



Data Protection Notice acc. to Art 13 und 14 GDPR

This notice provides you with information on how SMN Investment Services GmbH, Rotenturmstraße 16-18, 1010 Wien, (“we”) will process your personal data.

1. Processed data categories

We process the personal data that we receive from you as part of the business relationship. We also process data that we have legitimately received from publicly available sources (e.g. commercial register, register of associations, land register).

Personal data includes your master data (name, address, information on the trustor including his name and address if applicable), your personal details (date and place of birth, nationality, marital status, e-mail, phone, information whether a person is a politically exposed person, profession, employer, industry, etc.), identification documents (e.g. ID number) and bank data (bank name, account holder, IBAN, BIC). In addition, this may include order data (e.g. amount or number of shares), data from the fulfillment of our contractual obligation (e.g. accounting details and commissions), advertising data, information about your financial status (e.g. number of transactions made or financial wealth) as well as consulting records.

2. Purposes for which we process your data

We will process your personal data set out in Point 1 above for the following purposes:

- a) *To enter into a lasting business relationship;*
- b) *To fulfil the consulting agreement;*
- c) *To transfer your orders;*
- d) *To send you the performance report;*
- e) *Advertising purposes.*

In the context of the business relationship with us, you must provide personal data which is necessary to establish and maintain the business relationship, as well as for the performance of your orders. If you don't provide this information to us, in principle we have to reject the conclusion of the contract or the transmission of the order or we will not be able to fulfil an existing contract any longer and we must consequently terminate it. However, you are not obliged to grant consent for data processing regarding data that is not relevant or not required legally and/or in regulatory terms for fulfilling the contract. This is particularly true for the processing of your personal data for advertising purposes, such as the mailing of the performance report.

3. Legal basis of the processing

We process the following categories of your personal data for the purpose of Point 2 a), b) and c) above solely on the basis of the fulfillment of contractual obligations according to Article 6 (1) (b) of the General Data Protection Regulation (“GDPR”): master data (name, address, information on the trustor including his name and address if applicable), your personal details (date and place of birth, nationality, marital status, e-mail, phone, information whether a person is a politically exposed person, profession, employer, industry, source of wealth, identification documents (type of document, ID number, issuing authority, validity date), intended investment, and bank data (bank name, account holder, IBAN, BIC), client categorization according to MiFID, change of client categorization – if applicable, knowledge and experience with investment services, advisory or execution only business, approval to receive electronic communication and updating of client documentation. In case of client advisory additional knowledge and experience to conduct a suitability test acc. Article 56 WAG in conjunction with Article 54 ff DelVO is requested (education level, personal transaction behaviour with specific classes of financial instruments), details about financial circumstances (monthly net income, self-employed and/or employed, financial wealth, financial obligations, intended share of the investment on total assets), details about purpose and objectives of investment (investment horizon, profit target,



investment purpose, risk profile and transaction behavior), the result of the appropriateness / suitability test and the notice of risk disclosure.

We process the following categories of your personal data on the basis of your consent according to Article 6 (1) (a) GDPR which is to achieve the purposes set out under Point 2 above: name, e-mail, Fax or postal address.

We process the following categories of your personal data on the basis of our prevailing legitimate interest (Article 6 (1) (f) GDPR) which is to achieve the purposes set out under Point 2 a), b) and c) above: industry, (intended) investment, bank data for redemption proceeds.

4. Transfer of your personal data

For the purposes set out above, we will transfer your personal data to the following recipients:

- IT service providers that we use;
- custodians and central administration agencies of investment funds.

All data processors are contractually obliged to treat your data confidentially and to process your data only for the purposes of the fulfillment of the contract.

5. Retention periods

As far as it is necessary, we process your personal data for the duration of the entire business relationship (from the initiation, performance until the termination of a contract) and furthermore, we process your personal data for as long as there are statutory retention obligations (which result from the Austrian Commercial Code (UGB), the Federal Fiscal Code (BAO), the Financial Market Money Laundering Act (FM-GwG), Alternative Investment Fund Manager Act (AIFMG) and the Securities Supervision Act (WAG) or potential legal claims are not yet time-barred.

6. Your rights in connection with your personal data

Under applicable law, you have, among others, the rights (under the conditions set out in applicable law): (i) to check whether and what kind of personal data we hold about you and to request copies of such data, (ii) to request correction, supplementation or deletion of your personal data that is inaccurate or processed in non-compliance with applicable requirements, and (iii) to request us to restrict the processing of your personal data, (iv) in certain circumstances, to object for legitimate reasons to the processing of your personal data or to revoke consent previously granted for the processing, (v) to request data portability, (vi) to know the identities of third parties to which your personal data are transferred, and (vii) to lodge a complaint with the competent authority (www.dsb.gv.at).

7. Our contact details

Please address your requests or questions concerning the processing of your personal data to:

SMN Investment Services GmbH
Rotenturmstraße 16-18
1010 Wien
office@smn.at