

Bernstein Financial Services GmbH

Data Privacy Statement

Version: 19 June 2020

Thank you for your interest in our range of services. The protection of your privacy and your personal data is very important to us. In order to provide you with the highest possible degree of transparency and security, our data protection declaration below informs you about the type, scope and purpose of the collection, use and processing of the information and data we collect. We undertake to collect, process and use the personal data of our customers in accordance with the applicable German data protection regulations, in particular the Federal Data Protection Act (Bundesdatenschutzgesetz - BDSG). The collection, storage, processing and use of the data serves mainly to establish and implement the contractual relationship and to maintain and prove compliance with the legal requirements of the Securities Trading Act (Wertpapierhandelsgesetz - WpHG) and the Money Laundering Act (Geldwäschegesetz - GWG).

The General Data Protection Regulation require that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date
- Kept only as long as necessary for the purposes we have told you about
- Kept securely

We reserve the right to change and amend this privacy notice from time to time to take into consideration new technology, changes to our operations and practices and new laws and regulations. Our most current privacy policy will govern any personal information we hold on you.

1 Data Controller

This privacy statement applies to the data processing activities of Bernstein, located at

Bernstein Financial Services GmbH
Suedliche Muenchner Str. 60c
82031 Gruenwald
Germany

Bernstein offers financial services, including but not limited to asset management, investment brokerage, and is responsible for your personal data in relation to these services.

2 Identity Verification and Account Management

As part of providing services, or information about our services, to you, we will need to verify your identity in order to set you up as a customer and we will need to use those details in order to effectively manage your services you use with us as to ensure that you are getting the best possible service from us. This may include third parties carrying out credit or identity checks on our behalf. We collect, process and disclose personal data to fulfil our contractual, regulatory and statutory obligations to our clients. It is in our legitimate business interest to do so and the use of your personal information in this way is necessary for us to deliver our contracted services to you. We also have an obligation to comply with applicable laws and regulations of the German supervisory authority (BaFin), the European Financial Regulator (ESMA), Law Enforcement Agencies, data protection agency, tax authorities, among others. For the avoidance of doubt, the lawful basis under which we process your personal data is for the fulfilment of our contractual obligations to you, our legitimate interest and to fulfil Bernsteins legal, regulatory or statutory obligation.

3 Provisions, Improvement and Development of Products and Services

Upon the business transaction we will need to use your personal information to perform our services and comply with our obligations to you. It is in our legitimate interests to ensure that we provide you with the best products and services so we may regularly review your needs to ensure that you get the best possible products and services from us. We may from time to time use personal information provided by you through your use of our services and/or through customer surveys to help us improve our products and services when you have opted to receive marketing materials from us. This approach is in our legitimate interest.

4 Settlement of Enquiries and Disputes

Where we consider there to be a risk that we may need to defend or bring legal claims, we may retain your personal information as necessary for our legitimate interests in ensuring that we can properly bring or defend legal claims. We may also need to share this information with our insurers or legal advisers. How long we keep this information for will depend on the nature of the claim and how long we consider there to be a risk that we will need to defend or bring a claim. It is in our legitimate interests to use your personal information in such way.

- to third parties, including auditors and
- regulatory authorities.

For example

- on the implementation of measures to combat money laundering, and
- due diligence reviews,
- to detect and prevent fraud,
- for monitoring and recording telephone conversations,
- for information about changes to our services,
- to respond to complaints and inquiries and
- to update your records.

We do this in order to comply with our legal obligations and also because it is in our legitimate interest.

5 Compliance with Applicable Laws and Regulations

We may need to use your personal information to comply with applicable laws, court order or other judicial process, or the requirements of any applicable regulatory authority and share your personal information with third parties including but not limited to auditors and regulators. For instance, to conduct anti-money laundering and due diligence checks, to detect and prevent fraud, to monitor and record phone calls, to inform you of any changes in our services, to respond to complaints and enquiries, to maintain your records up to date. We do this to comply with our legal obligations and also because it is in our legitimate interest to do so.

