

IMT Group

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DATA PROTECTION NOTICE FOR CLIENTS

on the basis of the EU General Data Protection Regulation and the FL Data Protection Act

18 July 2018, entered into force on 18 July 2018 | Version: 2 May 2023

Preamble

The following data protection notice applies to natural persons whose personal data is processed by the group companies of IMT Group (hereinafter referred to as «IMT»). This primarily refers to existing and potential clients and business partners of the following IMT group companies:

- IMT Financial Advisors AG, Vaduz,
- IMT Trust Services AG, Vaduz,
- IMT Tax Advisors AG, Vaduz,
- IMT Asset Management AG, Vaduz,
- KIWAL Wirtschaftstreuhand AG, Vaduz sowie
- Kieber Nuener Struth – Attorneys at Law, Vaduz.

With the following data protection notice, we would like to provide you with an overview of the processing of personal data held by IMT and the resulting rights in accordance with the provisions of Regulation (EU) 2016/679 of the European Parliament and the Council of 27.04.2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, «GDPR») and the Liechtenstein Data Protection Act («DSG») as amended from time to time.

The specific data that will be processed and how this data is used depends essentially on the services and products to be provided or agreed in each case. IMT is legally obliged to protect your privacy and to maintain confidentiality, and for this reason has implemented a range of technical and organisational data protection measures for all processing of data.

Within the scope of our business relationship, we are required to process personal data which is necessary for the establishment of and conducting the business relationship, the fulfilment of the associated legal and contractual obligations and for the provision of services or the execution of orders. Without this data, we will generally not be able to enter into or maintain a business relationship, process an order or offer services and products.

Should you have any questions regarding the individual processing of data, or wish to exercise your rights as described below, please contact the Data Protection Officer of IMT Group:

lic. iur. Roland Sax, Austrasse 56, 9490 Vaduz

You may contact the Data Protection Officer of IMT Group at datenschutzbeauftragter@imt.li.

Individual group companies of IMT assume the data protection obligations vis-à-vis the data subjects of the legal entities administered by them within the framework of a delegation.

1. Which data is processed (data categories) and from which sources does the data originate (origin)?

We collect and process personal data we receive in the course of our business relationship with our clients. Personal data may be processed at any stage of the business relationship and may differ depending on the group of persons.

In principle, we process personal data provided to us by you by means of contracts, forms, your correspondence or other documents. If necessary for the provision of the specific service, we also process personal data that is generated or transmitted as a result of the use of products or services, or that we have lawfully received from third parties (e.g. a trust company) or from public authorities (e.g. sanctions lists of the UN or the EU). Finally, personal data may be processed from publicly accessible sources (e.g. commercial register, press, internet).

In addition to client data, we may, where appropriate, also process personal data of other third parties involved in the business relationship, such as personal data of agents, representatives (including members of corporate bodies of legal entities), legal successors, beneficial owners as well as beneficiaries of legal entities in a business relationship. If personal data relating to a third person is made available to us for processing, we assume that the person providing us with the information is legally authorised to pass on this information.

By personal data we understand in particular the following categories of data:

Core Data

- Personal details (e.g. name, date of birth, nationality)
- Address and contact details (e.g. physical address, phone number, e-mail address)
- Identification information (e.g. passport or ID details, tax identification numbers) und authentication information (e.g. specimen signature)
- Data from publicly accessible sources

Further Core Data

- Information on services and products used (e.g. investment experience and investment profile, advisory protocols, information on executed transactions)
- Information on household composition and relationships (e.g. marital status, information on spouse or civil partner and other family details, authorised signatories, legal representatives)
- Information on financial characteristics and financial circumstances (e.g. portfolio and account number, origin of assets)
- Information on professional and personal background (e.g. professional activity, hobbies, wishes, preferences)
- Technical data and information on electronic communication with IMT (e.g. access logs or changes)
- Image and sound files (e.g. video or phone recordings)

Excluded Data

IMT does not process personal data revealing the racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership. This also includes genetic data, biometric data for the unique identification of a natural person, health data or data on the sex life or sexual orientation of a natural person (Art. 9 para. 1 GDPR).

2. For what purposes and on what legal basis will your data be processed?

We process personal data in accordance with the provisions of the GDPR and the DSG for the following purposes and on the following legal bases:

