information, on a need-to-know basis only, and in compliance with this Policy), unless we are required or requested to do so by the laws of or any regulatory authority in the jurisdictions in which we operate.

11 Your consent and rights

11.1 Under the Hong Kong Personal Data (Privacy) Ordinance (the "**Ordinance**") and the European Union General Data Protection Regulation 2016 ("**GDPR**"), individuals have (amongst other things) the rights (unless we are legally entitled otherwise):

- (a) to check whether we hold personal data about you and to access such data;
- (b) to obtain information in relation to the processing of your Personal Information and access to your Personal Information which we hold about you;
- (c) to require us to correct as soon as reasonably practicable any data relating to you that is inaccurate;

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- (d) to ascertain our policies and practices in relation to personal data and the kind of personal data held by us;
- (e) to require us to restrict our processing of your Personal Information in certain circumstances;
- (a) to object to the use of your personal data for marketing purposes and that we shall not use your personal data for marketing purposes after you communicate your objection to us;
- (b) to withdraw consent (if processing is based on consent) and the right to object to such processing of your Personal Information;
- (c) to require us to remove / erase your Personal Information from our systems;
- (d) to prevent automated data profiling of your Personal Information where this would produce a legal effect;
- (e) to be given, or specify a recipient for, an accessible copy of your Personal Data in a structured, commonly used and machine-readable format (in some circumstances and where such information has been provided by you); and
- (f) to submit a complaint if you have concerns about the handling of your Personal Information

Please send requests for such objections, access to data, correction of data, information regarding policies and practices and kinds of data held, questions or complaints to our Data Protection Officer at our address stated above or by email at sleung@taprivatecapital.com. We reserve the right to charge a reasonable fee for processing any data access request(s).

12 Limitation of Liability

12.1 Nothing in this Policy shall limit your rights as a data subject under the Ordinance and GDPR.

12.2 To the maximum extent permitted by law, we will not be liable to you for any loss (including loss of information, data, revenues, profits or savings) or damage resulting, directly or indirectly, from any use of, or reliance on the Services. You assume full responsibility for results obtained from the use of the Services and the conclusions drawn from such use.

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APPENDIX

Written Consent Form

I hereby acknowledge and agree that I have read and understand the contents of TransAsia Private Capital Limited's ("TransAsia") Privacy Policy (the "Policy").

I hereby make the following statements in relation to the Personal Information that I provide to TransAsia (please tick in the box provided below to indicate consent):-

I consent to my Personal Information to be collected, processed and maintained by TransAsia for the purposes specified in the Policy.	
I consent to my Personal Information to be collected, used, copied, transmitted, stored and backed up for the provision of TransAsia's Services as specified in the Policy.	
I consent to my Personal Information to be provided to third parties, including third parties outside of Hong Kong and located outside the EEA for the purposes specified in the Policy.	
I consent to my Personal Information to be retained by TransAsia for as long as it is necessary, or until I withdraw my consent as specified in the Policy.	
I consent to my Personal Information to be used in direct marketing of TransAsia's Services, products and services and products related to its affiliates and invitations to events.	
I consent to my Personal Information to be provided to any other persons/third parties for their use in direct marketing.	

I acknowledge that I may request for the access to, correction, transfer and/or deletion of, my Personal Information provided to TransAsia as specified in the Policy in writing to the Data Protection Officer sent to the following address: Room 504, 5/F, Printing House, 6 Duddell Street, Central, Hong Kong or by way of email to the following email address: sleung@taprivatcapital.com. TransAsia reserves the right to charge a reasonable fee for processing any data access request(s).

Signature: _____

Name: _____

Date: _____