6 Profiling and Automated Decision-Making

We may from time to time use personal information about you to form profiles about you so that we understand your needs and provide the very best products and services we can. We may also make decisions about you through automated profiling or automated credit checks which could affect your ability to use our services. We may need to do this either to perform our legal obligations or because it is in our legitimate interest to use your personal information in such a way. You can object to an automated decision being made and ask us to verify the information obtained and or request another staff member to review it. Profiling means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, performance at work, economic situations, health, personal preferences, interests, reliability, behaviour, location, movements etc.

7 Marketing

We may collect your name and contact details (such as your email address, phone number or address) in order to send you information about our products and services which you might be interested in. We may collect this directly from you, or through a third party. If a third party collected your name and contact details, they will only pass those details to us for marketing purposes if you have consented to them doing so. It is in our legitimate interest to use your personal information in such way.

You always have the right to “opt out” of receiving our marketing. You can exercise the right at any time by contacting us. If we send you any marketing emails, we will always provide an unsubscribe option to allow you to opt out of any further marketing emails. If you “opt-out” of our marketing materials you will be added to our suppression list to ensure we do not accidentally send you further marketing.

We never share your name or contact details with third parties for marketing purposes unless:

- We have your “opt-in” consent to share your details with a specific third party for them to send you marketing. We do use third party service providers to send out our marketing, but we only allow them to use that information on our instructions and where they have agreed to treat the information confidentially and to keep it secure. It is in our legitimate interest to use your personal information in such way.
- We retain your details on our marketing list until you “opt-out” at which point we add you to our suppression list. We keep that suppression list indefinitely to comply with our legal obligations to ensure we do not accidentally send you any more marketing.

8 Website Information

Our web pages and emails may contain web beacons or pixel tags or any other similar type of data analysis tools which allow us to track receipt of correspondence and to count the number of users that have visited our webpage or opened our correspondence. Where your personal information is completely anonymised, we do not require a legal basis as the information will no longer constitute personal information. However, where your personal information is not in an anonymised form, it is in our legitimate interest to continually evaluate that personal information to ensure that the products and services we provide are relevant to the market.

9 References and Surveys

From time to time, third parties, such as credit agencies may approach us to provide a credit reference about you for credit and identity checks. It may be in our legitimate interest to comply with our legal obligations or we may be obliged to provide such a reference in order to comply with a legal obligation.

From time to time, we may send you surveys as part of our customer feedback process and it is in our legitimate interest to ask for feedback to ensure that we provide the best service to you. However, we may from time to time also ask you to participate in other surveys and if you agree to participate in such surveys we rely on your consent to use the personal information we collect as part of such survey. All responses to any survey we send out whether for customer feedback or otherwise will be aggregated and depersonalised before survey results are shared with any third parties.

10 Internal Business and Record Keeping

We may need to process your personal information for internal business and research purposes and record keeping purposes. Such processing is in our own legitimate interests and is required in order to comply with our legal and regulatory obligations. This may include any communications that we have with you in relation to the services we provide to you and our relationship with you. We will also keep records to ensure that you comply with your obligations under any contract you have entered into with us.

11 Our Premises

We collect information about visitors to our premises. We may record information on your visit, including the date and time, who you are visiting, your name, employer, contact details and vehicle registration number. If you have an accident at our premises, this may include an account of your accident. It is in our legitimate interest to do so.

We may operate CCTV at our premises which may record you and your activities. We display notices to make it clear what areas are subject to surveillance. We only release footage following a warrant or formal request from law enforcement, or as necessary in relation to disputes. It is not only a legal requirement but also in our legitimate interest to do so.

12 Sharing with Cooperation Partners and Suppliers

We may share your personal information with cooperation partners who provide services on our behalf or have introduced you to us or other cooperation partners or suppliers we have engaged with. It is in our legitimate interest to use your personal information in such way to provide you with our services.