- **For the performance of a contract or for the implementation of pre-contractual measures** in the context of the provision and brokerage of services in the area of legal advice, financial advice, investment advice, asset management, tax advice and the other financial services provided by IMT, as well as in particular the establishment and support (management) of legal entities with private, non-profit or commercial purposes. The purposes of the data processing primarily depend on the specific service/order/instruction or the specific product and may relate in particular, but not exclusively, to demand analyses, advice, maintenance and execution of administrative activities in connection with the management of a client relationship, asset management and support as well as the execution of transactions.
- **To comply with legal obligations or in the public interest**, in particular compliance with legal and regulatory requirements (e.g. compliance with the GDPR, the DSG, the Alternative Investment Fund Managers Act [AIFMG], due diligence and anti-money laundering provisions, market abuse provisions, tax laws and treaties, control and reporting obligations or risk management regulations). Should you not provide us with the necessary data, we will have to comply with corresponding regulatory obligations and may be forced to terminate the business relationship.
- **To protect legitimate interests of us or third parties**, in particular, but not exclusively, for product development, marketing and advertising, business auditing and risk management, reporting, statistics and planning, prevention and investigation of criminal offences, video surveillance to protect the right of access to the premises and to avert threats, telephone recordings, transmission of client and employee core data between the group companies of IMT and to legal entities managed by IMT, fulfilment of legal obligations of a third party, insofar as this is necessary for the fulfilment of a contractual obligation or is in the legitimate and predominant interest of the persons involved.
- **Based on your express consent** given to us for the provision of services or on the basis of instructions (such as the transfer of data to service providers or business partners of IMT). You have the right to revoke your consent at any time without giving reasons. This also applies to the revocation of declarations of consent given to IMT before the GDPR came into force, i.e. before 20 July 2018. The revocation of consent is only effective for the future and does not affect the lawfulness of the data processing carried out until the revocation.

We reserve the right to further process personal data, which we have collected for one of the above purposes, for any one or more of the other purposes if this is compatible with the original purpose or is permitted or required by law (e.g. reporting obligations).

3. Who has access to the personal data?

Access to personal data may be given to persons both inside and outside IMT.

Access within IMT Group

You acknowledge and accept that personal data in connection with the maintenance, processing and administration of business relationships will be used internally within IMT and processed (in particular also electronically) by the employees of the respective IMT Group company.

Within IMT, employees may only process your data if this is necessary for the fulfilment of (pre-)contractual, legal and/or supervisory obligations and for the protection of legitimate interests.

Transfer to recipients in the EU/EEA area

In compliance with the relevant legal provisions, it may be necessary for other (third) persons, companies, legal entities, service providers (including processors) or agents of IMT to receive and (further) process personal data.

Processors may include companies in the areas of asset management services, distribution agreements, IT services, logistics, printing services, consultancy as well as sales and marketing. Furthermore, recipients of your data in this context may be other financial services institutions or comparable institutions to which we are obliged to transmit personal data due to contractual or legal obligations in order to establish and/or carry out a business relationship (e.g. custodian banks, brokers, stock exchanges, information centres).

The group companies of IMT are – each for itself – in this context authorised to transmit personal data in whole or in part to selected business partners without express written consent. The transmission and processing of personal data is carried out within the framework of the data protection regulations.

In addition, public bodies and institutions (e.g. supervisory authorities, financial authorities, the Commercial Register Office and other authorities) may also receive your personal data if there is a legal or regulatory obligation.

Transfer to recipients in third countries or to international organisations

While a uniform level of data protection is ensured for data transfers within the EU/EEA area through the mandatory applicability of the GDPR, the security of personal data in data transfers with recipients in third countries or with international organisations as data recipients cannot be ensured to the same extent. Such data transfers are therefore only permissible under special preconditions.

Any transfer of personal data that is already being processed or is to be processed after its transfer to a third country or to an international organisation is only permitted if the general data protection provisions of the GDPR are complied with. In addition, an extended justification is required for the transfer of personal data to a third country or an international organisation (Art. 45 to 50 GDPR). This is to ensure an adequate level of data protection to safeguard the rights and freedoms of the data subject. As far as relevant for the purposes of IMT, such an extended ground for justification exists in particular if

- an adequacy decision has been issued by the EU Commission for the third country in question, confirming the equivalence of the level of data protection (Art. 45 GDPR), or
- a data transfer agreement containing the standard contractual clauses provided by the EU Commission has been concluded with the data recipient in the third country or the international organisation receiving the data (Art. 46 para. 2 lit. c GDPR).

If there is neither an adequacy decision by the EU Commission for the third country in question nor a data transfer agreement with standard contractual clauses with the data recipient, the transfer of data to a third country or to an international organisation is permissible in exceptional cases, among others, if (Art. 49 para. 1 GDPR)

- the data subject has given their express consent to the proposed data transfer after having been informed of the potential risks of such data transfers without the existence of an adequacy decision and without the existence of a data transfer agreement containing standard contractual clauses;
- the transfer is necessary for the performance of a contract between the data subject and IMT or for the implementation of pre-contractual measures at the request of the data subject;
- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject by IMT with another natural or legal person;
- the transfer is necessary for important reasons of public interest recognised by EU or Member State law (Article 49 para. 4 GDPR);
- the transfer is necessary for the assertion, exercise or defence of legal claims; or
- the transfer is made from a register which, under EU or Member State law, is intended to provide information to the public and which is open to consultation either by the public at large or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions for consultation laid down in EU or Member State law are met in the individual case.

4. How long is the data stored?

We process and store personal data for the entire duration of the business relationship, unless there are shorter mandatory obligations to delete certain data. It should be noted that our business relationships can last for years. Furthermore, the duration of storage is determined by the necessity and purpose of the respective data processing. If the data is no longer required for the fulfilment of contractual or legal obligations or for the protection of our legitimate interests and/or claims (achievement of the purpose) or if a granted consent is revoked, the data is regularly deleted, unless further processing is necessary due to contractual or legal retention periods and documentation obligations or for reasons of the preservation of evidence for the duration of the applicable statute of limitations.

According to legal provisions, we are generally obliged to store data for a period of 10 years, unless longer storage and retention is necessary according to Art. 6 para. 1 lit. c GDPR due to tax, corporate or supervisory retention and documentation obligations (e.g. PGR, SPG or SteG) or you have consented to a longer storage period in terms of Art. 6 para. 1 lit. a GDPR. Further processing and storage may also last longer for reasons of preserving evidence.

5. Will there be automated decision-making including profiling?

Our decisions are not based exclusively on the automated processing of personal data. Should we use these procedures in individual cases, we will inform you separately in accordance with the statutory provisions.

There are business areas in which personal data is processed at least partially automatically. Partially automated data processing takes place where we are required to do so by law or with the aim of evaluating certain personal aspects, for an analysis of needs for services and products and within the framework of risk management.

We reserve the right to automatically analyse and evaluate client data (including data of third parties involved) in the future in order to recognise essential personal characteristics of the client or to predict future developments. In particular, this data is used for business checks, individual advice and the provision of offers and information which IMT may make available to the customer.

6. Our websites www.imt.li and www.kns-law.li; use of cookies

When visiting our websites, data and information is automatically collected from the computer system of the accessing computer. In particular, this includes information about the browser type and version used, the user's operating system, the user's Internet service provider, the user's IP address, the date and time of access and the Internet pages of origin.

Visits to our websites www.imt.li and www.kns-law.li may be evaluated with analysis programmes. We also use cookies to make navigation easier. You will be asked to agree to the use of cookies when you visit our website. The imprint contains the terms of use and further legal information for the use of our websites.

7. Mailing or, respectively, downloading publications of IMT

We produce various publications that can be downloaded from our websites.

These publications are only sent automatically if the respective recipient expressly requests this and has subscribed to the mailing of the publications via newsletter.

8. What data protection rights do you have?

With regard to your personal data, you are entitled to the following data protection rights in accordance with the GDPR:

- **Right to information:** You may request information from IMT as to whether and to what extent personal data about you is processed (e.g. categories of personal data processed, purpose of processing, etc.).

The group companies of IMT Group are – each separately – subject to strict legal and/or professional secrecy obligations. We would like to point out that these confidentiality obligations restrict your right to information, disclosure and/or notification and that their exercisability is therefore also limited in individual cases.
- **Right to correction, deletion and restriction of processing:** You have the right to request the correction of inaccurate or incomplete personal data concerning you. Furthermore, your personal data must be deleted if this data is no longer necessary for the purposes for which it was collected or processed, if you have revoked your consent or if this data is processed unlawfully. Furthermore, you have the right to request the restriction of processing.
- **Right of revocation:** You have the right to revoke your consent to the processing of your personal data for one or more specific purposes at any time if the processing is based on your explicit consent. This also applies to the revocation of declarations of consent given before the GDPR came into force, i.e. before 20 July 2018. Please note that the revocation is only effective for the future and that processing carried out before the revocation is not affected. The revocation also has no influence on the data processing on any other legal basis. The exercise of the right of revocation does not affect the legal validity of other agreements.
- **Right to data transferability:** You have the right to obtain your personal data that you have provided to IMT in a structured, commonly used and machine-readable format and to have this data transferred to another controller.
- **Right of objection:** You have the right to object informally to the processing of data in individual cases for reasons arising from your particular situation, unless the processing is in the public interest or is carried out to protect the legitimate interests of IMT or a third party. Furthermore, you have the right to object informally to the use of personal data for advertising purposes. If you object to the processing of your personal data for direct marketing purposes, we will no longer process your personal data for this purpose.

- **Right to lodge a complaint:** You have the right to lodge a complaint with the competent Liechtenstein supervisory authority. You may also contact another supervisory authority in an EU or EEA member state, for example in your place of residence or work or in the place of the alleged violation.

The contact details of the competent data protection authority in Liechtenstein are as follows:

Datenschutzstelle Liechtenstein
Städtle 38, P.O. Box 684
9490 Vaduz
Liechtenstein
Telephone No. + 423 236 60 90
E-Mail: info.dss@llv.li

To exercise your rights to information, correction, deletion, restriction, revocation, data transferability and objection, you may contact the IMT data protection officer by means of a written request. The data protection officer is also available to you as a contact person for all other data protection matters.

9. Applicable version

We reserve the right to unilaterally adapt this data protection notice to changing legal and/or factual circumstances or on the basis of recommendations from the data protection authority from time to time.

The currently valid version can be viewed on and downloaded from our websites www.imt.li and www.kns-law.li.