13 Sharing with Group Entities and Corporate Restructuring

We may share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, and for system maintenance support and hosting of data. It is in our legitimate interest to use your personal information in such way.

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business where necessary in connection with the purposes which your information was collected for. It is in our legitimate interest to do so.

14 Collection of Personal Data

We may collect the following types of information from actual or potential customer:

- name, address and contact details including but not limited to phone number and email address
- date of birth and gender
- professional and employment details
- ID and/or passport number
- national/tax identification number
- information about your income and wealth including details about your assets and liabilities, account balances, tax and financial statements
- trading history and performance
- Social media or other network data when these technologies are used by you to communicate with Bernstein
- Your used IP-addresses
- Information on hardware and software used, including usage data
- any other similar information

We obtain this information through your use of our services or other dealings with us including through any of our websites, apps, the account opening applications, demo sign up, webinar sign up, subscribing to news updates and from information provided in the course of ongoing customer communication. We may collect this information about you from third parties either through bought-in third party marketing lists, publicly available sources or through our 'refer a friend' scheme. When we do so, we ensure that any third party providing personal data to us have the required consent from the data subject to disclose the personal data to Bernstein.

We may ask for other personal information voluntarily from time to time and if you choose not to provide the information we require to fulfil your request for a certain product or service, we may not

be able to provide you with the requested product or service and it could mean that we need to terminate the service or account you have with us or our partners.

Depending on the services you use with us, please note that we keep records of your trading history including:

- products you trade and their performance
- products we trade on your behalf and their performance
- historical data about the trades and investments you made including the amount invested
- your preference for certain types of services and products
- information on your trading strategy and trading system, e.g. "Expert Advisor"
- whether you use fixed IP addresses
- your used IP addresses

We may record any communications, electronic, by telephone, in person or otherwise, that we have with you in relation to the services we provide to you and our relationship with you. These recordings will be our sole property and constitute evidence of the communications between us. Any telephone conversation may be recorded without the use of a warning tone or any other further notice. We record calls in order to fulfil our regulatory obligation. Please note that our offices or premises may have CCTV which will record your image.

15 Your Consent

Where the use of your personal information by us requires your consent, such consent will be provided in accordance with the applicable business terms and conditions or any other contract we may have entered into with you or stipulated in our communication with you from time to time. Where we rely on your consent as our legal basis for processing your personal information, you have the right to withdraw your consent at any time by contacting us using the contact details set out below.

16 Disclosure of Personal Data and Transfer outside of the European Economic Area

We may, in the standard operation of our business, share selected information to the following:

- credit providers, any relevant regulatory, governmental, or law enforcement authority as required by law or as agreed with you
- our insurers, agents, service providers, specialist advisers, suppliers and subcontractors who provide us with insurance, administrative, IT, financial, verification, regulatory, compliance research or other services
- professional advisors such as our solicitors in connection with any ongoing or prospective legal proceedings or in order to establish, exercise or defend our legal rights, and our auditors and accountants in order to satisfy our regulatory and financial reporting obligations
- introducing brokers and affiliates with whom we have a mutual relationship;

- credit reporting and reference agencies
- any member of our group, meaning our subsidiaries, our ultimate holding company and its subsidiaries, and successors in title to our business
- anyone authorised by you

Generally, we require that third parties who handle or obtain your personal information acknowledge the confidentiality of this information, undertake to respect any individual's right to privacy and comply with all the relevant data protection laws and this privacy notice. Where any third party uses your personal data as data controller, such use is not covered by this privacy notice and is not subject to Bernstein's privacy standard and procedures.

Please note that third parties such as credit reporting and reference agencies may keep a record of any searches and may use the search details to assist other companies in performing their searches.

We may transfer your personal information outside the European Economic Area ("EEA") to other of our group companies as well as processors who are engaged on our behalf. To the extent we transfer your information outside the EEA, we will ensure that the transfer is lawful and that there are appropriate security arrangements.

In order to transfer personal information to third parties in territories where applicable legislation may not be adequate, we will enter into arrangements with such third parties to ensure appropriate and suitable measures based on standard contractual terms and conditions adopted by the European Commission.

Where we make transfers to third parties in the US, we may in some cases rely on applicable standard contractual clauses, binding corporate rules, the EU-US Privacy Shield or any other equivalent applicable arrangements.

17 Security and Storage of Personal Information

Bernstein takes the safeguarding of your data very seriously. Bernstein has taken measures and precautions to protect the security of your personal information. Our employees understand to respect the confidentiality of your personal information. We have a Security Officer to ensure our compliance with this privacy policy and applicable laws and regulations.

We hold personal information in secure computer storage facilities, paper-based files, and/or other records. When we consider that personal information is no longer needed, we will remove any details that will identify you and we will securely destroy the records. Please note that we are subject to certain laws and regulations which require us to retain a copy of the documents we used to comply with our customer due diligence obligations, and supporting evidence and records of transactions with you and your relationship with us for a minimum period of five (5) years after our relationship with you has terminated. Personal information held in the form of a deed might be subject to a longer storage period of twelve (12) years after our relationship with you has terminated. If we hold any personal information in the form of a recorded communication, by telephone, electronic, in person or otherwise, this information will be held in line with local regulatory requirements which will either be five (5) or ten (10) years after our relationship with you has

terminated. Where you have opted out of receiving marketing communications, we will hold your details on our suppression list so that we know you do not want to receive these communications.

18 Cookies

A cookie is a small piece of text stored on your computer or device when you visit a website or an app. We use cookies on our websites and apps to provide you with more relevant and effective experience. For further information about cookies please refer to our website.

19 Technology Improvements

We want to provide you with better and improved experience through constant technology development. This may result in a change to the way in which personal information is collected or used. The impact of any technology changes which may affect your privacy will be notified in this privacy notice at the time of change.

20 Links to Third Party Websites

Our websites or apps may have links to external third party websites. Please note that third party websites are not covered by this privacy notice and those websites are not subject to Bernstein's privacy standards and procedures. Please check with each third party regarding their privacy standards and procedures.

21 Your Rights

Data protection law gives you a number of rights when it comes to personal information we hold about you.

Under certain circumstances, by law you have the right to:

- Be informed in a clear, transparent and easily understandable way about how we use your personal information and about your rights. This is why we are providing you with the information in this notice. If you require any further information about how we use your personal information, please let us know.
- Request access to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it (for instance, we may need to continue using your personal data to comply with our legal obligations). You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- Object to processing of your personal information 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 us using your information on this basis and we do not have a compelling legitimate basis for doing so which overrides your rights,

interests and freedoms (for instance, we may need it to defend a legal claim). You also have the right to object where we are processing your personal information for direct marketing purposes.

- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal information to another party where you provided it to us and we are using it based on your consent, or to carry out a contract with you, and we process it using automated means.
- Withdraw consent. In the limited circumstances where we are relying on your consent (as opposed to the other bases set out above) to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate interest in doing so.
- Lodge a complaint. If you think that we are using your information in a way which breaches data protection law, you have the right to lodge a complaint with your national data protection supervisory.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, withdraw your consent to the processing of your personal information or request that we transfer a copy of your personal information to another party, please contact us via our compliance team as per details below. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

We may need to request specific information from you to help us understand the nature of your request, to confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it. Please consider your request responsibly before submitting it. We will respond to your request as soon as we can. Generally, this will be within one month from when we receive your request but, if the request is going to take longer to deal with, we will let you know.

22 Complaint and Contact

If you are concerned about us ensuring your privacy, you can make a complaint. We will act upon it promptly. You can contact us via our data protection officer as set out below. If you are not satisfied with our response to your complaint, you have the right to file a complaint with national data protection authority. If you have any questions regarding our privacy policy, please email: privacy@bernstein-fs.com or by phone : +49 (0)89 416 1213-0.